

# Town of Springfield Zoning Bylaws



## ORDINANCE O-2019-2

### An Ordinance to amend and restate Springfield Zoning Bylaws Springfield Code of Ordinances Chapter 15

Planning Commission Public Hearing:	July 10, 2019
Notice of Hearing published on:	July 31, 2019
Selectboard First Review and Public Hearing:	August 26, 2019
Notice of Hearing published on:	September 4, 2019
Selectboard Second Review and Public Hearing:	September 23, 2019
Adopted by the Selectboard:	September 23, 2019
Effective:	October 14, 2019

*The 2019 updates were funded, in part, by a Municipal Planning Grant from  
the Vermont Department of Housing and Community Development.*

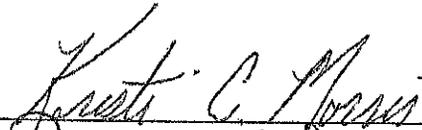
SPRINGFIELD ZONING BYLAWS

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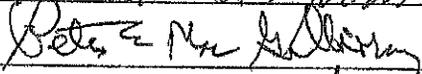
These Zoning Regulations are adopted as permanent bylaws pursuant to 24 VSA Section 4411 this 23<sup>rd</sup> day of September, 2019, by the Legislative Body of the Town of Springfield, Vermont and shall become effective October 14, 2019.

**Board of Selectmen:**

Kristi C. Morris, Chairman

  
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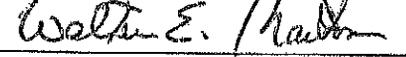
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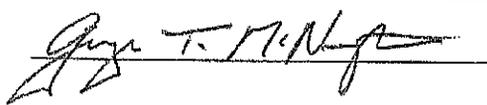
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## ARTICLE 1. AUTHORITY AND PURPOSE

### Section 1.0 Enactment

The Selectboard of the Town of Springfield, in accordance with Section 4401 of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A., Chapter 117) (the "Act"), hereby adopts these Zoning Bylaws for the Town of Springfield. These regulations shall be known and cited as the "Town of Springfield Zoning Bylaws."

### Section 1.1 Purpose

The purpose of these Bylaws is to promote the orderly growth of the Town of Springfield, while enhancing its natural, agricultural, historical, economic and social attributes. These Bylaws are also intended to further purposes established in Title 24, Section 4302 of the Act.

The specific purpose of these regulations is to implement the Springfield Town Plan. These regulations seek to guide the development of Springfield for the protection of community health, safety, welfare, and quality of life.

### Section 1.2 Application of Bylaws

A zoning permit issued by the Administrative Officer shall be required for any land development as defined in the Act (Section 4303) except for development which is specifically exempted from these regulations under Article 6, Section 6.0. A certificate of occupancy (Article 6 (G)) issued by the Administrative Officer is required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued. All development or land use shall be in compliance with these Bylaws.

### Section 1.3 Adoption and Amendments; Effective Date

In accordance with the Act [ §§4441 and 4412], these regulations shall take effect 21 days after adoption and may be amended according to the requirements and procedures established in the Act. The zoning regulations heretofore in effect ("Town of Springfield Zoning Bylaws, November 2014") shall be deemed repealed upon the effective date of these regulations. Any mandatory changes enacted by the state shall automatically become part of these regulations.

### Section 1.4 Interpretation

The adoption of these regulations shall not repeal any permit previously issued. Where these regulations impose a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then these regulations shall govern.

### Section 1.5 Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

**ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT STANDARDS**

**Section 2.0 Establishment of Zoning Districts**

For the Purposes of these Bylaws, the Town of Springfield is hereby divided into the following zoning districts as shown on the Official Zoning Maps:

Land Reserve - 25 Acres – District	<b>LR-25</b>
Land Reserve - 10 Acres - District	<b>LR-10</b>
Residential/Agricultural - 5 Acre - District	<b>RA-5</b>
Residential/Agricultural - 2 Acre - District	<b>RA-2</b>
Medium Density Residential District	<b>MDR</b>
High Density Residential District	<b>HDR</b>
General Business District	<b>GB</b>
Central Business District	<b>CB</b>
Residential Commercial District	<b>RC</b>
Industrial/Commercial District	<b>IND/C</b>
Industrial District	<b>IND</b>
Exit Seven (7) Zoning District	<b>E7</b>
Aquifer Re-Charge Protection Area Primary - District	<b>ARPA-P</b>
Aquifer Re-Charge Protection Area Secondary - District	<b>ARPA-S</b>
Natural Resource Preservation District	<b>NRPD</b>
Riverbank Protection Overlay District	<b>RPD</b>
Observatory Protection Overlay District	<b>OPD</b>
Airport Approach Overlay District	<b>AAOD</b>
Highway Corridor Overlay District	<b>HCOD</b>
Downtown Design Control Overlay District	<b>DDCOD</b>

**Section 2.1 Official Zoning Maps**

The districts listed in Section 2.0 are bounded as shown on the Official Zoning Map which is adopted as part of these Bylaws and which is on file in the Town Offices. A reduced copy is attached to these Bylaws for user convenience.

**Section 2.2 Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundary of any zoning district on the zoning map, the Development Review Board shall determine the location of such boundaries.

1. Where district boundaries are indicated as approximately following the center of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such.
2. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are indicated as approximately parallel to center lines or street lines of streets, the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of the district follows a river, stream or other body of water, the center of such water shall be construed to be said boundary.
5. Where the district boundary follows a ridgeline or toe of a slope, U.S.G.S. topographical maps, aerial photographs or on-site inspection may be used to determine in which district a proposed use is located.

**Section 2.3 Lot Classification**

Lots are hereby classified according to the presence or absence of municipal water and sewer service. The classification is used to determine dimensional requirements in Section 2.4. The classification system follows:

<b>Lot Classification</b>	<b>Provision of Water &amp; Sewer Services</b>
Class 1	Municipal Water and Sewer
Class 2	Municipal Sewer and On-Site Water
Class 3	Municipal Water and On-Site Sewer
Class 4	On-Site Water & Sewer Facilities

**Section 2.4 Lot Size and Density in Land Reserve and Agricultural Zones**

In order to preserve large contiguous areas of forest and agricultural resource lands, required building lot sizes may be as small as two acres in the LR-25, LR-10 and RA-5 districts as long as maximum density requirements are met. Table 2.0 shows parcel areas and the permitted number of lots for the applicable districts. "Parcel areas" shall be the acreage on the effective date of this provision (September 10, 2007) of the contiguous taxable property under the same ownership or control. A set of property maps are on file in the Lister's office.

**Table 2.0 Land Reserve and Agricultural District Densities**

RA-5		LR-10		LR-25	
Parcel area (Acres)	Permitted Number of Lots (existing and new home sites)	Parcel area (Acres)	Permitted Number of Lots (existing and new home sites)	Parcel area (Acres)	Permitted Number of Lots (existing and new home sites)
0-4.9	1	0-9.9	1	0-24.9	1
5-9.9	1	10-19.9	1	25-49.9	1
10-14.9	2	20-29.9	2	50-74.9	2
15-19.9	3	30-39.9	3	75-99.9	3
20-24.9	4	40-49.9	4	100-124.9	4
25-29.9	5	50-59.9	5	125-149.9	5
30-34.9	6	60-69.9	6	150-174.9	6
35-39.9	7	70-79.9	7	175-199.9	7
Etc.	Etc.	Etc.	Etc.	Etc.	Etc.

**NOTES:**

- (A) "Parcel Area" shall be the acreage on the effective date of this provision (September 10, 2007), of the contiguous taxable property under the same ownership or control. A set of property maps are on file in the Lister's office.
- (B) This table limits the total number of home sites, which are permitted, including existing and new home sites. Any pre-existing home shall be allotted a minimum lot area site for computation purposes. The minimum lot size can be as small as two acres as long as it meets state regulations for on-site septic and water supply systems.
- (C) Approval of lot size and layout are also dependent on meeting other requirements, e.g.: on-site sewage, lot frontage/width, access, and other provisions of the zoning and subdivision regulations. See Section 3.5.

**Section 2.5 Specific District Regulations**

The following pages present specific regulations applicable in each district.

**Table 2.1 Land Reserve 25-Acre District (LR-25)**

<p><b>Purpose:</b> The Land Reserve - 25 Acre District is intended to conserve open space for land reserve and associated uses. These areas are generally not serviced by community facilities such as roads, utilities and water and sewer. In keeping with the community's desire to retain Springfield's farm and forested landscape, these areas are slated for very low-density development. The applicant shall demonstrate that the location of any proposed development is suitable for the proposed purpose. This demonstration may reference the land use and the future and current land use maps in the Town Plan.</p>	
<p><b>Permitted Uses (Requires Permit – See Section 6.0)</b></p>	<p><b>Conditional Uses (See Section 5.3)</b></p>
<ol style="list-style-type: none"> <li>1. Accessory Dwelling</li> <li>2. Accessory Use</li> <li>3. Agriculture (no permit required, see definition in Article 7) (E/N)</li> <li>4. Church*</li> <li>5. Day Care Home</li> <li>6. Dwelling Unit: Single Family</li> <li>7. Dwelling Unit: Multiple Family (in approved Planned Unit Developments only)</li> <li>8. Family Child Care Home*</li> <li>9. Forestry</li> <li>10. Home Occupation</li> <li>11. Nursery *</li> <li>12. Seasonal Roadside Produce Stand*</li> <li>13. Group Home (E/N)</li> </ol>	<ol style="list-style-type: none"> <li>1. Accessory Use On-Farm Business</li> <li>2. Agricultural and Forest Product Processing</li> <li>3. Bed and Breakfast</li> <li>4. Campground</li> <li>5. Extraction of Earth and Mineral Resources</li> <li>6. Family Child Care Facility</li> <li>7. Family Care Home</li> <li>8. Home Business</li> <li>9. Inn</li> <li>10. Kennel</li> <li>11. Outdoor Market</li> <li>12. Recreational, Private Outdoor</li> <li>13. Recreation, Public Outdoor</li> </ol>

\*Site Plan Review required E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	<b>Classes 1-4</b>	<i>Standards for 2- to 5-acre lots</i>
Minimum Lot Size **	25 acres	
Maximum Density**	1 unit per 25 acres	
Minimum Lot Size per dwelling unit	2 acres	
Minimum Road Frontage	300 ft	200 ft
Minimum Front Yard Setback	35 ft. from center line of the road	35 ft. from center line of the road
Minimum Side Yard Setback	25 ft	25 ft
Minimum Rear Yard Setback	100 ft	25 ft
Maximum Building Height (see Section 4.7 for exceptions)	40 ft	40 ft
Maximum Structure Coverage	NA	NA

\*\* See sections 2.4 and 3.5

**Table 2.2 Land Reserve 10-Acre District (LR-10)**

<p><b>Purpose:</b> The Land Reserve - 10 Acre District is designed to maintain open space in the outlying areas at a smaller minimum acreage while encouraging the same uses that would be applicable to the LR-25 District. These areas are more accessible than LR-25, but the topography may be mixed and irregular similar to the RA-5 District. Generally new development would require on-site water and sewer. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.</p>	
<p><b>Permitted Uses (Requires Permit – See Section 6.0)</b></p>	<p><b>Conditional Uses (See Section 5.3)</b></p>
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E)</li> <li>4. Church</li> <li>5. Day Care Home</li> <li>6. Dwelling Unit: Multiple-Family (in approved PUD only)</li> <li>7. Dwelling Unit: Single Family</li> <li>8. Family Child Care Home*</li> <li>9. Forestry</li> <li>10. Home Occupation</li> <li>11. Nursery*</li> <li>12. Seasonal Roadside Produce Stand*</li> <li>13. Group Home (E/N)</li> </ol>	<ol style="list-style-type: none"> <li>1. Accessory Use On-Farm Business</li> <li>2. Agricultural and Forest Product Processing</li> <li>3. Bed and Breakfast</li> <li>4. Campground</li> <li>5. Extraction of Earth and Mineral Resources</li> <li>6. Family Child Care Facility</li> <li>7. Home Business</li> <li>8. Inn</li> <li>9. Kennel</li> <li>10. Outdoor Market</li> <li>11. Recreational, Private Outdoor</li> <li>12. Recreation, Public Outdoor</li> <li>13. Short Term Rental</li> </ol>

\*Site Plan Review required E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	<b>Classes 1-4</b>	<b>Standards for 2- to 5-acre lots</b>
Minimum Lot Size	10 acres	
Maximum Density (See Sections 2.4 and 3.5)	1 unit per 10 acres	
Minimum Lot Size per dwelling unit (See Sections 2.4 and 3.5)	2 acres	
Minimum Road Frontage	200 ft	200 ft
Minimum Front Yard Setback	35 ft. from center line of the road	35 ft. from center line of the road
Minimum Side Yard Setback	25 ft	25 ft
Minimum Rear Yard Setback	50 ft	25 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft	40 ft
Maximum Structure Coverage	NA	NA

**Table 2.3 Residential Agricultural 5-Acre District (RA-5)**

**Purpose:** The Residential Agricultural 5-Acre District has been established in outlying areas where public water and sewer service are not available and where topography is mixed and irregular. The purpose of this district is to encourage economical agricultural activities, and allow for low-density housing patterns. It shall be the policy of the Town to encourage development in these areas in the manner that will best protect the agricultural and rural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.

Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Cemetery *</li> <li>5. Church *</li> <li>6. Day Care Home</li> <li>7. Dwelling Unit: Single Family</li> <li>8. Dwelling Unit: Two-Family</li> <li>9. Dwelling Unit: Multiple Family (in approved Planned Unit Developments only)</li> <li>10. Family Child Care Home*</li> <li>11. Forestry (E/N)</li> <li>12. Group Home (E/N)</li> <li>13. Home Occupation</li> <li>14. Seasonal Roadside Produce Stand *</li> </ol>	<ol style="list-style-type: none"> <li>1. Accessory Use On-Farm Business</li> <li>2. Agricultural and Forest Product Processing</li> <li>3. Bed and Breakfast</li> <li>4. Campground</li> <li>5. Club House: Private</li> <li>6. Inn</li> <li>7. Extraction of Earth and Mineral Resources</li> <li>8. Family Child Care Facility</li> <li>9. Home Business</li> <li>10. Kennel</li> <li>11. Nursery</li> <li>12. Outdoor Market</li> <li>13. Recreation: Private Outdoor</li> <li>14. Recreation: Public Outdoor</li> <li>15. School: Private (Day)</li> <li>16. School: Private (Boarding)</li> <li>17. School: Public</li> <li>18. Short Term Rental</li> <li>19. Veterinary/Animal Hospital</li> </ol>

\*Site Plan Review required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	<b>Classes 1-4</b>
Minimum Lot Size	5 acres
Maximum Density (See Sections 2.4 and 3.5)	1 unit per 5 acres
Minimum Lot Size per dwelling unit (See Sections 2.4 and 3.5)	2 acres
Minimum Road Frontage	200 ft
Minimum Front Yard Setback	35 ft. from center line of the road
Minimum Rear Yard Setback	25 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft
Maximum Structure Coverage	NA

**Table 2.4 Residential Agricultural 2-Acre District (RA-2)**

<p><b>Purpose:</b> The Residential Agricultural - 2 Acre District has been established to allow low-density residential development in areas that generally have good agricultural and forest soils. It shall be the policy of the Town to encourage development in these areas in the manner that will best protect the agricultural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.</p>	
Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Cemetery *</li> <li>5. Day Care Home</li> <li>6. Dwelling Unit: Single Family</li> <li>7. Dwelling Unit: Two-Family*</li> <li>8. Dwelling Unit: Multiple Family (in approved Planned Unit Developments only)</li> <li>9. Family Child Care Home*</li> <li>10. Forestry (E/N)</li> <li>11. Group Home (E/N)</li> <li>12. Home Occupation</li> <li>13. Seasonal Roadside Produce Stand *</li> </ol>	<ol style="list-style-type: none"> <li>1. Accessory Use On-Farm Business</li> <li>2. Agricultural and Forest Product Processing</li> <li>3. Bed and Breakfast</li> <li>4. Campground</li> <li>5. Cemetery</li> <li>6. Church Club House: Private</li> <li>7. Extraction of Earth and Mineral Resources</li> <li>8. Family Child Care Facility</li> <li>9. Home Business</li> <li>10. Kennel</li> <li>11. Mobile Home Park; if served with public water and sewer</li> <li>12. Nursery</li> <li>13. Outdoor Market</li> <li>14. Professional Office</li> <li>15. Recreation: Private Outdoor</li> <li>16. Recreation: Public Outdoor</li> <li>17. School: Private (Day)</li> <li>18. School: Private (Boarding)</li> <li>19. School: Public</li> <li>20. Short Term Rental</li> <li>21. Veterinary/Animal Hospital</li> </ol>

\*Site Plan Review required      E/N = Exempt, notify AO

**Class 4 [Mobile Home Parks See Sec. 3.26 Standards]**

Minimum Lot Size	2 acres
Minimum Lot Size per dwelling unit	2 acres
Minimum Road Frontage	200 ft
Minimum Front Yard Setback	35 ft. from center line of the road
Minimum Side Yard Setback	25 ft
Minimum Rear Yard Setback	25 ft
Maximum Building Height	40 ft
(see Section 4.8 for exceptions)	
Maximum Structure Coverage	NA

**Table 2.5 Medium Density Residential District (MDR)**

<p><b>Purpose:</b> The Medium Density Residential District is designated for land where central water and sewer facilities are available or where the installation of these facilities is feasible. Residential and other compatible and complementing uses are permitted in this district at densities dependent on utility service availability. This district is intended to serve as an urban fringe area for both Springfield and North Springfield, housing a majority of the community's residents in areas and at densities consistent with the utilities provided. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.</p>	
<p><b>Permitted Uses (Requires Permit – See Section 6.0)</b></p>	<p><b>Conditional Uses (See Section 5.3)</b></p>
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Day Care Home</li> <li>5. Dwelling Unit: Single Family</li> <li>6. Dwelling Unit: Two-Family</li> <li>7. Family Child Care Home*</li> <li>8. Forestry (E/N)</li> <li>9. Group Home (E/N)</li> <li>10. Home Occupation</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Day Care</li> <li>2. Bed and Breakfast</li> <li>3. Church</li> <li>4. Inn</li> <li>5. Dwelling Unit: Multi-Family</li> <li>6. Family Child Care Facility</li> <li>7. Health Care Facility</li> <li>8. Home Business</li> <li>9. Outdoor Market</li> <li>10. Professional Office</li> <li>11. Recreation: Public Outdoor (Parks and Playgrounds only)</li> <li>12. Rooming House</li> <li>13. School: Private (Day)</li> <li>14. School: Private (Boarding)</li> <li>15. School: Public</li> <li>16. Short Term Rental</li> </ol>

\*Site Plan Review required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	Class 1	Class 2	Class 3
Minimum Lot Size	10,000 sq ft	10,000 sq ft	30,000 sq ft
Minimum Road Frontage	75 ft	100 ft	150 ft
Minimum Front Yard Setback	25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW		
Minimum Side Yard Setback	15 ft	15 ft	25 ft
Minimum Rear Yard Setback	15 ft	15 ft	25 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft	40 ft	40 ft
Maximum Structure Coverage	35%	20%	10%
Maximum Lot Coverage	80%	80%	80%

**Table 2.6 High Density Residential District (HDR)**

**Purpose:** The High-Density Residential District is designated for land centrally located where central water and sewer facilities are available or readily available. Existing utilities, roads, locations, and intensive development all make certain areas appropriate for high-density development. The purpose of this district is to house a high percentage of the Town's population near jobs and community services and where adequate facilities and utilities can be provided. It will be an expansion of residential and related uses. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.

Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Day Care Home</li> <li>5. Dwelling Unit: Single Family</li> <li>6. Dwelling Unit: Two-Family</li> <li>7. Family Child Care Home*</li> <li>8. Forestry (E/N)</li> <li>9. Group Home (E/N)</li> <li>10. Home Occupation</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Day Care</li> <li>2. Bed and Breakfast</li> <li>3. Inn</li> <li>4. Church</li> <li>5. Dwelling Unit: Multiple-Family</li> <li>6. Family Child Care Facility</li> <li>7. Health Care Facility</li> <li>8. Home Business</li> <li>9. Outdoor Market</li> <li>10. Personal Storage Facility</li> <li>11. Professional Office</li> <li>12. Recreation: Public Outdoor</li> <li>13. Rooming House</li> <li>22. School: Private (Day)</li> <li>23. School: Private (Boarding)</li> <li>14. School: Public</li> <li>15. Short Term Rental</li> </ol>

\*Site Plan Review required E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	Class 1	Class 2
Minimum Lot Size	10,000 sq ft	10,000 sq ft
Minimum Road Frontage	75 ft	100 ft
Minimum Front Yard Setback	25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW	
Minimum Side Yard Setback	15 ft	15 ft
Minimum Rear Yard Setback	15 ft	15 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft	40 ft
Maximum Structure Coverage	35 %	20%
Maximum Lot Coverage	80%	80%

**Table 2.7 General Business District (GB)**

**Purpose:** The General Business District includes areas geared towards accommodating the general commercial needs of the public. Lying outside central business areas and along major travel corridors, these areas are easily accessible by existing roads. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.

Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Bank *</li> <li>5. Bar *</li> <li>6. Cultural Facility *</li> <li>7. Dwelling Unit: Single Family (only in a Planned Unit Development – PUD)</li> <li>8. Group Home (E/N)</li> <li>9. Home Business (in existing Dwelling Units *)</li> <li>10. Home Occupation (in existing dwelling units*)</li> <li>11. Personal Services *</li> <li>12. Professional Office *</li> <li>13. Restaurant: (with or without drive through window) *</li> <li>14. Retail Sales *</li> <li>15. Small Repair Services</li> <li>16. Theater (indoor) *</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Day Care</li> <li>2. Bed and Breakfast</li> <li>3. Building and Excavating Yard</li> <li>4. Building Materials and Supply</li> <li>5. Business Incubator – B&amp;P</li> <li>6. Business Incubator – M&amp;D</li> <li>7. Car Wash</li> <li>8. Church</li> <li>9. Class I type Salvage and Recycling Facilities</li> <li>10. Commercial Parking Lot Garage</li> <li>11. Day Care Home</li> <li>12. Dwelling Unit: Multi-Family</li> <li>13. Dwelling Unit: Two-Family</li> <li>14. Family Child Care Facility</li> <li>15. Fuel Storage and Distribution</li> <li>16. Gasoline Station</li> <li>17. Health Care Facility</li> <li>18. Heavy Equipment Sales and Service</li> <li>19. Hotel</li> <li>20. Makerspace</li> <li>21. Manufacturing/Processing of Goods/Foods</li> <li>22. Mixed Use</li> <li>23. Mobile Home Sales and Service</li> <li>24. Motel</li> <li>25. Motor Vehicle Repair</li> <li>26. Motor Vehicle Sales</li> <li>27. Motor Vehicle Service</li> <li>28. Outdoor Market</li> <li>29. <u>Personal Services</u></li> <li>30. Personal Storage Facility Public</li> <li>31. Public Maintenance and Storage</li> <li>32. Public Safety Facility</li> <li>33. Recreation: Private Indoor</li> <li>34. Recreation: Private Outdoor (only if an extension of an existing recreation facility)</li> <li>35. Recreation: Public Outdoor</li> <li>36. Recreation Vehicle Sales and Service</li> <li>37. Research and Testing Laboratory</li> <li>38. Retail Sale</li> <li>39. Rooming House</li> <li>40. Salvage and Recycling Facilities</li> <li>41. School: Private (Day)</li> <li>42. School: Public</li> <li>43. Short Term Rental</li> <li>44. Theater (indoor)</li> <li>45. Trucking Terminal</li> <li>52. Warehouse/Wholesale Distribution</li> <li>53. Veterinary Animal Hospital</li> </ol>

\*Site Plan Review required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

**Classes 1-4**

Minimum Lot Size	10,000 sq ft
Minimum Road Frontage	150 ft
Minimum Front Yard Setback	25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW
Minimum Side Yard Setback	None
Minimum Rear Yard Setback	15 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft
Maximum Structure Coverage	75%
Maximum Lot Coverage	80%

**Table 2.8 Central Business District (CB)**

<p><b>Purpose:</b> The Central Business District is an area that permits a variety of uses all promoting the community's governmental and retail center. This district is intended to preserve the investment made in existing business centers while encouraging the orderly development of new business. Residential uses are also allowed accommodating those who wish to live in a high-density area. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.</p>	
Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Bank *</li> <li>5. Bar *</li> <li>6. Business Incubator – B&amp;P</li> <li>7. Child Care Facility *</li> <li>8. Concert Venue (indoor)</li> <li>9. Cultural Facility *</li> <li>10. Forestry (E/N)</li> <li>11. Group Home (E/N)</li> <li>12. Home Occupation</li> <li>13. Personal Services *</li> <li>14. Professional Office *</li> <li>15. Recreational: Public indoor *</li> <li>16. Restaurant: (without drive through window) *</li> <li>17. Retail Sales *</li> <li>18. Small Repair Services</li> <li>19. Theater (Indoor) *</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Day Care</li> <li>2. Bar</li> <li>3. Business Incubator – M&amp;D</li> <li>4. Child Care Facility</li> <li>5. Church</li> <li>6. Commercial Parking Lot/Garage</li> <li>7. Concert Venue (indoor)</li> <li>8. Day Care Home</li> <li>9. Dwelling Unit: Multiple-Family</li> <li>10. Dwelling Unit: Single Family</li> <li>11. Family Child Care Home*</li> <li>12. Family Child Care Facility</li> <li>13. Hotel</li> <li>14. Makerspace</li> <li>15. Manufacturing/Processing of Goods/Foods</li> <li>16. Mixed Use</li> <li>17. Motel</li> <li>18. Outdoor Market</li> <li>19. Personal Services</li> <li>20. Professional Office</li> <li>21. Public Administrative Office</li> <li>22. Public Maintenance and Storage</li> <li>23. Public Safety Facility</li> <li>24. Recreation: Private Indoor</li> <li>25. Recreation: Public Outdoor</li> <li>26. Research and Testing Laboratory</li> <li>27. Restaurant (without drive through window)</li> <li>28. Rooming House</li> <li>23. School Private (Day)</li> <li>24. School: Public</li> <li>25. Veterinary/Animal Hospital</li> <li>26. Short Term Rental</li> </ol>

\*Site Plan Review also required E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	<u>Classes 1-4</u>
Minimum Lot Size	10,000 sq ft
Minimum Road Frontage	75 ft
Minimum Front Yard Setback	None
Minimum Side Yard Setback	None
Minimum Rear Yard Setback	None
Maximum Building Height (see Section 4.8 for exceptions)	60 ft
Maximum Structure Coverage	90%

**Table 2.9 Residential Commercial District (RC)**

**Purpose:** The Residential Commercial District is a district that is designed to accommodate both residential and commercial development in the more built up areas of Town. Permitted uses would be the same as those in High Density Residential areas while conditional uses would include many of the uses allowed in the Central Business District. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.

Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Accessory Use</li> <li>3. Agriculture (E/N)</li> <li>4. Day Care Home</li> <li>5. Dwelling Unit: Single Family</li> <li>6. Dwelling Unit: Two Family</li> <li>7. Family Child Care Home*</li> <li>8. Forestry</li> <li>9. Group Home (E/N)</li> <li>10. Home Occupation</li> <li>11. Recreation: Public Indoor *</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Day Care Bed and Breakfast</li> <li>2. Business Incubator – B&amp;P</li> <li>3. Business Incubator – M&amp;D</li> <li>4. Church</li> <li>5. Club House: Private</li> <li>6. Cultural Facility</li> <li>7. Dwelling Unit: Multiple-Family</li> <li>8. Family Child Care Facility</li> <li>9. Family Child Care Home</li> <li>10. Funeral Home</li> <li>11. Health Care Facility</li> <li>12. Home Business</li> <li>13. Mixed Use</li> <li>14. Makerspace</li> <li>15. Motor Vehicle Repair (on parcels with a minimum of 2 acres)</li> <li>16. Motor Vehicle Service (on parcels with a minimum of 2 acres)</li> <li>17. Motor Vehicle Sales (on parcels with a minimum of 2 acres)</li> <li>18. Outdoor Market</li> <li>16. Personal Service</li> <li>17. Personal Storage Facility</li> <li>18. Professional Office</li> <li>19. Professional Service</li> <li>20. Public Administrative Offices</li> <li>21. Recreation: Public Outdoor</li> <li>22. Recreation: Private Indoor</li> <li>23. Restaurant (Without Drive Through Window)</li> <li>24. Retail Sales (less than 5,000 sq. ft.)</li> <li>25. Rooming House</li> <li>26. School: Private (Day)</li> <li>27. School: Public</li> <li>30. Short Term Rental</li> <li>31. Small Repair Service</li> <li>31. Veterinary/Animal Hospital</li> </ol>

\*Site Plan Review also required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	Class 1	Class 2
Minimum Lot Size	7,500 sq ft	10,000 sq ft
Minimum Road Frontage	75 sq ft	100 sq ft

Minimum Front Yard Setback	25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW	
Minimum Rear Yard Setback	15 ft	15 ft
Maximum Building Height (see Section 4.8 for exceptions)	15 ft	15 ft
Maximum Structure Coverage	60 ft	60 ft
Maximum Lot Coverage	75 %	75%
	90%	90%

**Table 2.10 Industrial/Commercial District (IND/C)**

**Purpose:** The Industrial/Commercial District encompasses an area lying outside the central and general business areas, along a major travel corridor with direct access to the Interstate Highway. The purpose of this district is to encourage industrial and commercial uses on a large scale, as opposed to the General and Central Business districts, where small-scale operations are encouraged on small parcels. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.

Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Use</li> <li>2. Bank</li> <li>3. Cultural Facility</li> <li>4. Forestry (E/N)</li> <li>5. Heavy Equipment Sales and/or Service*</li> <li>6. Home Occupation (in pre-existing residential structures)</li> <li>7. Manufacturing/Processing of Goods, Foods and Beverages*</li> <li>8. Motor Vehicle Repair *</li> <li>9. Motor Vehicles Sales *</li> <li>10. Motor Vehicle Service</li> <li>11. Planned Unit Development*</li> <li>12. Professional Office*</li> <li>13. Small Repair Services</li> <li>14. Research and Testing Laboratory*</li> <li>15. Retail Sales*</li> <li>16. Theater (indoor)*</li> <li>17. Warehouse/Wholesale Distribution*</li> </ol>	<ol style="list-style-type: none"> <li>1. Agricultural &amp; Forest Product Processing</li> <li>2. Bar</li> <li>3. Building Materials and Supplies</li> <li>4. Business Incubator – B &amp; P</li> <li>5. Business Incubator – M &amp; D</li> <li>6. Church</li> <li>7. Family Child Care Facility</li> <li>8. Fuel Storage and Distribution (bulk)</li> <li>9. Gas Station</li> <li>10. Home Business (in existing homes)</li> <li>11. Hotel</li> <li>12. Makerspace</li> <li>13. Motel</li> <li>14. Nursery (with retail sales)</li> <li>15. Personal Services</li> <li>16. Public Administrative Offices</li> <li>17. Public Maintenance and Storage</li> <li>18. Public Safety Facility</li> <li>19. Recreation: Public Indoor</li> <li>20. Recreation: Private Indoor</li> <li>21. Recreation: Public Outdoor</li> <li>22. Recreation Vehicles Sales &amp; Service</li> <li>23. Restaurant (with/without drive-thru window)</li> </ol>

\*Site Plan Review required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

		<b>Classes 1-4</b>
Minimum Lot Size		40,000 sq ft
Minimum Road Frontage		300 ft
Minimum Front Yard Setback		25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW
Minimum Side Yard Setback		20 ft
Minimum Rear Yard Setback		20 ft
Maximum Building Height (see Section 4.8 for exceptions)		60 ft
Maximum Structure Coverage		75 %

**Table 2.11 Industrial District (IND)**

<p><b>Purpose:</b> The Industrial District allows for the establishment of manufacturing employment opportunities in the community. These areas must take into consideration truck access and the availability of utilities. Space for off-street parking and trucking, therefore, must be adequate enough for industrial use. These areas must be protected from intrusion of residential or retail business uses that are not compatible with the industrial uses designated for this area. Research and development or other high-density employment activities should be concentrated in this area. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.</p>	
<p><b>Permitted Uses (Requires Permit – See Section 6.0)</b></p> <ol style="list-style-type: none"> <li>1. Accessory Use</li> <li>2. Agriculture (E/N)</li> <li>3. Agriculture and Forest Product Processing*</li> <li>4. Building and Excavating Yard *</li> <li>5. Forestry (E/N)</li> <li>6. Fuel Storage and Distribution (bulk) *</li> <li>7. Gasoline Station *</li> <li>8. Heavy Equipment Sales and Service *</li> <li>9. Manufacturing/Processing of Goods, Foods and Beverages*</li> <li>10. Motor Vehicle Repair *</li> <li>11. Motor Vehicle Sales *</li> <li>12. Motor Vehicle Service*</li> <li>13. Professional Office</li> <li>14. Research and Testing Laboratory (Large Scale) *</li> <li>15. Small Repair Services</li> <li>16. Trucking Terminal *</li> <li>17. Warehouse/Wholesale distribution *</li> </ol>	<p><b>Conditional Uses (See Section 5.3)</b></p> <ol style="list-style-type: none"> <li>1. Business Incubator - M&amp;D</li> <li>2. Church</li> <li>3. Earth and Mineral Resources Extraction</li> <li>4. Maker Space</li> <li>5. Professional Office</li> <li>6. Research and Testing Laboratory (Large Scale) *</li> <li>7. Recreation: Private Indoor</li> <li>8. Regional Solid Waste Management Facility</li> <li>9. Restaurant</li> <li>10. Salvage and Recycling Facilities</li> <li>11. Trucking Terminal *</li> <li>12. Warehouse/Wholesale distribution *</li> </ol>

\*Site Plan Review required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

**Classes 1-4**

Minimum Lot Size	40,000 sq ft
Minimum Road Frontage	300 ft
Minimum Front Yard Setback	25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW
Minimum Side Yard Setback	20 ft
Minimum Rear Yard Setback	25 ft
Maximum Building Height (see Section 4.8 for exceptions)	60 ft
Maximum Structure Coverage	75%

**Table 2.12 Exit Seven District (E7)**

**Purpose:** The Exit Seven District includes a defined area located on the western side of Interstate 91 between the Interstate Highway and the Black River. This area has businesses that are geared towards accommodating the traveling public and to maintaining major highway systems. It is the intent of the district not to compete with Central and General Business district for small businesses. It is also the intent of this district to restrict sprawl around the Interstate interchange by limiting the minimum size of parcels and the land required to support individual uses. See also the requirements of the zoning district, if any, set forth in the Town Plan and current and future land use maps.

Permitted Uses (Requires Permit – See Section 6.0)	Conditional Uses (See Section 5.3)
<ol style="list-style-type: none"> <li>1. Accessory Use</li> <li>2. Agriculture (E/N)</li> <li>3. Forestry (E/N)</li> </ol>	<ol style="list-style-type: none"> <li>1. Fuel Storage and Distribution</li> <li>2. Gasoline Station</li> <li>3. Hotel</li> <li>4. Mixed Use</li> <li>5. Motel</li> <li>6. Motor Vehicle Repair</li> <li>7. Motor Vehicle Sales</li> <li>8. Motor Vehicle Service</li> <li>9. Public Maintenance and Storage</li> <li>10. Public Safety Facility</li> <li>11. Restaurant with or without drive-thru window</li> <li>12. Trucking Terminal</li> </ol>

\* Site Plan Review required      E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

**Classes 1-4**

Minimum Lot Size	2 acres
Minimum Road Frontage	150 ft
Minimum Front Yard Setback	30 ft
Minimum Side Yard Setback	None
Minimum Rear Yard Setback	30 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft
Maximum Structure Coverage	75%

**Table 2.13 Aquifer Re-Charge Protection Area – Primary District (ARPA-P)**

<p><b>Purpose:</b> The Aquifer Re-Charge Protection Area - Primary District is an assigned district with strict controls over specific uses of or uses on the land. The purpose of this protection area is to guard and preserve the land known to provide a re-charge to the aquifer system that feeds the municipal water supply. Development will be restricted to residential use with additional controls not normally found in other zoning districts.</p>	
<p><b>Permitted Uses (Requires Permit – See Section 6.0)</b></p>	<p><b>Conditional Uses (See Section 5.3)</b></p>
<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit</li> <li>2. Agriculture (E/N)</li> <li>3. Day Care Home</li> <li>4. Dwelling Unit: Single Family</li> <li>5. Dwelling Unit: Two Family</li> <li>6. Family Child Care Home*</li> <li>7. Forestry (E/N)</li> </ol>	<ol style="list-style-type: none"> <li>1. Church</li> <li>2. Home Business</li> <li>3. Home Occupation</li> </ol>

\*Site Plan Review required E/N = Exempt, notify AO

**Dimensional Requirements (unless otherwise specified by use type)**

	Class 1	Class 2	Class 3
Minimum Lot Size	10,000 sq ft	10,000 sq ft	10,000 sq ft
Minimum Lot Size per dwelling unit	10,000 sq ft	10,000 sq ft	10,000 sq ft
Minimum Road Frontage	75 ft	100 ft	150 ft
Minimum Front Yard Setback	25 ft. from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW		
Minimum Side Yard Setback	15 ft	15 ft	25 ft
Minimum Rear Yard Setback	15 ft	15 ft	25 ft
Maximum Building Height (see Section 4.8 for exceptions)	40 ft	40 ft	40 ft
Maximum Structure Coverage	35 %	20%	10%

**A. Special Standards**

The following special standards shall apply to all new construction started after the adoption of these Bylaws.

1. In-ground tanks for storage of petro-chemicals and any toxic or conceivably hazardous materials are prohibited.
2. Petroleum fuels that remain liquid at atmospheric pressure (fuel oil) are prohibited as heating fuels.
3. Storage of liquid petroleum fuels in tanks having capacity of more than twenty-five (25) gallons is prohibited. This includes the storage of fuel tanker trucks.
4. All construction activities and completed uses that are used or occupied by people must be serviced by the municipal sewer system.
5. Home businesses and/or occupations that could conceivably generate/utilize toxic or hazardous materials are prohibited.

6. Submit all applications for development or construction to the Department of Public Works. The Department of Public Works review, comment and recommendations are required prior to any leasing or commencement of construction.
7. Paragraphs 2 and 3 of this sub-section notwithstanding, existing liquid petroleum fuel tanks and heating systems serving existing development may continue in use, but may not be replaced. If such tanks and heating systems are abandoned for a complete heating season, they may not be placed back in operation.

**Table 2.14 Aquifer Re-Charge Protection Area –Secondary Overlay District (ARPA-S)**

**Purpose:** The Aquifer Re-Charge Protection Area - Secondary District is an overlay district with strict controls over specific uses of or uses on the land. The purpose of this protection area is to guard and preserve the land know to provide a re-charge to the aquifer system that feeds the municipal water supply. Development will be restricted to those uses indicated for the underlying (GB) General Business District and the (MDR) Medium Density Residential District.

**Dimensional Requirements (unless otherwise specified by use type)**

	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>
Minimum Lot Size	10,000 sq ft	10,000 sq ft	10,000 sq ft
Minimum Lot Size per dwelling unit	10,000 sq ft	10,000 sq ft	10,000 sq ft
Minimum Road Frontage	75 ft	100 ft	150 ft
Minimum Front Yard Setback	25 ft from centerline of road or, if the ROW is wider than 50 feet, no setback from edge of ROW		
Minimum Side Yard Setback	15 ft	15 ft	25 ft
Minimum Rear Yard Setback	15 ft	15 ft	25 ft
Maximum Building Height (see Section 4.7 for exceptions)	40 ft	40 ft	40 ft
Maximum Structure Coverage	35 %	20%	10%
Maximum Lot Coverage	50%	40%	20%

- A. Special Standards:** The following special standards shall apply to all new construction started after the adoption of these Bylaws.
1. In-ground tanks for storage of petrochemicals and any toxic or conceivably hazardous materials are prohibited.
  2. All construction and completed uses that are occupied by people must be serviced by the municipal sewer system.
  3. Home businesses and/or occupations that could conceivably generate/utilize toxic or hazardous materials are prohibited.
  4. Submit all applications for development or construction to the Department of Public Works. The Department of Public Works review, comment and recommendations are required prior to any leasing or commencement of construction.

**Table 2.15 Natural Resource Protection District (NRPD)**

<p><b>Purpose:</b> The purpose of this district shall be to protect areas that include irreplaceable, limited and significant natural resources. Use of the land shall be strictly limited to its study and enjoyment by persons through proper and controlled access that would preclude any vehicular traffic. These areas shall remain in their natural state except for means to properly control access and trespass. Any other use or development shall be prohibited.</p>	
<p><b>Permitted Uses (Requires Permit – See Section 6.0)</b></p>	<p><b>Conditional Uses (See Section 5.3)</b></p>
	<p>1. Means of Access</p>

**Table 2.16 Riverfront Protection Overlay District (RPD)**

**Purpose:** The River front Protection Overlay District is intended to reduce erosion of the banks of the Connecticut River and the Black River near the confluence of the Connecticut River, reduce pollution of the river by filtering surface runoff and ensuring that on-site sewage treatment systems are adequately separated from the river, preserve the visual qualities of the river valley (both views of the river and views from the river) and protect wetlands and other natural features along the river.

- A. Location:** The RPD shall include all land located between the edges of the Connecticut and Black Rivers and the nearest 400 foot elevation contour up to Goulds Mills Falls on the Black River.
- B. Dimensional Requirements:** Dimensional requirements shall conform to those specified in the underlying districts.
- C. Permitted and Conditional Uses:** Permitted and Conditional Uses shall conform to those specified in the underlying districts.
- D. Special Provisions:** The following special provisions shall apply to all new construction and reconstruction started after the adoption of these Bylaws.
1. For purposes of computing lot area, the area between the water's edge and the top of the bank shall not be included.
  2. No structure shall be placed, and no land shall be excavated, filled or graded between the waters' edge and within a distance of 25 feet measured horizontally from the top of the bank. Vegetation shall not be removed, and ground cover of indigenous species shall be introduced to cover bare spots. Walkways and paths shall be discouraged. Each lot may have one stairway leading to the water's edge, and one dock, if desired, and if in accordance with all applicable State and Federal regulations. This provision shall not apply to Town approved multi-use or pedestrian trails or paths.
  3. Between the top of the bank and a line seventy-five (75) feet horizontally from the top of the bank, construction shall be prohibited. This provision shall not apply to Town approved multi-use or pedestrian trails or paths. Approval by the Zoning Administrator is required prior to selective pruning or removal of trees to enhance views or to protect the riverbank from further erosion. This shall not be construed to prohibit the planting of trees or pollinator habitats in accordance with a Town approved beautification plan.
  4. Septic systems shall be separated from the top of the riverbank by the minimum separation distance from watercourses as set forth in the Vermont State Health regulations.
  5. For proposed developments for which Site Plan Review is required by these Bylaws, the Development Review Board shall consider tree removal and other aesthetic aspects of the development project as part of its Site Plan Review.
- E. Input from Conservation Commission:** If the Town of Springfield chooses to create a Conservation Commission in accordance with 24 V.S.A, Section 4501, the Planning Commission may request that the Conservation Commission review proposed development in the RPD District. The Commission may also request the Springfield Trails, Greenways, Byways and Rural Economic Advisory Committee to review the proposed development.

**Table 2.17 Observatory Protection Overlay District (OPD)**

**Purpose:** The Observatory Protection Overlay District has been established to ensure the continued operation of the two functioning astronomical observatories located in the Town. These facilities are extremely sensitive to badly aimed or uncontrolled light, and this overlay district is established to minimize the incidence of such light.

- A. Location:** The Observatory Protection Overlay District includes that area surrounding the two observatories as shown on the Overlay District Map adopted as part of these Bylaws.
- B. Special Provisions:** Within this overlay district, in addition to the general provisions pertaining to exterior lighting set forth in Section 4.10 of these Regulations, all exterior light drawing more than 35 watts of power shall conform to the following special provisions.
1. All direct light pointed in a direction within twenty-two and one-half (22.5) degrees of a straight line between the light source and the observatories must be shielded so that no direct light is radiated beyond the property line.
- C. Implementation:**
1. When granting Site Plan Approval for projects located all or in part within the OPD, in accordance with Section 5.2 of these Bylaws, the Development Review Board shall establish conditions designed to implement the requirements of this section.
  2. The Zoning Administrator shall administer complaints regarding violation(s) of this Section in accordance with all applicable provisions of these Bylaws and the Vermont Planning Statute.

**Table 2.18 Airport Approach Overlay District (AAOD)**

**Purpose:** The purpose of the Airport Approach Overlay District (AAOD) is to provide an area of restricted use that protects the airport from injurious encroachment, and from nearby uses harmful to the operation of the airport and aircraft using it, pursuant to § 4414(1)(C) of the Act. This district also provides for the safe and convenient use of lands within the district, and allows the airport to successfully coexist with its neighbors within and without the district.

- A. Applicability:** The AAOD consists of the airport approach zones that are shown on the Official Zoning Map of Springfield and defined below. All properties affected by this overlay district shall be subject to Site Plan Review per Section 5.2 and the Special Provisions in this Section. The 11/29 runway is 75 feet wide and 3,000 feet long. The 5/23 runway is 100 feet wide and 5,498 feet long, and extends into the Town of Weathersfield. The airport approach zones are defined as follows:
1. **Primary Surface** is the area longitudinally centered on a runway, and extends 200 feet beyond each end of the paved runway surface. The vertical elevation of the Primary Surface is the same as the elevation of the nearest point on the runway centerline. The Primary Surface for the 11/29 runway is 250 feet. The Primary Surface for the 5/23 runway is 500 feet.
  2. **Approach Cones** are the areas longitudinally centered on the extended runway centerline and extend outward and upward from each end of the Primary Surface.
    - a. The Approach Cones for the 11/29 runway, extend outward from the Primary Surface for a distance of 5,000 feet, and are 1,250 feet wide at the end of each Approach Cone. The Approach Cones extend upward at slope of 20 to 1 beginning at the elevation of the Primary Surface.
    - b. The Approach Cones for the 5/23 runway, extend outward from the Primary Surface for a distance of 10,000 feet, and are 3,500 feet wide at the end of each Approach Cone. The Approach Cones extend upward at slope of 34 to 1 beginning at the elevation of the Primary Surface.
      1. **Horizontal Zone** is the horizontal plane 150 feet above the established airport elevation, the perimeter of which is determined by swinging arcs of specified radii (10,000 feet) from the center of each end of the Primary Surface of each runway, and connecting the arcs by lines tangent to those arcs. The horizontal zone does not include the approach cones or primary surface.
      2. **Conical Zone** is the surface extending outward for a horizontal distance of 4,000 feet, and upward from the periphery of the horizontal surface at a slope of 20 to 1.
- B. Allowed Uses:** All permitted or conditional uses in the AAOD shall be limited to those uses permitted in the underlying zoning districts.
- C. Special Provisions:** All properties affected by this overlay district shall be subject to the following Special Provisions:
1. No use, structure or trees shall be permitted which could obstruct the aerial approaches to the airport (i.e. extend above tree line or otherwise restrict airport operations).
  2. All uses shall comply with applicable FAA or other federal and state regulations.
  3. No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.

4. No use shall be permitted which will produce electrical interference with radio communication or radar operations at the airport.

**D. Implementation:**

1. When granting Site Plan Approval for projects located all or in part within the AAOD, in accordance with Section 5.2 of these Bylaws, the Development Review Board shall establish conditions designed to implement the requirements of this Section.
2. Site plans for the Airport Overlay District shall include topographic elevations at structure locations and structure height in addition to the requirements listed in Table 5.1. One additional copy of each site plan and application materials shall be submitted to the Springfield Airport Commission. The Airport Commission shall be notified of hearings, will have automatic status as an abutter, and be provided an opportunity to comment at hearings.
3. The Development Review Board may also consult with the Aviation Section of the Vermont Agency of Transportation to determine the potential impacts of a proposed use on the operations of the Hartness State Airport.
4. The Zoning Administrator shall administer complaints regarding violation(s) of this Section in accordance with all applicable provisions of these Bylaws and the Vermont Planning Statute.

**Table 2.19 Highway Corridor Overlay District (HCOD)**

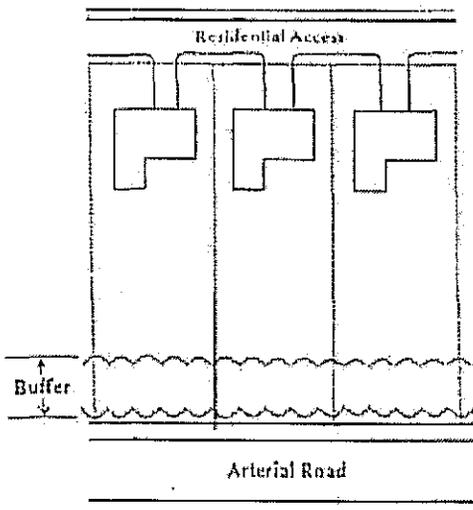
**Purpose:** The Highway Corridor Overlay District (HCOD) is intended to manage access to land development along Clinton Street and Chester Road (VT Route 11), and River Street (VT Route 106) in a manner that preserves the safety, efficiency, development and redevelopment potential, and character of these specific highway corridors, pursuant to § 4414(2) of the Act. The specific purposes of this district are as follows:

1. To protect the safety of motorists traveling on these specified segments of state highways, their crossroad intersections, and to preserve the traffic flow along these highway corridors.
2. To protect the safety of pedestrians and bicyclists, and to provide safe, continuous facilities for bicyclists and pedestrians.
3. To preserve and enhance development and redevelopment options along the highway corridors by promoting development of unified access and internal circulation systems that serve more than one property.
4. To assure that adjacent driveways, access roads and street intersections are designed according to standards, have adequate sight distances for safe entry and exit, and are adequately spaced in accordance with the Vermont Agency of Transportation’s *Access Management Program Guidelines*.
5. To accomplish these goals through cooperative planning and coordination between area property owners, town officials, personnel of the Vermont Agency of Transportation, and others interested in orderly development, safety and highway capacity in these areas.

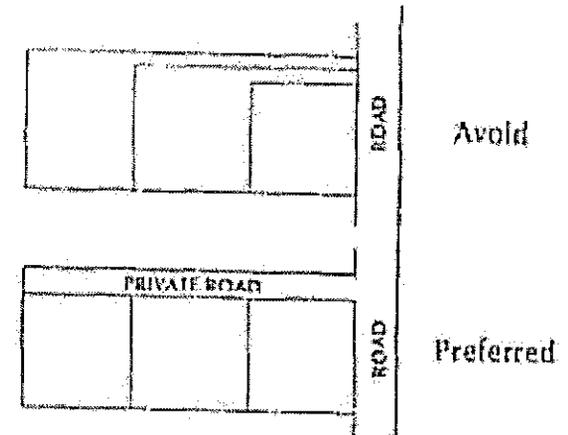
- A. Applicability:** The HCOD applies to all land in Springfield that contains frontage on or obtains access from Clinton Street and Chester Road (VT Route 11), and River Street (VT Route 106), or has frontage on or obtains access from any intersecting road for a distance of 300 feet from the intersection centerline. These regulations shall be in addition to all other existing regulations of Springfield. Properties divided by a HCOD boundary or that do not have frontage but request an access connection in the affected area must comply with the district standards. This district does not change the zoned use of property. Permitted or conditional uses in this overlay district shall be as provided for in the existing underlying zoning districts. All properties affected by this overlay district shall be subject to Site Plan Review per Section 5.2 and the Special Provisions in this Section. The overlay district is shown on the Official Zoning Map of Springfield.
- Zoning and access permits existing before the effective date of these regulations shall be allowed to remain and will be considered legal until such time as there is a change in use as detailed in this Section.
- B. Allowed Uses:** Uses, permitted or conditional, in the HCOD shall be limited to those uses permitted in the underlying zoning districts.
- C. Special Provisions:** All properties affected by this overlay district shall be subject to Site Plan Review per Section 5.2 and the following Special Provisions:
1. **Lot Frontage Requirements:** The minimum lot frontage for all newly created lots within the overlay district shall not be less than the applicable minimum frontage standard for the appropriate underlying zoning district. Frontage for properties within this overlay district that are zoned as Medium Density Residential shall not be less than 100 feet, and flag lots shall not be allowed.

2. **Setbacks and Landscaping:**
  - a. No structure shall be located within fifty (50) feet of the edge of the state highway right-of-way.
  - b. All commercial and industrial land uses shall reserve a twenty-five (25) foot wide strip of land from the state highway right-of-way. This area shall serve as a landscaped area that shall include a mix of native shade and street trees, shrubs, planting beds and ground covers. Proposed landscaping and screening shall be designed to:
    - i. Preserve and incorporate existing vegetation and enhance unique landscape features.
    - ii. Be suited to existing site conditions and be integrated with adjacent properties.
    - iii. Screen parking areas from view.
    - iv. Establish a consistent streetscape and the planting of street trees, especially in the industrial and commercial areas.
    - v. Not obstruct scenic views or road visibility.
  - c. Reduced setback and landscaped buffer dimensions may be allowed by the Development Review Board where existing site conditions do not allow for compliance with these standards.
  - d. A three-year landscaping maintenance plan and/or a bond or other surety to ensure installation and maintenance may be required as appropriate and incorporated as a condition to Site Plan Approval.
  
3. **Access to Residential Lots:** Residential lots are encouraged to consolidate driveways or avoid direct access onto state highways. All other reasonable access alternatives should be investigated by the Vermont Agency of Transportation, in coordination with the Development Review Board, before direct residential driveway access to the state highways is permitted.
  - a. Residential lots may be required to provide shared driveways serving up to three (3) lots or houses. Property owners shall record a permanent easement or right-of-way for such shared driveways, and a joint maintenance agreement with the property deed.
  - b. Access from an adjacent local road, a frontage road or a shared access road may be required for four (4) or more residential lots to the extent practical. Property owners shall record a permanent easement or right-of-way for frontage roads, and a joint maintenance agreement with the property deed.

**Figure 1 – Residential Access from a Local Road or Access Road**



**Figure 2 – Access from a Shared Access Road**

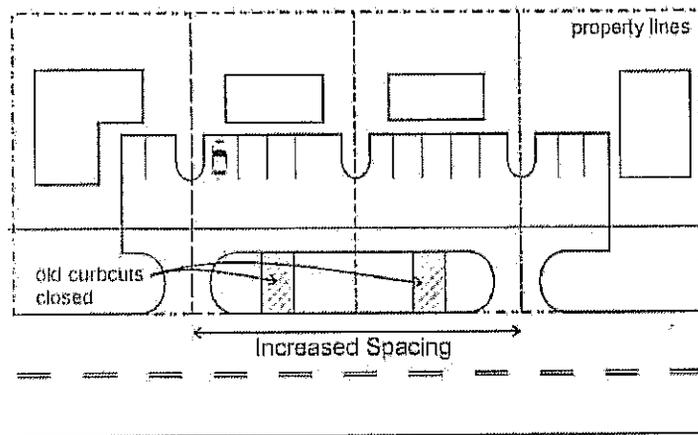


Private road access is an alternative to flag lots.

Source: *Model Land Development and Subdivision Regulations That Support Access Management* (Center for Urban Transportation Research, University of South Florida)

5. **Joint and Cross Access:** Adjacent industrial, commercial or office properties and compatible major traffic generators (i.e. shopping plazas, office parks, apartments, etc.) shall provide cross access drives or rights-of-way to allow circulation between sites. This requirement shall also apply to the re-development of existing properties to the extent feasible. Property owners shall record a cross access easement or right-of-way and a joint maintenance agreement with the property deed. A right-of-way for future joint and cross access may be required in some cases.

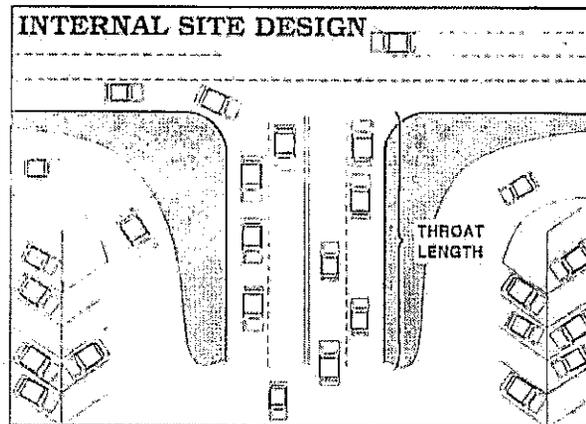
**Figure 3 – Joint and Cross Access**



Source: *US 19 Overlay District* (Florida Department of Transportation, 2001)

6. **Access or Frontage Roads:** Access or frontage roads shall be designed, constructed and maintained per town road standards.
7. **Access Location and Design:**
  - a. All accesses within this overlay district are subject to access permits through the Vermont Agency of Transportation. All accesses shall be consistent with the *Vermont Agency of Transportation B-71 Standards for Residential and Commercial Drives* and are subject to the *Vermont Agency of Transportation Access Management Program Guidelines*.
  - b. The Vermont Agency of Transportation, in coordination with the Development Review Board, may require turning lanes or medians where deemed necessary due to traffic volumes or where safety or operational problems exist.
  - c. Each lot shall have no more than one access. Accesses with more than one entry lane and one exit lane shall incorporate channelization features to separate the entering and exiting traffic at the access.
  - d. Accesses shall be provided with adequate storage (or “throat length”) for entering and exiting vehicles to reduce unsafe conflicts with through traffic or on-site traffic circulation, and to avoid congestion at the entrance.

Figure 4 – Commercial Access with Adequate Storage



Source: *Model Land Development and Subdivision Regulations That Support Access Management* (Center for Urban Transportation Research, University of South Florida)

#### 8. **Bicycle and Pedestrian Access:**

- a. Opportunities for bicycle and pedestrian mobility should be enhanced through site plan review objectives, and bicycle and pedestrian facilities should be provided to reduce automobile use and increase accessibility between neighborhoods, schools, recreation areas, shopping areas or employment centers. These facilities shall be consistent with the *Vermont Pedestrian and Bicycle Facility Planning and Design Manual*.
  - b. Commercial development shall support bicycle and pedestrian mobility, and make connections to adjacent commercial areas or lots.
  - c. Bicycle and pedestrian facilities may be incorporated into the required landscape buffer.
9. **Change in Use:** Existing properties with access connections that do not meet the requirements of the HCOD shall be subject to these provisions when there is any change in use or expansion of use.

#### D. **Implementation:**

1. When granting Site Plan Approval for projects located all or in part within the HCOD, in accordance with Section 5.2 of these Bylaws, the Development Review Board shall establish conditions designed to implement the requirements of this Section.
2. One additional copy of each site plan and application materials shall be submitted to the Vermont Agency of Transportation Utilities and Permits Section. The Utilities and Permits Section shall have 30 days to review each site plan and provide recommendations to the Development Review Board. The Development Review Board when granting Site Plan Approval shall consider recommendations from the Utilities and Permits Section.
3. The Zoning Administrator shall administer complaints regarding violation(s) of this Section in accordance with all applicable provisions of these Bylaws and the Vermont Planning Statute. Violations of state access permits shall be administered by the Vermont Agency of Transportation.
4. The Development Review Board may waive one or more of the standards in this Section where site conditions do not allow for compliance with these standards. The applicant should document clearly all requested waivers and the reasons why the standards cannot be met as part of the site plan submission requirements per Section 5.2.

**Table 2.20 Downtown Design Control Overlay District (DDCOD)**

**Purpose:** The creation of a Design Control Overlay District will enable the Town to apply for status as a Designated Downtown. The State Legislature, by enacting the Downtown Development Act, V.S.A. 24, Chapter 76A, Section 2790 et seq., has determined that this will be the primary avenue for grant funding for revitalization of downtown areas and promotion of downtown economic development. Design review districts and commissions, V.S.A. 24, Section 4414(1)(E) and 4433(4), are an integral part of the process.

The DDCOD has a unique character, found in our buildings, streetscape, and the natural surroundings of the Black River and Comtu Falls. This character is found throughout our history and gives the community its identity. The character of the Downtown reflects the community's economic history, way of life, and the interaction of both with the natural and built environment. Attempts shall be made to preserve as much of a building's original design, details and materials as is feasible.

Sympathetic new design can be a positive contribution to the character of a district. Historical, architectural and visual integrity can be maintained while present and future needs are met. To acknowledge growth and character, existing buildings, and structures should be recognized as products of their own time. Rather than copying a particular style, new construction shall be complementary to the configuration of existing buildings and streetscapes, and shall relate to the traditional materials, scale, proportions, shapes and rhythms of the surrounding neighborhood.

**A. Location of the District:**

1. The Downtown Design Control Overlay District is the same as the Designated Downtown, and substantially the same as the Downtown Historic District and the Central Business Zoning District.
2. In accordance with the map attached, the Downtown Design Control Overlay District will include:
  - a. both sides of Main Street;
  - b. the Miller Art Center, so-called, on Elm Hill;
  - c. Valley Street from Main Street to the first corner, including the Town Parking lot, and the Bishop parcel, so-called;
  - d. The Westerly side of River Street from Main Street to the Fellows Footbridge, so-called;
  - e. the north and easterly side of Mineral Street;
  - f. the State Office property located at 100 Mineral Street;
  - g. both sides of Park Street from Main Street to Pearl Street, including the Park Street School property; and
  - h. the northeasterly side of Pearl Street to Morgan Street, except for the six private dwelling properties on the northeasterly side of Pearl Street.

- B.** Within the DDCOD, all lands uses and development allowed (permitted or conditional) in the base zoning district are allowed and require design approval from the DRB or ZA, after review and comment by the Downtown Design Review Advisory Commission, except for the following:

1. Subdivision of land.
2. Interior alteration or a change in use that will not result in any exterior modifications.
3. Exterior modifications to a noncontributing structure that will not be visible from the street
4. Non-substantial alterations as determined by the Zoning Administrator.

## ARTICLE 3. SPECIFIC USE STANDARDS

### Section 3.0 Applicability

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.3. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

### Section 3.1 Accessory Dwellings

- A. An accessory dwelling unit 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.
- B. One accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling shall be permitted in all districts in which single dwelling units are permitted, provided there is compliance with all of the following:
  - 1. The property has sufficient wastewater capacity.
  - 2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
  - 3. Applicable setback, coverage and parking requirements specified in the bylaws are met.
- C. A Conditional Use permit is required for an accessory dwelling when any one or more of the following conditions exist:
  - 1. a new accessory building is required to house all or a part of the proposed accessory dwelling;
  - 2. when an increase in the height or floor area of the existing dwelling is required to house all or a part of the proposed accessory dwelling; and
  - 3. an increase in the dimensions of the parking area is required to accommodate the accessory dwelling.
  - 4. if a proposed accessory dwelling unit exceeds 30 percent of the total habitable area of the single-family dwelling.
- D. No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the Vermont Wastewater System and Potable Water Supply Rules and applicable state regulations.

### Section 3.2 Accessory Uses and Structures

An accessory use is customarily incidental and subordinate to the principal use and located on the same lot as the principal use. Accessory buildings shall meet all setback requirements of these Bylaws.

- 5. **Swimming Pools:** A swimming pool shall be considered an accessory use/structure.
- 6. **Agricultural Products:** The sale of products raised on the property, when applied to agriculture, shall be considered an accessory use.
- C. **Home Occupation:** A home occupation shall be considered an accessory use.

- D. Theater marquee:** A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations.
- E. Self-service machine:** A self-service machine (vending machine, automatic teller machine, etc.) shall be considered as an accessory use to the principal use on the same lot.

### **Section 3.3 Accessory Use On-Farm Business**

An Accessory On-Farm use may be operated by a farmer, farm resident or farm lessee through Site Plan Review by the Development Review Board. The Accessory On-Farm Business may take place in a new or existing structure or on the land. Accessory On-Farm Businesses may include: storage, preparation and sale of products, provided that half of the sales are from qualifying products principally produced on the farm using farm commodities. Examples of accessory on-farm businesses are: educational, and agritourism events that feature agricultural practices and/or qualifying products such as Farm to Table Events, Weddings, Wine Tastings, etc.

### **Section 3.4 Adaptive Reuse of Historic Structures**

- A. Purpose:** To encourage and enable the restoration, rehabilitation, continued viability and use of historic structures that have outlived their original function, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under Section 5.3 and the provisions of this Section.
- B. Applicability:** The adaptive reuse of an historic structure, and applicable site improvements to accommodate the use, may be allowed in designated zoning districts, subject to review by the Development Review Board under Article 5, district requirements as specified for adaptive reuses, and the provisions of this section. Historic structures, for the purposes of these regulations, shall include all structures constructed prior to January 1, 1973. The adaptive reuse of structures within the Downtown Design Control District are subject to review by both the Downtown Design Review Commission and the Development Review Board. Under Section 5.4. the standards and requirements of that district. Any rehabilitation or restoration associated with an adaptive reuse shall not significantly alter the façade or historic character of the structure.

The Development Review Board may waive the historic structure requirement for former commercial or industrial structures that are located in primarily residential or mixed-use neighborhoods.

- C. Allowed Uses:** Structures determined to be appropriate for adaptive reuse may be put to one or more of the following uses in any zoning district subject to conditional use approval under Section 5.3:
1. any use permitted within the district in which the structure is located;
  2. multi-family dwelling;
  3. enclosed storage facility;
  4. enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);
  5. uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);
  6. other uses as determined by the Development Review Board to meet the intent of this Section and Conditional Use criteria under Section 5.3.

- D.** Minimum lot size and density requirements for the districts in which adaptive reuse will occur may be waived as long as it can be demonstrated to the satisfaction of the Development Review Board that the adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use;

### **Section 3.5 Agriculture and Forest Resource Land Preservation**

- A. Purpose:** The purpose of this section is to encourage preservation of large contiguous areas of agricultural and forest resource lands in Springfield.

- B. Subdivision of Lots:** The subdivision of lots and the siting of non-agricultural buildings in the LR-25, LR-10, and RA-5 districts shall be subject to the following:

While preserving the rights of the property owner to create the number of building sites allowable within the zone with adequate sewage disposal:

1. lots shall be located and sized so as to preserve farmlands and contiguous areas of forest lands to the maximum extent possible; and
  2. buildings and other structures shall not be sited in the middle of open fields, but shall be located in wooded areas closer to roadways or at the edge of fields so as to preserve agricultural and forest land utilization and scenic views, and to minimize the loss of open space to the maximum extent possible.
- C.** This section shall be implemented by the Administrative Officer for individual zoning permit applications, and by the Development Review Board for conditional uses, subdivision regulations, and Planned Unit Developments.
- D.** In the Planned Unit Development, the Development Review Board may allow a density bonus of an additional lot or building site to compensate, only in unusual cases where the application of the above standards would create unreasonable additional costs upon the property owner.

### **Section 3.6 Agriculture and Forestry Product Processing**

This use is intended to allow owners and users of farm and forest lands to maintain “very small” (defined as less than “certified small” in 6 VSA 4871 & Section 4.1 of Vermont Required Agricultural Practices) scale processing and/or packaging operations. Examples of such processing/packaging operations include but are not limited to maple syrup production and bottling, wine making and bottling, firewood cutting and splitting, small sawmills, etc. In all cases, the following requirements must be satisfied:

- A.** Parking for employees and customers must be completely off of any public roads.
- B.** If any toilet facilities are provided, arrangements for wastewater treatment and disposal shall meet all Town and State requirements.
- C.** Suitable provisions must be made to prevent any waste materials from entering ground or surface waters.

### **Section 3.7 Bed and Breakfast**

A place of lodging that provides overnight accommodations and which may serve only breakfast to lodged patrons. The establishment must be owner occupied and have adequate off-street parking in relation to the number of guest rooms and employees. The establishment shall not be used to cater parties or other events.

Change of use from a residential single-family dwelling to a bed and breakfast shall require a Site Plan (Section 5.2) and Conditional Use (Section 5.3) Review by the Development Review Board.

**Section 3.8 Broadcast Facilities**

Broadcast facilities, as defined by these Bylaws, shall conform to the following provisions:

- A. All broadcast facilities shall be licensed by the Federal Communications Commission.
- B. Commercial Broadcast Facilities:
1. Shall be allowed in all districts upon receiving Conditional Use approval from the Development Review Board and issuance of a Zoning Permit.
  2. Any installation or construction of, or significant addition or modification to, such facilities requires approval under Section 5.3, unless determined to be of *de minimis* impact under Subsection F below.
  3. Commercial broadcast facilities 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 facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.
  4. Antennae and towers shall meet a setback distance from the property lines equal to the height of the antennae or tower. Setbacks are measured from the base of the structure, not guy wires. In the alternative, the tower may be engineered to collapse upon itself in the event of a structural failure or an easement may be obtained to compensate for inadequate setback distance.
  5. Landscaping may be required around the base of all antennae and towers.
- C. Private Broadcast Facilities (e.g. ham radio facilities):
1. Shall be allowed in any district upon issuance of a Zoning Permit.
  2. Antennae and towers shall be located in back yards and shall meet a setback distance equal to the height of the antennae or tower.
- D. In accordance with §4412(8) of the Act, the following facilities are exempt from these Bylaws:
1. Telecommunications facilities that are subject to review by the Public Utility Commission under 30 V.S.A. §248a.
  2. Antenna structures less than 20 feet in height with their primary function being to transmit or receive communication signals for commercial, industrial, institutional, nonprofit or public purposes.
  3. No permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 sq. ft., and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached, except to the extent bylaws protect historic landmarks and structures listed on the state or national register of historic places.
- E. *De Minimis* Impacts:
1. All applications for broadcast facilities shall be reviewed by the Town of Springfield Zoning Administrator to determine if the facility will impose no impact or *de minimis* impact. A *de minimis* impact exists if the project meets the following criteria:
    - a. Project consists of either:
      - i. Collocation on a legally existing tower;

- ii. Upgrades to legally existing equipment; or,
    - iii. Similar projects.
  - b. Project does not involve:
    - i. New towers;
    - ii. Extending the height of existing towers;
    - iii. New access roads or expansions of existing access roads; or,
    - iv. Similar projects.
2. The Zoning Administrator's determination regarding no impact or *de minimis* impact shall be in writing and shall be subject to appeal to the Development Review Board in accordance with 24 V.S.A. §4465. Furthermore, the Zoning Administrator shall mail a copy of any positive determination to all abutting landowners.
  3. If the Zoning Administrator determines that a Facility will have more than a *de minimis* impact under the criteria established in this Section, the Zoning Administrator shall refer the application to the Development Review Board for review as a conditional use.

### **Section 3.9 Business Incubator**

#### **Business/Professional; Manufacturing/ Distribution Facility**

As an allowed conditional use in districts GB CB RC IND/C IND for the purpose of fostering growth of small companies to increase the chances for economic survival and growth by providing a range of business development services to similar entities under one roof. This use will allow for lower cost spaces by decreasing overhead costs through shared technology, conference area, office support, commercial kitchen and utilities. Primary occupants for business and professional services typically include medical services, accounting, marketing, engineering, graphic design, etc. Small manufacturing & distribution may include product manufacturers, industrial processes, warehousing, shipping and receiving. Business/Professional (also allowed in DDCOD).

- A. Site Plan Review by the Development Review Board is required.
- B. Individual Certificate of Occupancy permits for each use will be required.

### **Section 3.10 Campgrounds**

- A. In the RA-2 and the RA-5 districts, campgrounds, as defined in Article 7, are allowed as conditional uses, provided that the area shall have obtained a Wastewater Permit from the State of Vermont.
- B. Campgrounds must be in compliance with the State of Vermont Rules and Regulations for trailer camps or campgrounds.
- C. Campgrounds must receive Site Plan approval from the Development Review Board.
- D. Campers on non-Campground parcels; limitations. Nothing in this section shall prevent a property owner in any district from parking his/her own, or a guest's travel trailer or recreational vehicle on the property to be used as temporary living quarters by non-paying guests for up to two weeks.

### **Section 3.11 Day Care**

- A. A day care home serving six or fewer children is exempt from local bylaw review. A certified letter of approval from the State Agency of Human Services shall be filed with the

Administrative Officer with a site plan and floor plan which will be forwarded to the Emergency Services Department.

- B.** A State-registered or licensed family child care home serving six or fewer full-time children and four part-time children, shall require Site Plan Approval.
- C.** A State-registered or licensed facility or residential dwelling serving more than six full-time and four part-time children for group care and/or educational development shall require a Conditional Use Permit and Site Plan Approval. \*Defined in Title 33 V.S.A. §4902 (3) (A).
- D. Adult Day Care**  
A facility which provides supervised activities, a range of professional health, social and therapeutic services, meals, and limited care to adults during the day, but which does not provide overnight accommodations except for the care givers and members of the care givers' families.

**Section 3.12 Dish Antennae**

Pursuant to 47 CFR Ch. 1, §1.4000 et seq., these Zoning Regulations do not apply to:

- 1. An antenna that is
  - a. used to receive broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite and
  - b. one meter or less in diameter; or
- 2. An antenna that is:
  - a. used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than satellite, and
  - b. that is one meter or less in diameter or diagonal measurement; or
- 3. An antenna that is used to receive television broadcast signals; or
- 4. A mast supporting an antenna described in 1-3 above.

A satellite dish antenna that does not meet the criteria of 47 CFR Ch. 1, §1.4000, may not be installed in any district without Conditional Use Approval of the DRB and a Zoning Permit issued by the Administrative Officer. The standards for Conditional Use Approval are:

- 1. Satellite dishes located in non-residential districts shall be located on a structure or in rear yards and be screened from view from adjacent properties and streets.
- 2. Satellite dishes located in residential districts shall be located in rear yards unless the applicant demonstrates that adequate reception is impossible in such a location, in which case it may be located in a side yard.
- 3. If the Development Review Board determines that the above standards cannot be met, the Board may alter the requirements of this Section to the extent necessary to obtain adequate signals. The Board may place reasonable conditions on its approval to minimize visual or other impacts on neighboring streets or properties.

**Section 3.13 Dwelling Unit – Two Family**

In districts where two-family dwelling units are permitted, the Administrative Officer may issue a permit only when all of the following conditions are met:

- A. The parcel is in a zoning district where two-family dwelling units are allowed.
- B. The required off-street parking shall not be located in the area between the front lot line and the front line of the building. However, the applicant can apply to the DRB for modification of this requirement if unusual site conditions prevent the provision of parking elsewhere on the site.
- C. Any existing or proposed septic system must be designed to accommodate the total number of bedrooms within the two dwellings. It is the responsibility of the applicant to obtain a state permit for an on-site septic system, prior to receiving a final local permit, that will accommodate the two dwelling units.
- D. In the HDR and MDR Districts, two-family dwelling units must provide at least twenty (20) percent of the site as green space.
- E. In the RC District, two family dwelling units must provide at least ten (10) percent of the site as green space.

**Section 3.14 Dwelling Unit – Multi-Family**

Depending upon the district, multi-family dwelling units are allowed as permitted or conditional uses or as part of a Planned Unit Development, subject to the following provisions:

- A. The parcel is in a zoning district where two-family and multi-family dwelling units are permitted,
- B. In the LR-25, LR-10, RA-5 and RA-2 zoning districts, multi-family dwelling units are allowed only if they are part of a Planned Unit Development and shall be no more than a "town house" (i.e. no more than two story) design.
- C. The required off-street parking for a multi-family dwelling unit shall not be located in the area between the front lot line and the front line of the building. As part of Site Plan Approval and Conditional Use Approval, the Development Review Board may modify this requirement if unusual site conditions prevent the provision of parking elsewhere on the site.
- D. In the HDR and MDR Districts, multi-family residential projects must provide at least twenty (20) percent of the site as green space.
- E. In the RC District, multi-family residential projects must provide at least ten (10) percent of the site as green space.
- F. In the HDR, RC and MDR Districts, multi-family dwelling units may be of a "Townhouse" or "Garden Apartment" design.
- G. In the GB and CB districts, multi-family dwelling units may be of a "Townhouse," "Garden Apartment" or "multi-story" apartment design. Multi-story apartments shall contain no more than eight (8) stories.

**Section 3.15 Extraction of Earth and Mineral Resources**

The following standards for operation and rehabilitation of all earth and mineral resource extraction operations, including extraction of soil, sand or gravel, shall apply to new operations and the extension of existing operations. The extension of an existing extraction operation shall be considered as excavation of previously undisturbed land surface area. The pre-existence of an

operation for removal of topsoil, or a condition of the land where topsoil has been removed, shall not be considered the same as a pre-existing resource extraction operation. Continuation of existing operations shall be permitted on contiguous property where the land or gravel rights were owned or under option to the operator on the effective date of these Bylaws, if such extensions comply with the remainder of this Section.

- A.** The extraction of earth or mineral resources shall not be permitted until the Development Review Board has approved a plan for reclamation of the site. The plan shall be submitted by the applicant and shall outline excavation procedures that specify phasing of the operation such that upon completion of each phase, the excavated sections are reclaimed and left in a safe, attractive and useful condition. The Development Review Board may require a performance bond to cover the costs of such phased reclamation of the site. This paragraph shall not apply when the extraction is incidental to the construction of a building or a road on the same premises or where extraction will not exceed 100 cubic yards per year.
- B. Reclamation Plan.** The plan for Reclamation shall at least include:
1. Grading so that no slope is steeper than one-on-two,
  2. Installation of at least four (4) inches of topsoil;
  3. Mulching, fertilizing and replanting to prevent erosion;
  4. Provision for the stability of the entire site and erosion prevention;
  5. Provision for all drainage ways to be retained or relocated, and kept in a condition that prevents erosion.
  6. Shall comply with VT Department of Environmental Conservation Best Management Practices.
- C. Operating Requirements.** Extraction operations shall conform to the following:
1. No blasting shall occur within 100 feet of any property line and no excavation or stockpiling of materials shall be located within 50 feet of any building, road or property line, unless other satisfactory agreement has been reached with the abutting property owner involved.
  2. No power-activated crushing or sorting machinery or equipment shall be located within 300 feet of any occupied building without consent of the occupants or within 300 feet of any street or property line without consent of the abutter. All such machinery shall be equipped with satisfactory dust elimination devices.
  3. During the period of excavation, slopes created in excess of 45 degrees (1 to 1 slope) shall be adequately posted for public safety, until rehabilitation is completed.
  4. The operator shall control all surface drainage affected by the operation to prevent erosion debris and other loose materials from entering any drainage course, road or adjacent property. All provisions to control natural drainage shall meet with the approval of the Development Review Board.
  5. Excavation shall not jeopardize the stability of soils at any property lines.
  6. Permanent structures shall comply with the setback and other requirements of the zoning district in which the operation is located.
  7. Stripping of topsoil for sale or for use on other premises, except soil made surplus by a construction project, may be permitted, provided that no less than four inches of topsoil is retained and reseeded over the entire stripped area.

8. Shall comply with VT Department of Environmental Conservation Stormwater Management Regulations, as amended.

### **Section 3.16 Farm Structures**

- A. Farm Structure means a building, enclosure, fence for housing livestock, raising horticultural or agronomic plants or carrying out other practices associated with accepted agricultural or farming practices including a silo (See Agriculture and Farming defined in Article 7.), but excludes a dwelling for human habitation.
- B. To qualify for the exemption from local zoning or to build a farm structure without following local zoning setbacks, a property owner must first demonstrate to the State that their operation is a “farm” as defined by Section 2.05 of the AAPs and is engaged in accepted agricultural practices as defined in Section 3.2 of the AAPs. A Small Farm Operation (SFO) is defined as: operates 4 or more acres for farming; has filed a 1040(F)-tax form once in the last two years; or earns an annual gross income of more than \$2,000 from the sale of agricultural products.
- C. An exempt farm structure may exceed building height or footprint requirements.
- D. A zoning permit is required to convert an exempt farm structure from an agricultural to a nonagricultural use.

### **Section 3.17 Forestry**

Forestry uses shall include the maintenance, construction and alteration of logging roads, skid ways, landings, fences, and forest drainage systems. The following requirements shall be met:

- A. All slash and tops from within fifty (50) feet of a public right-of-way shall be removed immediately.
- B. No more than 50% of the basal area of standing timber within fifty (50) feet of a public right-of-way may be cut.
- C. Suitable measures for the prevention of excessive soil erosion onto public rights-of-way shall be installed and maintained.
- D. Landowners who intend to conduct a heavy cut of 40 acres or more on land owned or controlled by the landowner are required by V.S.A.10 Chapter 83 § 2625 to file a “Notice of Intent to Cut” with the Department of Forests, Parks and Recreation (FPR).

### **Section 3.18 Fuel Storage and Distribution Facilities**

Fuel Storage and Distribution Facilities, as defined in Article 7 are allowed in the GB, IND/C, Exit-7, and IND Districts upon Conditional Use approval of the Development Review Board, provided that the following conditions are also satisfied:

- A. Minimum lot size shall be two acres.
- B. Minimum side and rear yard setbacks shall be seventy-five (75) feet.
- C. Minimum front yard setback shall be thirty-five (35) feet.
- D. There shall be a landscaped screening area along the front, side and rear lot lines no less than thirty-five (35) feet deep. Reasonable accommodations for sidewalks/walkways, and public spaces shall be made. Existing trees, shrubs, and other vegetation shall be preserved on the site to the extent possible.
- E. A metal fence no less than six feet in height shall surround all equipment related to the storage

and distribution of fuel.

- F. The applicant shall provide a master plan for the build-out of the site that addresses the issues of truck circulation, containment of spills and emergency procedures in case of fire or explosion; Conditional Use approval is dependent on Development Review Board approval of the master plan.
- G. Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels.
- H. Fuel storage and distribution facilities must meet all State and Federal safety standards.

### **Section 3.19 Gasoline Stations**

In all districts where allowed, gasoline or motor vehicle service stations shall comply with the following:

- A. A gasoline station lot shall not be located within three hundred (300) feet of any lot occupied by a school, hospital, library or religious institution.
- B. Lot size shall be at least 15,000 sq. ft., and in no case shall be smaller than the minimum lot allowed in the district in which the facility is located. New gasoline stations lot size minimum is 25,000 sq. ft.
- C. Lot frontage shall be at least 150 feet.
- D. Pumps, lubricating and other service devices shall be located at least thirty-five (35) feet from the front, side and rear lot lines.
- E. All fuel and oil shall be stored at least thirty-five (35) feet from any property lines.
- F. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work that exceeds fifteen (15) minutes is to be performed outside a building.
- G. There shall be no more than two (2) access driveways from all streets. Construction of curb cuts shall be in accordance with State of Vermont Agency of Transportation B-71 for Commercial Drives. The maximum width of each access driveway shall be forty (40) feet; the minimum shall be twenty-four (24) feet.
- H. A suitably curbed landscaped area shall be maintained at least five (5) feet in depth along all street frontage not used as a driveway.

### **Section 3.20 Group Homes**

In accordance with Section 4412(1)(G) of The Act, a state licensed or registered group home serving not more than eight persons who are disabled as defined in 9 V.S.A. Section 4501, shall be considered by right as a permitted single-family dwelling unit. A residential care home, to be operated under state licensing or registration serving nine or more who have a handicap or disability as defined in 9 V.S.A. Section 4501, shall be reviewed as a multi-family dwelling and shall be subject to Conditional Use Review.

- A. Such a dwelling must be at least 1000 feet from another dwelling being utilized for a similar purpose.

### **Section 3.21 Helicopter Pads**

- A. Helicopter pads associated with hospitals and emergency facilities may be permitted as accessory uses provided that all setback requirements are met.

- B. Helicopter pads associated with private residences or businesses may be permitted upon receiving Conditional Use Approval by the Development Review Board, shall be no less than 100 feet from any property line, and shall be screened from adjacent properties and public roads.

### **Section 3.22 Home Business**

Home Businesses as defined in Article 7, shall be allowed in districts as specified in Article 2. Home businesses shall conform to the requirements of this section. A home occupation that grows to exceed the restrictions set forth in Section 3.23 must obtain a permit as a home business in accordance with this section. A home business in a residential district that grows to exceed the restrictions of this section must relocate to a district in which the activity is a permitted or conditional use. A home business in a non-residential district that grows to exceed the restrictions of this section must meet all requirements (including use restrictions) of the district in which it is located. The specific conditions for a home business are:

- A. The home business is clearly secondary to the use of the property for dwelling purposes, and shall be operated by a resident of the dwelling;
- B. The home business shall be carried on wholly within the dwelling/residence or accessory structures to the dwelling/residence, and shall occupy no more than 1100 sq. ft. of floor space or fifty (50) percent of the dwelling area, whichever is less;
- C. The home business shall employ no more than three (3) on-premise employees who are not residents of the premises;
- D. There shall be no exterior displays or signs other than those permitted under these regulations;
- E. There shall be no exterior storage of materials, no exterior indication of the home business and no variation from the residential character of the principal structure;
- F. Parking shall be provided off-street in accordance with Section 4.14 of these Bylaws;
- G. A home business shall not include service or repair of motor vehicles in Medium Residential Density (MRD) and High Residential Density (HRD) zoning districts; and
- H. Objectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance shall not be produced.

### **Section 3.23 Home Occupations**

Home Occupations as defined in Article 7, shall be allowed in districts as specified in Article 2. Home occupations include such uses or activities as art studios, dressmaking, teaching, or the professional part time off-hours office of a, lawyer, engineer, architect, accountant, computer programmer/technician, transcriber, barber/hairstylist, bookkeeper, woodworker, etc. Any home occupation shall require a zoning permit which may only be issued if the following conditions are met.

- A. The home occupation is clearly secondary to the use of the property for dwelling purposes;
- B. The home occupation shall be carried on by residents of the premises only;
- C. The home occupation shall be carried on wholly within the principal or accessory structures, and shall occupy no more than six hundred (600) sq. ft. of floor space or twenty-five (25) percent of the dwelling area, whichever is less;
- D. There shall be no exterior displays or signs other than those permitted under these regulations;

- E. There shall be no exterior storage of materials, no exterior indication of the home occupation and no variation from the residential character of the principal structure;
- F. Objectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance shall not be produced; and
- G. A home occupation shall not include service or repair of motor vehicles;
- H. Parking shall be provided off-street in accordance with Section 4.14 of these By-laws.

### **Section 3.24 Inn**

Use of one or more structures (typically a private home or accessory building or buildings designed to appear as such) to provide short-term accommodations for guests and may include a restaurant, bar, event facilities, spa or fitness club as an accessory use. Must have a resident manager or appropriate staff when occupied by guests.

- A. Shall be allowed in all districts, except IND.
- B. Shall require Site Plan Approval from Development Review Board.

### **Section 3.25 Makerspace**

A place in which people can gather to work on projects while sharing ideas, equipment, and knowledge. Makerspaces often combine shared tools, manufacturing equipment, industrial processes that would otherwise be inaccessible or unaffordable such as 3-D printers, digital fabrication machines and computer-aided design (CAD) software, as well as peer to peer and/or professional assistance for the purpose of enabling members to design, prototype and fabricate new products. Conditional Use and Site Plan Review is required. (Section 5.2 & Section 5.3)

Makerspaces as defined in Article 7, shall be allowed in districts as specified in Article 2 upon Conditional Use approval of the Development Review Board, provided that the following conditions are also satisfied:

- A. There shall be no outdoor storage of materials used or generated by the activity.
- B. The potential for noise, fumes, and dust shall be evaluated by the DRB and a finding shall be made that no surrounding properties will be adversely affected by noise, fumes, or dust associated with the use.
- C. No use shall, as part of normal operations, produce vibrations which are detectable without instruments at the property line.
- D. The site shall provide sufficient loading and unloading areas so that traffic will not back up onto adjacent or nearby streets.
- E. User access to the site shall be limited to those times as recommended by the DRB and such times shall be posted on the site.
- F. Parking shall be provided in accordance with Section 4.14.
- G. Limited retail and tour-oriented observation hours, related to manufactured items, shall be set at days and times specified by the DRB.
- H. Fire, explosive and similar safety hazards which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.

**Section 3.26 Mobile Home Parks**

- A. Applicability:** A new or expanded mobile home park may be allowed in designated zoning districts subject to review by the Development Review Board under Article 5, and the provisions of this section. All standards applicable to dwellings in the District within which the Mobile Home Park is located shall apply equally to dwellings located within the park, unless otherwise specified below.
- B. Application Requirements:** In addition to the application information required under Section 5.2, the applicant for a mobile home park shall also submit a site development plan that shows the following:
1. Lot boundaries, required setbacks and buffers, and distances to the nearest intersecting streets;
  2. Designated mobile home sites;
  3. Existing and proposed building foot prints and elevations, including existing buildings on adjoining lots which are within 100 feet of the boundaries of the mobile home park;
  4. Existing and proposed vehicle and pedestrian circulation, including accesses, park roads, pedestrian paths, and parking areas,
  5. Existing and proposed open spaces and other common areas,
  6. Existing and proposed park infrastructure, including water and wastewater systems, utilities, drainage and stormwater management systems, and associated easements or rights-of-way; and
  7. A detailed landscaping plan.
- C. Siting Requirements:** All mobile home parks shall be sited on a lot that is:
1. A minimum of 10 acres in area,
  2. Served by a public or community water supply and wastewater system, and
  3. Well-drained, with land and soil conditions that are suitable for park development.
- D. Design Standards:**
1. The maximum number of mobile homes in a mobile home park shall not exceed four (4) mobile homes per gross acre of the park.
  2. The mobile home park shall meet all set back requirements for the district in which it is located. A landscaped buffer strip, not less than 20 feet in width, shall be provided along all property and street lines. The Development Review Board may require increased set back distances and/or buffering and screening to minimize or avoid adverse impacts to adjoining properties and public rights-of-way.
  3. Open space for recreation and playground purposes, occupying not less than 10 percent of the gross mobile home park area, shall be provided in a convenient location(s) for use by park residents. Such open space shall be suitably landscaped, equipped and furnished, and screened or protected from parking and service areas.
  4. Designated rights-of-way for mobile home park roads shall be at least 50 feet wide; park roads shall have a maintained gravel or paved surface at least 20 feet wide and be adequately lighted.
  5. Each individual mobile home shall be located on a site having a minimum width of 50 feet and a minimum area of 6,000 sq. ft., which is defined by 4"x 4"x3' reinforced concrete markers at each corner.

- 6. Each mobile home, and associated accessory structures, shall be setback a minimum of 20 feet from adjoining sites and roadways.
  - 7. Each site shall contain permanent, immovable service connections.
  - 8. There shall be two parking spaces per mobile home, at least one of which is on the mobile home site. Common parking areas, and bicycle racks or storage areas, for the use of residents and visitors may also be provided in accordance with Section 4.12.
- E. Operation & Maintenance:** The mobile home park owner, or designated operator shall, as a condition of Board approval:
- 1. Maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage;
  - 2. Remove snow from all park roads, parking and service areas;
  - 3. Plant and maintain a minimum of two trees (minimum 2.0" diameter at breast height or greater) on each mobile home site; and
  - 4. Not engage in retail sale of mobile homes in connection with the operation of the park.
- Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement action under Section 6.3.
- F. Review of Mobile Home Accessory Structures:** The owner of a mobile home within an approved mobile home park may apply for a zoning permit under Article 6 for a deck or accessory structure which meets site setback requirements under Subsection (B), without additional approval by the Development Review Board under Article 5.

**Section 3.27 Outdoor Markets**

Outdoor Markets may be located in any district, except IND, E7, and ARPA-A, after receiving Conditional Use Approval (Section 5.3) from the Development Review Board in accordance with the provisions of these Bylaws. The following requirements shall also be applied:

- A. The applicant shall demonstrate that adequate on and/or off-street parking is available for vendors' vehicles and customers' vehicles;
- B. The applicant shall provide a satisfactory plan for controlling trash and other litter and preventing it from being deposited on nearby properties;
- C. The applicant shall demonstrate that an adequate water supply will be available whenever the market is in operation;
- D. The applicant shall demonstrate that adequate sanitary facilities will be available and operating whenever the market is in operation.

**Section 3.28 Personal Storage Facilities**

Personal Storage Facilities may be located in the HDR, RC and GB districts after receiving Conditional Use Approval (Section 5.3) from the Development Review Board in accordance with the provisions of these Bylaws. The following requirements shall also be applied:

- A. The applicant shall demonstrate that adequate parking and circulation are available for customers' vehicles.
- B. The facility shall be designed to fit into the surrounding neighborhood and/or shall include landscaping that screens structures from view of the road and neighboring properties.

**Section 3.29 Public Facilities**

In accordance with Chapter 117 Section 4413 (a), the following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- A. State or community owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the state department of education.
- C. Public and private hospitals.
- D. Churches and other places of worship, convents and parish houses.
- E. Regional solid waste management facilities certified under 10 V.S.A. Section 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. Section 6606a.

**Section 3.30 Recreational Vehicles**

It shall be unlawful for any person to park a recreational vehicle/camper except:

- 1. In an approved campground;
- 2. In an approved camper sales lot; or
- 3. A recreation vehicle/camper parked on private property shall not be used as permanent living quarters and shall not be hooked up to any water or sewer utilities.
- 4. An owner who invites someone to park a recreational vehicle/camper on his/her property shall not allow said use to exceed a period of time of thirty days.

No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the Vermont Wastewater System and Potable Water Supply Rules and applicable State regulations.

**Section 3.31 Small Repair Services**

Small Repair Services are permitted in GB, CB, IND/C and IND districts and may be located in the RC district after receiving Conditional Use Approval (Section 5.3) from the Development Review Board in accordance with the provisions of these Bylaws. The following requirements shall also be applied:

- A. The activity is wholly conducted indoors.

**Section 3.32 Rooming House**

A rooming house may be located in MDR, HDR, GB, CB and RC after receiving Conditional Use Approval (Section 5.3) from the Development Review Board in accordance with the provisions of these Bylaws. The following requirements shall also be applied:

Sufficient off-street parking shall be provided at the rate of 1 parking space per bedroom. Each rooming house shall have no more than one kitchen facility whether shared or not.

- A. Rooming houses are a Conditional Use in the HDR, MDR, RC, GB, and CB Zoning Districts. Rooming houses are not permitted in any other Zoning District.

- B.** Rooming houses are subject to Site Plan Review Approval and Conditional Use Review approval by the Development Review Board. The number of individuals housed in each bedroom of a rooming house will also be determined by the Development Review Board through the Site Plan Review and Conditional Use process.
- C.** A rooming house that exists on the date this Section 3.29 of the Springfield Zoning Regulations were adopted by the Springfield Selectboard (January 5, 2017) may continue to exist as a nonconforming use for a period not to exceed two, (2) years, at which time the use shall cease, unless in the interim the DRB has granted the owner of the parcel a Site Plan Review Approval and Conditional Use Approval of the use of the parcel for a rooming house, subject to the same standards as set forth in the previous paragraph. The grandfathering for a period of two (2) years is subject to the owner registering a rooming house that existed prior to the passage of this Section of the Springfield Zoning Regulations within sixty (60) days of the date this section is adopted by the Selectboard. A rooming house that exists at the time of the passage of this Section of the Springfield Zoning Regulations, which use is discontinued for a period of sixty, (60), days shall be a nonconforming use and rooming house use shall not be reestablished unless the owner of the parcel has obtained Conditional Use Approval and Site Plan Review approval of the rooming house use from the DRB.

### **Section 3.33 Salvage and Recycling Facilities**

- A.** Salvage and Recycling Facilities are of two types:
1. Class I facilities accept and process only household wastes such as paper, plastic, glass, newspaper, tin cans, small appliances, etc.
  2. Class II facilities accept and process larger appliances, motor vehicles, mechanical equipment, industrial waste, construction debris, etc.
- B.** Class I Salvage and Recycling Facilities may be allowed in the GB district as a Conditional Use in accordance with the provisions of Section 5.3, and following Site Plan Approval by the Development Review Board in accordance with the provisions of Section 5.2.
- C.** Class II Salvage and Recycling Facilities may be allowed in the IND Districts in conjunction with a Regional Solid Waste Management Facility as a Conditional Use in accordance with the provisions of Section 5.3, provided that it is licensed to operate in the State of Vermont in accordance with 24 V.S.A., Chapter 61, Subchapter 10.

### **Section 3.34 Seasonal Roadside Produce Stands**

Seasonal stands for the sale of agricultural produce may be located off-site, provided that:

- A.** All stands shall meet the setback requirements of the district in which they are located;
- B.** Off-street parking shall be in compliance with Section 4.14 (Parking & Unloading) and Section 5.2 (Site Plan Review).
- C.** Applicant shall contact State Department of Transportation and/or Springfield Department of Highways for access review.

### **Section 3.35 Short Term Rentals**

The Town recognizes the benefit of short term rentals to home owners, visitors and the community. However, it is important not to create a nuisance or change the residential character of the area. A permit is not required during foliage season (September 15 - October 21) when the owner or primary tenant is in residence throughout the rental period and provisions "D.-H." are met.

The following provisions shall apply to ensure that the commercial use of residential property does not adversely affect the neighborhood in which short term rentals are located.

- A. Conditional Use Approval is required for rental periods of fewer than thirty (30) days.
- B. All associated parking shall be on-site in designated spaces and comply with Section 4.14.
- C. Rubbish service shall be provided and containers shall be maintained out-of-sight, not viewed from the street.
- D. Notice to renters of house rules pertaining to parking, rubbish, noise, parties, etc. shall be visibly displayed in the dwelling.
- E. Name, address and telephone number of a manager shall be filed with the application and kept up to date.
- F. Prohibitions:
  - 1. Weddings, parties, catered events, and similar events.
  - 2. Signs and other outside indications the dwelling is used as a short-term rental.
  - 3. Outdoor activities between 9:00 p.m. and 7:00 a.m.
- G. A change of ownership shall require a new permit.

**Section 3.36 Solid Waste Management Facilities**

In the IND district, facilities for the temporary storage and transfer or disposal of refuse and waste materials are allowed as a Conditional Use in accordance with the provisions of Section 5.3 of these Bylaws, provided that the facility meets all of the requirements for solid waste management facilities established by the State of Vermont.

**Section 3.37 Wireless Telecommunications Facilities**

**See Broadcast Facilities 3.8, above.**

## ARTICLE 4. GENERAL REGULATIONS

### Section 4.0 Applicability

The following general standards, including provisions required under the Act [§4412], apply to all uses and structures as specified within the Town of Springfield.

### Section 4.1 Access and Frontage Requirements

- A. In accordance with §4412(3) in the Act, no land development may be permitted on lots which do not have either frontage on a public road (Class 1, 2 or 3 town highway) or public waters, or with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width. Such rights-of-way shall serve no more than two (2) lots or dwelling units. For access subject to Development Review Board approval, the Development Review Board may consider intended use, safety, traffic, and road and site conditions in granting or denying such approval.
- B. All new accesses proposed after the effective date of this bylaw are subject to all access and frontage requirements contained herein, as well as applicable provisions of the Springfield Subdivision Regulations and town driveway standards. A change in use, expansion of an existing use or significant modification of an existing access shall be subject to these provisions.
- C. Access onto town highways is subject to the approval of the Springfield Selectboard or their designee, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with all municipal land use regulations is required. Local access permits or state access letters of intent must be obtained prior to the issuance of a zoning permit.
- D. Lot frontage requirements apply to lots served by private development roads as well as lots served by public roads.
- E. In no case shall any development be permitted which is accessible only by intersection with a Class 4 town highway. However, the applicant may petition the Town of Springfield Selectboard to upgrade the highway, if the public good and necessity requires, to a Class 3 town highway, but in so doing, the applicant shall bear the costs of upgrading that road.
- F. With the exception of accesses used solely for agricultural or forestry purposes, no lot shall be served by more than one access. Additional accesses may be approved by the Development Review Board in the event that:
  - 1. The additional access is necessary to ensure vehicular and pedestrian safety; or,
  - 2. 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 development or subdivision design than would be possible with the allowance of an additional access; or,
  - 3. A traffic management plan is developed in association with a planned unit development approved in accordance with Section 5.5.
- G. 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 standards unless otherwise approved by the appropriate municipal panel.

An access shall be located at least 100 feet from any intersection of public road rights-of-way (125 feet from centerline), for all uses except single and two-family dwellings, which shall be at

least 50 feet from such intersections (75 feet from centerline), unless otherwise approved in accordance with conditional use approval under Section 5.3 or subdivision approval.

- H. Shared accesses are encouraged, and may be required for development subject to subdivision, site plan and/or conditional use approval. The interests of each owner shall be protected by an agreement of deed provisions for private, joint maintenance of the common access.
- I. Accesses serving more than three (3) lots shall be subject to E911 assignments and town road standards, that is, the TOWN ROAD AND BRIDGE STANDARDS, TOWN OF SPRINGFIELD, VERMONT, (herein Town Road and Bridge Standards) adopted by the Selectboard on January 27, 2014, and as from time to time amended.
- J. **Driveways:** Driveways, which serve no more than three (3) lots, shall meet the following standards:
  - 1. Driveways shall be constructed to town driveway standards (See: Town Road and Bridge Standards) unless otherwise required under subdivision, site plan or conditional use review.
  - 2. No driveway shall exceed a slope of 3 percent within 35 feet of an intersection with the travel-way of a road, or shall intersect with a road at a horizontal angle of less than 70°.
  - 3. Driveways shall not exceed a 12 percent grade.
  - 4. Driveways exceeding 400 feet in length must include, at minimum, one 12 foot by 50-foot pull-off area.

#### **Section 4.2 Conversions and Changes of Use**

Conversions or changes in the use of land, existing buildings, or other structures are subject to the provisions of this bylaw as follows:

- A. The proposed use shall be subject to all the requirements of this bylaw pertaining to such use, including but not limited to any district, general or specific requirements, as well as subdivision regulations and all other municipal 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 is located on a subdivided lot which conforms to the lot size, setback, parking and other requirements applicable to the relevant district and proposed use.
- C. A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space or outdoor storage space, requires additional on-site parking, or has different minimum lot size or dimensional requirements, will require a zoning permit issued by the Administrative Officer under Section 6.0. Site Plan Review under Section 5.2 may also be required.
- D. A conversion or change from a permitted use to a conditional use may be approved by the Development Review Board subject to Conditional Use Review under Section 5.3.
- E. A conversion or change of use involving a nonconforming use and/or structure is also subject to review under Section 4.13.

#### **Section 4.3 Equal Treatment of Housing**

Except as provided in 24 V.S.A. section 4414(1)(E) and 4412 (E) *Design review districts* and (F) *Local*

*historic districts and landmarks*, no bylaw shall have the effect of excluding mobile homes, modular housing or prefabricated housing from the municipality, except upon the terms and conditions as conventional housing is excluded.

Bylaws shall designate appropriate districts and reasonable regulations for multi-unit or multi-family dwellings. No bylaw shall have the effect of excluding these multi-unit or multifamily dwellings from the municipality. 24 V.S.A. Section 4412 (1) (D).

No bylaw shall have the effect of excluding low- and moderate-income housing.

**Section 4.4 Conformance with Other Regulations**

All permitted and conditional uses must be in compliance with all other regulations including all Federal, State and Local regulations. Where there are inconsistencies between regulations, the more stringent regulations shall apply.

**Section 4.5 Damaged or Destroyed Structures**

Within 3 months of a structure being damaged or destroyed by any cause, the owner must act to either: (1) Stabilize and secure it as necessary to protect public health and safety and to protect it from the elements, prior to commencing reconstruction; or (2) Demolish it and remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion.

The Administrative Officer may grant up to three 10-month extensions upon finding that the site does not pose a hazard to public health or safety and that the owner has reasonable cause for not commencing repair, reconstruction or demolition.

A zoning permit will not be required to repair or reconstruct a damaged or destroyed structure and use it as before provided that:

1. Repair or reconstruction commences within 3 months of the damage or destruction, or of the extension;
2. The structure as repaired or reconstructed does not exceed the original floor area;
3. The structure as repaired or reconstructed will be located within the original footprint.  
Section (nonconforming) If a nonconforming structure is damaged or destroyed, the structure as repaired or reconstructed must not be more nonconforming than the original structure. However, properties in the flood hazard areas will require a permit to repair or reconstruct.

**Section 4.6 Fences**

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which obstructs or interferes with traffic visibility or public safety. Fences that are below six (6) feet in height and meet the setbacks for the districts in which they are located do not need a permit (see Exemptions, Section 6.0).

- A. Fences may be erected on side and rear property lines (i.e. perimeter fences) and are not required to meet setback requirements.

- B. Perimeter fences along both the side and rear property lines shall not exceed six (6) feet in height.
- C. Fences along front lot lines shall not exceed four (4) feet in height.
- D. A perimeter fence exceeding six (6) feet in height may be approved by the DRB if it finds that the following conditions are met:
  - 1. The fence will have no adverse impact on adjacent properties or the character of the neighborhood;
  - 2. The fence is required for the safe operation of the permitted activities on the property.
- E. Except for perimeter fences approved under paragraph (A), fences or walls in excess of six (6) feet in height shall meet all applicable setback requirements.
- F. Fences shall not be located within the triangular area formed by the lot lines at a street intersection and the line connecting them at points thirty (30) feet from the intersection of the lot lines.
- G. Fences shall not deprive adjacent property owners of light and air.
- H. Electric fences are permitted only for agricultural purposes.
- I. Fences shall be located at least five (5) feet from the edge of an abutting town street or easement right of way.
- J. Fences abutting State roads, shall adhere to State Agency of Transportation right-of-way setbacks.

#### **Section 4.7 Filling of Low Areas**

Filling of land with loam, rock, stone, gravel, sand or other such material when incidental to development or construction which has been granted a permit under these Bylaws, is allowed in any district, except the SFHA, provided that:

- A. The filled surface is graded to a slope no steeper than one on two, covered with four (4) inches of topsoil, mulched, fertilized and re-seeded to prevent erosion, and
- B. Natural drainage flows are not obstructed or diverted onto adjacent property. Diversion is permitted provided the owners of each affected parcel agree in writing to the diversion and a stormwater permit is obtained from the State of Vermont for all affected parcels.

#### **Section 4.8 Height Limitations**

- A. Except within 2,000 feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers, antenna structures, wind turbines with blades less than 20 feet in diameter, and roof-top solar collectors less than 10 feet high, which are mounted on complying structures, broadcast facilities, or essential public utility structures per Section 4412 (6) of the Act.
- B. Broadcast facilities, wireless telecommunications facilities, water or cooling towers, oil or gas holders, elevator bulkheads, chimneys or similar structures in excess of the height limitation for the district in which they are to be located may be approved upon Conditional Use Approval by the Development Review Board.
- C. With the exceptions specified in paragraphs (A) and (B), above, height limitations for all structures shall be as specified for the individual zoning districts.

**Section 4.9 Incomplete Development**

If land development authorized by a zoning permit is not substantially completed prior to the permit expiring, the applicant 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. The site must be cleaned up, secured and stabilized within 6 months after the permit expires.

**Section 4.10 Lighting**

The residents of Springfield recognize that inappropriate and poorly designed or installed exterior lighting can cause unsafe and unpleasant conditions and limit the ability to enjoy the night-time sky. To reduce these undesirable effects, the following regulations are established.

- A. Applicability:** On all properties falling within the Observatory Protection Overlay District, and in all other districts, all properties except those of one and two family residential structures and active farms, the installation or replacement of any exterior lighting fixtures shall require a zoning permit, and said permit may not be issued unless the proposed installation is found (by the Development Review Board or the Administrative Officer) to conform to all applicable provisions of this Section.
1. When the lighting installation or replacement is part of a development proposal for which Site Plan Approval is required under these Regulations, the Development Review Board shall review and approve the lighting installation as part of its Site Plan Approval.
  2. Exterior lighting installations involving the installation or replacement of six (6) or fewer lighting fixtures may be approved by the Administrative Officer. All others must be approved by the Development Review Board.
  3. The applicant shall submit to the Town sufficient information (site plans, specifications, designs, analyses, etc.) to enable the Town to determine that the applicable provisions will be satisfied.
- B. Exterior Lighting in the Exit 7 (E7) District, the Industrial (IND) District, the Industrial/Commercial (IND/C) District, the Residential Commercial (RC) District, the Central Business (CB) District, the General Business (GB) District, the High-Density Residential District (HDR), and the Medium Density Residential (MDR) District:**
1. **Parking Lot Lighting**, where provided:
    - a. All lighting fixtures serving parking lots shall be low angle cut-off fixtures as defined by the Illumination Engineers Society of North America (IESNA). Such fixtures limit 90 percent of the light to a cone falling below 80 degrees from the vertical, 10 percent to the area between 80 and 90 degrees from the vertical, and prevent any light from being radiated above 90 degrees from the vertical.
    - b. Lighting fixtures shall be mounted no more than twenty-five (25) feet above the surface of the parking lot.
    - c. Lighting levels shall be measured as the horizontal illuminance of the parking lot surface and measured in foot candles. For safety purposes, the minimum illuminance provided shall not be less than 0.2-foot candles.

- d. The uniformity of illumination shall be measured by a uniformity ratio defined as the ratio of the average level of illuminance divided by the minimum level. This ratio shall not exceed 4:1.
  - e. The light source (lamp or bulb) shall be of a type having a Color Rendering Index (CRI) of no less than 60.
2. **Security Lighting:** The purpose of and need for security lighting must be explicitly stated, and the area to be illuminated for security purposes shall be specifically delineated. To the extent that the designated area is illuminated by lighting for other purposes, independent security lighting installations will be discouraged.
- a. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area. In no case shall lighting be directed above a horizontal plane through the lighting fixture.
  - b. Security lighting fixtures shall be mounted no more than twenty-five (25) feet above grade.
  - c. The average lighting level on the ground in the designated area shall not exceed 2.0-foot candles.
  - d. Vertical surfaces (i.e., building facades and walls) may be illuminated up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater. The average lighting level on such vertical surfaces shall not exceed 2.0 foot-candles.
  - e. Security lighting fixtures may be mounted on poles located no more than ten (10) feet from the perimeter of the designated secure area.
  - f. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.
  - g. The light source (lamp or bulb) shall be of a type having a Color Rendering Index (CRI) of no less than 60.
3. **Illuminated Signs:** Illuminated signs shall meet the requirements set forth in the Signs section of these Bylaws (Section 4.18).
4. **Street Lighting:** Street lighting shall meet the standards set forth in the Town's Public Works Specifications and Subdivision Regulations, and shall be cutoff fixtures as defined in sub-paragraph 2 a., above.
- C. **Exterior Lighting in all other districts:** In all other districts, parking lot lighting and street lighting are to be discouraged.
1. Where the Development Review Board determines that parking lot lighting is needed, it shall conform the requirements of sub-part B1 of this Section.
  2. Where the Development Review Board determines that street lighting is needed, it shall conform to the requirements of sub-part B 4 of this Section, and shall be installed to illuminate intersections and other potential danger points only.

- D. Observatory Preservation Overlay District:** Exterior lighting on properties falling all or partly within the Observatory Preservation Overlay District (OPD) shall conform to all requirements of the overlay district, in addition to all requirements of this section.

**Section 4.11 Lot and Yard Requirements**

- A. Reduction of Lot Area:** No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these Bylaws shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose; this provision is not subject to variance consideration by the Development Review Board.
- B. Required Area of Yards:** Space required under these Bylaws to satisfy area or other open space requirements in relation to one building shall not be counted as part of a required yard, area or open space for any other building.
- C. Yards on Corner Lots:** Any yard adjoining a street shall be considered a front yard for the purposes of these regulations. All front yards shall meet the setback requirements of these regulations.
- D. Lots in Two Districts:** Where a district boundary line divides a lot which was in single ownership at the time of passage of these Bylaws, the Development Review Board may, as a Conditional Use, permit the extension of either district beyond the existing boundary into the portion of the lot falling outside of that district by an amount not to exceed the following limits:
  - 1. In the LR-25, LR-10, RA-5 and RA-2 Districts, 100 feet;
  - 2. In all other districts, 50 feet.
- E. Existing Small Lots:** Any lot in existence prior to the adoption of zoning may be developed even if it no longer complies with minimum lot size standards. Existing small lots are subject to all requirements as set forth for the zoning district in which the lot is located except lot size and setback. Setbacks shall comply with lot sizes in districts to which the existing small lots can compare (e.g. a 2-acre lot in an RA-5 district shall comply with setbacks of the RA-2 district).

**Section 4.12 Multiple Structures and Uses on One Lot**

More than one structure and/or more than one use may be allowed on a single lot, provided that the following conditions are satisfied:

- A. General:**
  - 1. If any of the uses or structures requires Conditional Use Approval, approval must be obtained for all structures or uses.
  - 2. If any of the uses or structures requires Site Plan Approval, approval must be obtained for all structures or uses.
  - 3. Off street loading and parking requirements, specified in Section 4.14 of these Bylaws, must be satisfied for all uses and structures.
- B. Multiple Structures on a Single Lot.**
  - 1. All structures must satisfy all set back requirements for the district in which the lot is located.
  - 2. The maximum structure coverage limitation for the district must be satisfied by the total of all structures on the lot.

**C. Multiple Uses on a Single Lot**

All uses must be allowed in the district in which the lot is located.

**Section 4.13 Nonconformities**

**A. Nonconforming Uses:** The following provisions shall apply to all uses existing on the effective date of these Bylaws which do not conform to the requirements set forth in these Bylaws and to all existing uses that in the future do not conform because of any subsequent amendment to these Bylaws.

1. Any non-conforming use of a structure or land may be continued indefinitely;
2. No non-conforming use shall be added to, expanded or enlarged;
3. A non-conforming use shall not be changed to another non-conforming use without approval by the Development Review Board, and then only to a use which, in the opinion of the Board is no more non-conforming than the previous non-conforming use.
4. A non-conforming use shall not be re-established if such use has been discontinued for a period of twenty-four (24) months or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
5. A building housing a non-conforming use or uses may be enlarged or rebuilt after being damaged for any reason, so long as the space devoted to the non-conforming use or uses is no more than existed prior to the enlargement or rebuilding, and the non-conforming use is reinstated within two (2) years of such damage; if the restoration of such building, regardless of intent, is not completed within two (2) years the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building.

**B. Nonconforming Structures:** The following provisions shall apply to all buildings and structures existing on the effective date of these Bylaws which do not conform to the requirements set forth in these Bylaws and to all existing structures that in the future do not conform because of any subsequent amendment to these Bylaws.

1. A nonconforming structure may continue to be occupied and used indefinitely;
2. Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure, provided that such action does not increase the degree of nonconformity;
3. A nonconforming structure which is damaged or destroyed by seventy-five (75) percent of its market value by any event may not be rebuilt without Conditional Use Approval by the Development Review Board, and the rebuilt structure must be at least as much in conformity as the original structure;
4. A nonconforming structure may be moved, enlarged, altered, extended, reconstructed or restored, provided that the extension or expansion is in conformance with all provisions of these Bylaws, and that the extension or expansion does not increase the degree of nonconformity of the original structure. This article shall not be construed to permit any unsafe structure, or to affect all proper procedures to regulate or prohibit the unsafe use of a structure.

**Section 4.14 Parking and Loading**

**A. Loading:** For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry, there shall be provided gravel or paved surfaced off-street space for loading and unloading of vehicles as set forth below:

1. Hotels, motels, hospitals, commercial, business, service and industrial establishments: one off-street loading space of at least 2,500 sq. ft. for every 10,000 sq. ft. of floor area.
2. Wholesale, warehouse, freight, and trucking use: one off-street loading space of at least 1,000 sq. ft. for every 7,500 sq. ft. of floor area.

**B. Parking:** Off-street parking spaces shall be provided in accordance with this section in all districts when any use is established or any existing use is enlarged.

1. **Dimensions:** Parking spaces and maneuvering aisles shall have minimum dimensions as shown in the following table.

Parking Angle	Stall Width	Stall Aisle	Depth One Way	Widths Two Way
90°	9'	18'	24'	24'
60°	9'	18'	18'	24'
45°	9'	18'	15'	24'
Parallel	8'	22'	14'	24'
All handicapped spaces shall be twelve (12) feet wide.				

2. In the **Central Business (CB)** district, all parking shall be paved. Off-street parking will only be required for:

- a. Employees on the basis of one space per two (2) employees per shift, and
- b. One and one-half spaces per dwelling unit; or
- c. As required pursuant to the provisions of Section 3.4 Adaptive Re-use of Historic Structures.

3. **Home Occupations and Home Businesses:**

- a. Home Occupations shall provide off-street parking sufficient to accommodate all customers, but not less than one off-street space, unless the applicant provides evidence that the Home Occupation will not have customers coming to the site.
- b. Home Businesses shall provide off-street parking for each non-resident employee and sufficient to accommodate all customers, but not less than one customer space.

4. In all districts other than the CB district, off-street parking shall be required as follows:

USE	PARKING SPACES
Residential	1.5 per dwelling unit

Lodging	1 per lodging unit
Restaurant/Bar	1 per 3 seats (Peak Capacity)
Professional Business Office	1 per 300 sq. ft. of area
Retail Sales/Service*	1 per 300 sq. ft. of business area plus 1 additional space
Other	<b>As required by the Development Review Board under Site Plan Review</b>

\* The DRB may waive these requirements when the applicant demonstrates that the use is a low traffic generator. Typically, when calculated to end with .5 round up parking spaces that are required.

- C. On-site parking, loading, and/or service area requirements may be reduced or waived by the Development Review Board under site plan or conditional use review, based on a 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:
  1. green areas are to be set aside and maintained as open space for future conversion to parking, loading or services area in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need; or
  2. shared use of parking, loading and/or service areas on the same or contiguous lots by two or more establishments is proposed; or
  3. sufficient off-site parking has been procured (e.g., through lease agreements) in a private or municipal parking lot; or
  4. the proposal is specifically for the development of multi-family, elderly or affordable housing.
  5. In the CB district for any permitted or conditional use (except any dwelling unit or establishment that provides overnight accommodations) that is within three hundred (300) feet of a municipal parking facility.

**Section 4.15 Performance Standards**

In accordance with the Act [§4414(5)] the following standards of performance are to be met and maintained by all uses in all districts. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

- A. No land or structure in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.
- B. The following standards apply to all uses, with the exception of agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:
  1. **noticeable, or clearly apparent vibration** which, when transmitted through the ground, is discernible at property lines without the aid of instruments;

2. **smoke dust, odors, noxious gases, or other forms of air pollution** which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;
3. **releases of heat, cold, moisture, mist, fog, precipitation or condensation** beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;
4. **any electromagnetic disturbances, or any electronic emissions** or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located;
5. **glare, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;
6. **liquid or solid wastes or refuse** in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare; or
7. **undue fire, safety, explosive or other hazard** which endangers neighboring properties, or the general public or which results in a significantly increased burden on municipal facilities and services.
8. **noise** in excess of the following decibel levels at the property line:
  - a. General External Exposure Levels - dB(A) (Decibels in a scale perceptible to the human ear)
    - i. **Unacceptable:**
      1. Exceeds 80 dB(A) 60 minutes per 24 hours
        - a. Exceeds 75 dB(A) 8 hours per 24 hours
    - ii. **Discretionary, Normally Unacceptable:**
      1. Exceeds 65 dB(A) 8 hours per 24 hours
      2. Loud repetitive sounds on site
    - iii. **Discretionary, Normally Acceptable:**
      1. Does not exceed 65 dB(A) more than 8 hours per 24 hours.
  - b. Land Use Category:
    - i. Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks, or portions of parks, or open spaces which are dedicated to, or recognized for, activities requiring special qualities of serenity and quiet. Decibel Level - 60 dB(A)
    - ii. Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks. Decibel Level - 70dB(A).

- iii. Developed lands, properties or activities not included in categories (b)(1) and (b)(2) above (See (a) General External Exposure Levels).
- c. Exemptions: Emergency standby generators are exempt from these requirements.
- C. Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture.
- D. Forestry operations shall at minimum observe Accepted Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks and Recreation.

#### **Section 4.16 Pre-Existing Uses**

In the enforcement of these Bylaws, there shall be no interference with permitted and conditional uses which were in existence prior to the adoption of these Bylaws, until or unless they are enlarged or changed.

#### **Section 4.17 Outdoor Storage in Residential Districts**

- A. No scrap or waste material not originating on the premises may be stored or disposed of on any lot, except at a state certified solid waste disposal or transfer facility.
- B. No scrap or waste material originating on the premises may be stored on any lot unless within a building, except that thirty (30) days shall be allowed for the removal of scrap or waste material resulting from a construction operation, or from fire, flood or similar emergency. Outdoor storage shall not be permitted in excess of thirty days except with the issuance of a temporary zoning permit by the Administrative Officer for a period not to exceed thirty days. Further extensions may be granted by the Development Review Board subject to review under Article 5.
- C. No snowmobile, boat, or other recreational vehicles not registered or inspected within the past 30 days shall be parked in the front yard in any district. When such vehicles or boats are stored elsewhere, they shall be stored in a manner that conforms with accessory uses. No unregistered or uninspected motor vehicle shall be parked on the premises, outside of a structure, in any district for more than 30 days.

#### **Section 4.18 Signs**

The construction or erection of new signs, as defined in Section 7.2 of these Regulations, and/or the movement, enlargement, alteration, or reconstruction of existing signs shall be deemed land development as herein defined and shall require a zoning permit except as may be specifically provided in this Section. Repainting or changing the message on a sign shall not be considered alteration.

A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations. See Article 3, Section 3.2.

- A. **General Sign Standards.** The following standards shall apply to all signs in all districts:
  - 1. **Location:** Signs shall be located where they will be most easily read to reduce the size needed for legibility. The Zoning Administrator may require the adjustment or relocation of any sign to ensure vehicular or pedestrian safety.
    - a. Wall signs and projecting signs shall be securely fixed to the wall of a principal structure and shall not obscure architectural features of the building.
    - b. No permanent signs shall be placed on the river side of a building unless the main entrance to the building is located on the river.
  - 2. **Design:** Every sign shall be designed, lighted, illuminated and located so that it does not:

- a. Impair public safety;
  - b. Obstruct the lines of vision for pedestrians or vehicles entering or leaving a street (See Subsection (7) of this section for restrictions applicable to freestanding signs);
  - c. Obstruct or confuse the meaning of any traffic sign or signal; or
  - d. Obstruct any door, window or fire escape.
3. **Materials:** All signs shall be constructed of durable materials and shall be maintained in safe condition and repair at all times.
4. **Light Sources, Externally Illuminated Signs:** Light sources illuminating any sign shall be shielded so as not to produce glare, undue distraction, or hazard, either to the surrounding area or to pedestrian or vehicular traffic. Exterior illumination shall be focused only upon the sign, preferably from above.
5. **Internally Illuminated Signs:**
- a. Internally illuminated signs shall not be allowed in the LR-25, LR-10, RA-5, RA-2, MDR, HDR, or RC districts;
  - b. Internally illuminated signs shall be designed so as to not produce unnecessary glare or brightness. Such signs shall have a dark background of a material with luminous transmittance no greater than fifteen percent. Letters and logos shall make up no more than forty (40) percent of the sign area and shall be of a material with a luminous transmittance no greater than thirty-five (35%) percent;
  - c. Light sources shall be fluorescent, LED or other energy efficient light source, no closer than three-and-one-half (3 ½) inches from the surface, and shall be no less than twelve (12) inches on center;
  - d. The applicant shall provide a certificate from the sign manufacturer that any internally illuminated sign conforms to these requirements.
6. **Sign Area:** The sign area shall be computed as the area of the sign board which carries or supports the lettering or message. The number of on-premise signs and the maximum area (size) of signs permitted for specific uses within each zoning district is set forth in paragraphs (A) 7 through (A)10 herein.
- a. The sum of the areas of each part of a sign built in separate sections shall constitute its area.
  - b. The area of signs composed only of letters and symbols shall be one and one half (1 ½) times the total area of rectangles which enclose each letter or symbol.
  - c. A single sign (other than a wall sign) may contain two faces and the area of the sign shall be computed as the area of one face.
  - d. The sign area of irregularly shaped signs and logos shall be the area of the minimum rectangle necessary to enclose the said irregularly shaped sign or logo.
  - e. The depth of three-dimensional signs shall not exceed one half of the smallest dimension of the sign.
7. **Signs in LR - 25, LR - 10, RA - 5, RA - 2, MDR, HDR Districts:** The following signs are permitted when located on the premises on which the structure, use, or business is located:

- a. **One** (1) sign announcing a home occupations or home business, not exceeding six (6) sq. ft.; or
  - b. Up to two (2). Signs identifying any other use allowed in the district, the total of the 2 signs not to exceed twenty (20) sq. ft.
8. **Signs in the RC District:** the following signs are permitted when located on the premises on which the structure, use a business is located:
- a. **ONE** (1) sign announcing a home occupation or home business, six (6) sq. ft.;  
or
  - b. For other uses allowed within the district, any two (2) of the following:
    - i. **ONE** (1) freestanding sign per lot, no larger than twenty (20) sq. ft.;
    - ii. **ONE** (1) wall sign for business. This sign shall be no longer than eighty-five percent (85%) of the lineal frontage of the building occupied by the business, and in no case shall exceed thirty-two (32) sq. ft. in area.
    - iii. **ONE** (1) projecting sign per business, no larger than twenty (20) sq. ft.
9. **Signs in the GB, IND and IND/C Districts:** the following signs are permitted when located on the premises on which the structure, use or businesses located:
- a. **ONE** (1) sign announcing a home occupations or home business, not exceeding six (6) sq. ft.; or
  - b. Signs for other permitted uses may include:
    - i. **ONE** (1) freestanding sign per lot, no larger than thirty-two (32) sq. ft.; and
    - ii. **ONE** (1) wall sign per business. This sign shall be no longer than eighty-five percent (85%) of the lineal frontage of the building occupied by the business, and the lettering shall not exceed the height of thirty-six (36) inches; or
    - iii. **ONE** (1) projecting sign per business, no larger than thirty-two (32) sq. ft., located on the building in which the business being advertised is located.
10. **Signs in CB District:** the following signs are permitted when located on the premises on which the structure is situated:
- a. **Business with Basement Level or Ground Floor Location:** each allowed business or use with a basement level or ground Floor Location in the CB District shall be permitted 1 projecting sign as specified in subparagraph (i), below, or one freestanding sign is specified in subparagraph (ii) below:
    - i. **ONE** (1) projecting sign **ONLY**, which shall not exceed thirty-two (32) sq. ft. in area;
    - ii. **ONE** (1) freestanding sign **ONLY**, which shall not exceed thirty-two (32) sq. ft. in area.
    - iii. A combination of signs which may include any two of the following:
      - a. **ONE** (1) wall sign which:
        1. shall not be greater three (3) feet in overall height; and
        2. which shall be no longer than eighty-five percent (85%) of the overall length of the storefront; or
      - b. **ONE** (1) projecting sign which:
        1. shall not exceed ten (10) sq. ft. in overall area, and;
        2. which shall not be more than six (6) feet in overall height; or

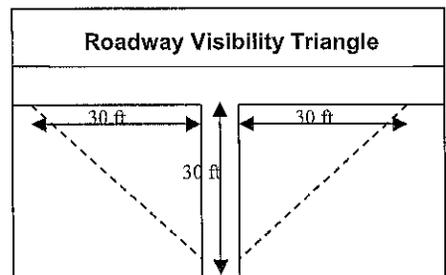
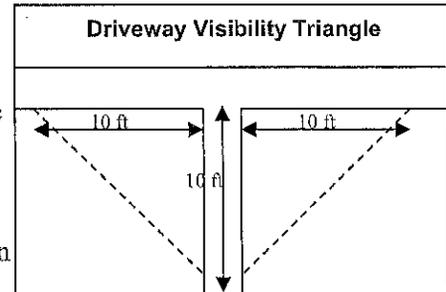
- c. **ONE** (1) freestanding sign which:
      - i. shall not exceed ten (10) sq. ft. in area.
  - b. Business with Location Above the Ground Floor: a business with a location above the ground or street-level shall be allowed a sign mounted near a window of the business being identify, either of the following:
    - i. **ONE** (1) wall-mounted sign, no larger than eight (8) sq. ft. in area; or
    - ii. **ONE** (1) projecting sign which shall not exceed eight (8) sq. ft. in area and shall not extend more than four (4) feet from the face of the building wall.
- 11. **Special Signs: Administrative Officer Discretion**: The following special signs may be permitted upon approval by the Administrative Officer if the Administrative Officer finds that such a sign or signs is in the public interest, that it will not be detrimental to surrounding properties, and that it will not create a safety hazard:
  - a. Signs necessary are beneficial to the public safety and welfare may be permitted in all districts.
  - b. A sign identifying the commonly accepted name of a commercial building, provided that the following conditions are met:
    - i. The sign shall be located on the same lot as the building;
    - ii. The sign shall contain no old business name;
    - iii. If the sign is freestanding, there shall be suitable landscaping around the sign's base;
    - iv. The sign shall not contain more than twelve (12) sq. ft. of sign area per face and contain no more than 2 faces;
    - v. The sign shall be no more than ten (10) feet in height.
  - c. State of Vermont Official Business Directory signs.
  - d. Shopping Plaza/Industrial Park/Mall signs: a shopping Plaza, industrial Park or mall may have one (1) freestanding directory sign. Each business within the Plaza, Park or mall may have a sign within the directory sign. The entire directory sign shall not exceed:
    - i. Fifty (50) sq. ft. for five (5) or fewer businesses;
    - ii. Seventy-five (75) sq. ft. for six (6) to ten (10) businesses;
    - iii. One hundred (100) sq. ft. for ten (10) to fifteen (15) businesses;
    - iv. One hundred fifty (150) sq. ft. for more than fifteen (15) businesses; and
    - v. Twenty-five (25) feet in height.
  - e. A business with two (2) separate Street frontages (each with its own entrance open for public access) may be permitted one additional secondary wall-mounted sign **ONLY** on the secondary frontage, such sign shall be:
    - i. no greater than two (2) feet in overall height; and
    - ii. no longer than eighty-five percent (85%) of the overall length of the business' secondary store frontage or twenty (20) feet, whichever is less.

- f. A business directory sign may be permitted for the identification of ground-floor businesses without direct access on to the street or businesses with a principal location above the ground floor. Said directory shall be located within the immediate vicinity of the building entrance or entrances. Each business identified by the directory shall be permitted. No more than two (2) sq. ft. in area of directory signing. Each directory sign shall not exceed eight (8) sq. ft. and overall area.
- g. Signs announcing the name of the subdivision or development; A freestanding sign indicating the name of a housing development, subdivision or apartment complex may be allowed, provided that the following conditions are met:
  - i. The sign shall be on the same parcel as the development; new.
  - ii. The sign shall not contain more than twenty-four (24) sq. ft. per face, and shall not contain more than 2 faces;
  - iii. The sign shall be no more than ten (10) feet in height;
  - iv. There shall be appropriate landscaping around the sign's base;
  - v. The sign shall not be illuminated.

12. **Special Signs: Development Review Board Discretion: Plaza/Industrial Park/Mall Signs Only:** The Development Review Board may approve larger Plaza/Industrial Park/Mall signs after making a finding that such a sign is in the public interest, that it will not have an undue adverse detrimental effect on the surrounding properties, and that it will not create a safety hazard.

13. **Freestanding Signs:** No freestanding sign may:

- a. Except for "Special Signs" as provided in 11 and 12 above, exceed twenty (20) feet in overall height above finished grade for nonresidential uses, or ten (10) feet for subdivision. Apartment or housing complex;
- b. Be closer than ten (10) feet to a neighboring property line except with the approval of the Downtown Design Review Commission in the Central Business District.
- c. Be set closer than ten (10) feet to a street line, or half the distance between the building front wall and the street line, whichever is less.
- d. Be located within the visibility triangle at the intersection formed by connecting points on the right-of-way lines located thirty (30) feet from the point of intersection of those intersection of those right-of-way lines (see diagram, above);
- e. Be located within the visibility triangle at the intersection of a street and a driveway formed by connecting points located ten (10) feet along the right-of-way and the edge of the driveway, as shown in the Driveway Visibility Triangle diagram.
- f. All free-standing signs must be appropriately landscaped around the base of the sign.



14. **Projecting Signs:** Projecting signs shall be securely fixed to the front wall of a building and shall not obscure any architectural features of the building. Signs mounted on a roof are considered projecting signs. No projecting sign may:
  - a. Extend within the area used by vehicular or pedestrian traffic;
  - b. Extend more than five (5) feet from the building wall, or as otherwise restricted in this by-law;
  - c. Be less than ten (10) feet above finished grade;
  - e. Be constructed so that its highest point extends above the peak of the roof of the building on which it is mounted. Signs may not be mounted on roofs in the Central Business District.
15. **Wall Signs:** Wall signs shall be mounted on and flush with the front wall of a building and shall not obscure architectural features of a building.
  - a. A wall sign may be located in a front window as long as it does not exceed 25% of the area of the window in which it is located.
16. **Portable Signs:** A portable sign may be mounted on wheels and designed to be towed from place to place or otherwise not fastened down, and is intended to be placed during business hours to advertise special sales or activities.
  - a. A portable sign may not be located in any public right-of-way, where it interferes with vehicular or pedestrian circulation, or where it obstructs lines of sight for traffic entering or leaving a public roadway.
  - b. In the Central Business District, portable signs must be placed next to the building so as not to interfere with car doors; and must be no more than the narrower of either two (2) feet in width or  $\frac{1}{2}$  the width of the sidewalk.
  - c. A portable sign may be used to advertise a special sale or other event, but for no more than one week in duration.
  - d. A business may use a single portable sign not exceeding six (6) sq. ft. per face to advertise daily specials or sales, but must be removed when the business is not open.
  - e. Illuminated portable signs must meet all other provisions of this Section.
17. **Gasoline Stations:** In addition to other signs permitted under Paragraphs 9 and 10 above, gasoline stations are permitted one (1) pump affixed pricing sign per pump, each not to exceed two (2) sq. ft. in area, in addition to Subsections 1 through 12 above.
18. **Non-Conforming Signs:** An existing sign which does not conform to the provisions of this section shall be considered a non-conforming sign and may not be replaced or expanded without being brought into conformance with this section.
19. **Electronic Message Display:** Electronic Message Display (EMD) signs must meet the following standards and are subject to Conditional Use Review by the Development Review Board:
  - a. An EMD sign shall be permitted only on municipal and school properties only.
  - b. An EMD sign shall have two components: a traditional sign (top) and an electronic message display (bottom).

- c. An EMD sign shall not exceed a maximum of 32 square feet and shall be a maximum height of 10 feet.
- d. An EMD sign shall be static and shall not have any distracting appearance of motion including, but not limited to: flashing, blinking, shimmering, scrolling, pulsating as well as animation, streaming or live-time video or holographic displays.
- e. An EMD sign that is readily visible to drivers of vehicles on any public way shall have characters of sufficient size to be easily discerned and must not constitute a safety hazard by being a distraction to drivers.
- f. The message display area may have a maximum of three (3) lines of characters including all letters, numbers, spaces, or other symbols.
- g. The area occupied by the message on an electronic message display may comprise no more than fifty (50) percent of the maximum total allowable sign area.
- h. A maximum of two colors shall be used for an electronic message or at the discretion of the Development Review Board.
- i. Dwell Time/Frequency Change: Messages may change no more than once every 45 seconds unless modified by the Development Review Board.
- j. When the display of an electronic message changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.
- k. An EMD sign shall include internal ambient light monitors that automatically adjust the brightness level of its display according to natural ambient light conditions.
- l. An EMD sign shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- m. The hours of operations shall be permitted from 6:00 am to 11:00 pm except in the case of a public emergency such as an "Amber Alert", weather advisory or other public emergency.
- n. Signs placed along State highways, must contact VTrans (802-279-9599).
- o. The EMD sign must meet all local and state setback requirements.
- p. EMD signs must be FCC compliant *and* must not interfere with wireless technology.
- q. EMD signs in existence at the time of the adoption of this bylaw which do not conform to the requirements of this bylaw, shall be considered nonconforming signs.
- r. All permanent signs and sign structures shall be brought into conformance with the sign bylaws when and if the following occurs:
  - i. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Change to the copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.

- ii. If more than 50% of the sign area is damaged, it shall be repaired to conform to this bylaw.
- iii. An alteration in the structure of a sign support.
- iv. A change in the mechanical facilities or type of illumination.
- v. A change in the material of the sign face.

**B. Signs which do not Require a Permit.** The following signs do not require a permit and are permitted in all districts:

1. Signs wholly within the confines of a building.
2. Temporary real estate signs, none of which exceed six (6) sq. ft. in overall area. Said sign shall only be permitted on property which is either being sold or leased, and shall be removed within thirty (30) days from the date on which its intended purpose has been fulfilled.
3. A temporary construction sign located on the property which is being developed. Said sign shall not exceed thirty-two (32) sq. ft. in area and shall be removed immediately when its stated purpose has been fulfilled.
4. Entrance and exit signs located near a driveway not exceeding two (2) sq. ft. each, and which do not include a business name or logo.
5. Two (2) enclosed display cases for a theater, which display cases shall not exceed sixteen (16) sq. ft. in overall area each. Said display cases shall be used exclusively for the display of advertising/promoting for the motion picture/ pictures currently being shown, or coming attractions.
6. Signs to be maintained for not more than two (2) weeks announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each sign shall not exceed two (2) sq. ft.
7. Street spanning signs (banners) to be maintained for not more than two (2) weeks announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each shall be allowed only in CB and GB zoning districts.
8. Temporary signs advertising a sale, such as a yard sale, garage sale or lawn sale, etc., so long as the sign or signs are removed within twenty-four (24) hours of the end of the sale.
9. A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations.
10. Political campaign signs announcing a candidacy or issue for an election, provided:
  - a. They are on private property with the owner's permission;
  - b. Not posted within the public highway right of way; and
  - c. The signs are removed within 24 hours of the end of the election.

**C. Prohibited Signs:** The following signs shall be prohibited in every district:

1. Flashing, oscillating or revolving signs (a "Time and Temperature" sign shall not be considered a flashing sign);

2. In the Central Business District, any free-standing objects or devices designed to catch attention, other than temporary signs as described in subsection (B)(8);
3. Free standing signs in excess of twenty (20) feet in the GB, IND or IND/C districts or higher than ten (10) feet in all other districts;
4. Signs which impair public safety;
5. Signs not in conformance with this Bylaw;
6. Any sign, permanent or temporary, located within a highway right-of-way, except for official business directory signs maintained by the State of Vermont, and official traffic control signs [This prohibition includes political campaign signs]; and
7. The use of a stationary vehicle or trailer for sign purposes. A vehicle or trailer shall be considered stationary if it is not licensed, is not provided with inflated tires, and is not used off of the premises on a regular basis averaging at least one day per month.

**D. Removal of Signs:** All signs relating to a business shall be removed by the owner of the property on which the signs are located within thirty (30) days following the closing of said business. A business shall be deemed closed when it ceases to admit the general public onto the business premises on a regular weekly basis. Seasonal closures are exempted from this provision.

**Section 4.19 Steep Slopes**

- A.** All development involving the excavation, filling, or regarding of land having a slope of 20% or more shall be subject to review by the Development Review Board under Article 5. Under this provision the Board shall require for review and approval, the submission of erosion control and stormwater management plans, prepared by a licensed professional engineer which:
1. cover all phases of development, including site preparation, construction, and post-construction,
  2. incorporate accepted or best management practices for erosion control and stormwater management as defined by the Vermont Department of Environmental Conservation; and
  3. identify related long-term maintenance and management requirements.

**Section 4.20 Storage of Flammable Materials**

The storage of all flammable materials and the equipment in which they are stored are controlled under the Fire Code of Vermont as administered by the State Fire Marshall. Storage of flammable materials (other than bulk storage for commercial distribution) consistent with this code, is permitted in some zoning districts, but will require a zoning permit if the storage capacity is over one thousand (1,000) gallons. Bulk storage for commercial distribution is only allowed in GB and IND districts.

**Section 4.21 Streams and Surface Waters**

- A. Streams & Water Courses:** No structure shall be placed, and no land shall be excavated, filled or graded in any zoning district within a distance of 25 feet measured horizontally from the following surface waters except with approval of the Development Review Board, subject to review under Article 5:
1. top of slope, where the channel runs adjacent to a valley wall or high terrace, or top of the normal bank, where the channel has access to its floodplain, of any stream or watercourse shown on town plan maps; or

2. the delineated boundary of a Class 3 wetland, as shown on the Natural Resource map in the Springfield Town Plan and as defined under the Vermont Wetland Rules.

Class 1 and 2 wetlands shall be regulated by the Vermont Wetland Rules. Land within the Riverfront Protection Overlay District must also comply with the provisions of that district (see Table 2.16).

- B. General Standards:** It is the objective of this Section to promote the establishment and protection of heavily vegetated areas of native or historically common non-invasive vegetation and trees along the Town’s waterbodies to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat, and maintain water quality
1. Except as provided in Subsection (2) below, all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.
  2. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees and the planting of trees or pollinator habitat according to an approved plan is permitted.
  3. The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate native or historically common non-invasive vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.
  4. Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, unless such would not be in accordance with a proposed and approved beautification project.
- C. Buffer Management:** The Board may require for review and approval, in addition to other required application materials, the submission of a buffer management plan describing the long-term management of land within required setback areas to protect surface water quality, fish and wildlife habitat, and stormwater management systems. It is understood that buffer management shall also take into consideration that the Town places a high value on the human enjoyment of and ability to view, access, and utilize its river fronts and the lands along the same.
- D. Development Review Board Determination:** Prior to granting such approval, the Board shall find that the proposed construction, earth excavation, filling or grading, will not contribute to any impeded drainage, flood hazard, erosion silting, or other substantial adverse effect on natural conditions, or on fish or wildlife habitat, nor interfere with the present or planned storm water drainage system of the town.
- E. Modification of Setback Standards:** The Development Review Board may approve modification to the setback standards set forth in subsection (A) in accordance with Article 5, and after a determination that the proposed modification meets the following standards:
1. The proposed development is in the CB District. No buffer is required for properties that are already developed in this district; or
  2. the proposed development is located within the RC, HDR, GB, IND, IND/C, or E7 Districts and is a redevelopment project or located on a site of a size and shape that does not allow for the full buffer requirement or is part of a Town approved multi-use or pedestrian trail, path or walkway; and

3. measures are undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, establishing vegetated buffer areas along streambanks and within a minimum of 15 feet from the top of the bank (exempt in CB district), minimizing the use of impervious surfaces (paving and other development) except with regard to Town approved multi-use trails or paths, and/or implementing stormwater management provisions to collect and disperse stormwater away from the stream or river.

**F. Exemptions from Buffer Requirements:** Required setback areas are to be maintained in a vegetated, undisturbed state, unless otherwise permitted by the Development Review Board as part of an approved buffer management plan. The following structures or uses may also be allowed, subject to approval by the Development Review Board, within setback areas required under this Section:

1. road, driveway and utility crossings,
2. bank stabilization and restoration projects, in accordance with applicable state and federal regulations,
3. stormwater management and flood control facilities, in accordance with applicable state and federal regulations,
4. structures specifically intended to provide access to surface waters and wetlands (such as docks, boardwalks, or boat launches);
5. town approved multi-use or pedestrian trails, paths, or walkways; and
6. projects part of a Corrective Action Plan (CAP) approved by the EPA or the Vermont Agency of Natural Resources.

**G. Wetlands:** The application for a proposed project which may impact a Class 1 or 2 wetland, a designated floodplain area, or would impound or alter a stream watercourse, shall be referred to the Agency of Natural Resources, prior to review and approval by the Development Review Board in accordance with Article 5. Notice for proposed watercourse alterations or relocations also shall be given to adjacent, up and downstream communities.

#### **Section 4.22 Temporary Structures and Temporary Uses**

- A.** Temporary structure permits, on subject construction site property, may be issued by the Administrative Officer for a period not to exceed six (6) months, for non-conforming uses incidental to construction projects (use of a trailer/mobile home for office or storage space) or for special events (large tent for wedding, etc.)
- B.** Temporary structures, building or tents intended for public assembly use (larger than 1200 sq. ft.) are considered a “public building” by the State Fire Marshall and shall require a State permit and a zoning permit for (Section 5.2) Site Plan Review
- C.** The permit shall be conditioned upon agreement by the owner to dismantle and remove the structure upon expiration of the permit. Such permits may be renewed upon application for an additional six (6) month period.
- D.** Such a structure shall comply with all set back standards and other dimensional standards for the district in which it is located, and shall not be used for dwelling purposes.

**Section 4.23    Unsafe Buildings**

Nothing in these Bylaws shall limit the ability of the Town to provide for the removal, repair or demolition of any building determined to be unsafe in accordance with the provisions of the Town's Unsafe Building Ordinance.

## ARTICLE 5. DEVELOPMENT REVIEW

### Section 5.0 Applicability and Coordination of Review Processes

**Administrative Review:** In accordance with the Act § 4464 (c) the Administrative Officer may review and approve new development and amendments to previously approved development. Section 6.0 (E) outlines those activities that the Administrative Officer is authorized to review under these Bylaws.

**Site Plan Review:** Pursuant to Section 5.2 and the Act [§4416], shall apply to all permitted uses as designated in Article 2, excluding single and two-family dwellings, residential accessory uses or structures (including accessory dwellings, home occupations within a dwelling unit, home child care facilities, and group homes occupied by eight (8) or fewer clients/residents), signs, agriculture and/or forestry. Uses designated as conditional uses in Article 2 are not subject to additional site plan review procedures outside of Section 5.3 (E) 1.

**Conditional Use Review:** Pursuant to Section 5.3 and the Act [§4414(3)], shall apply to all conditional uses as designated in Article 2 or as otherwise specified under Article 3.

**Downtown Design Review:** Pursuant to Section 5.4 and the Act [§4414(1)(E)], shall apply to all development, including but not limited to fencing, lighting, signage, alterations, rehabilitation, reconstruction, new construction and demolition within the Downtown Design Control Overlay District as designated in Article 2.

**Planned Unit Development (PUD) Review:** Pursuant to Section 5.5 and the Act [§4417], may be applied at the request of the applicant, or as required under Article 2 or Section 5.5, to any size parcel in designated zoning districts.

**Flood Hazard Review:** Pursuant to Section 5.6, the Act [§4424] and 10 V.S.A. §753, shall apply to all development including but not limited to new or expanded single family dwellings as designated in Article 2. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.6.

### Section 5.1 Application Submission Requirements

**Site Plan, Conditional Uses and Downtown Design Control District:** Applications for Site Plan, Conditional Use and Downtown Design Control District review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 5.1.

**Planned Unit Developments (PUDs):** Applications for PUDs shall include:

1. All information required for Major Subdivision, as set forth in the Springfield Subdivision Regulations.
2. On a map of the scale required by the Subdivision Regulations, detail showing the location, height and spacing of building sites, parking areas and property to be held in common.
3. A narrative statement by the applicant describing the character of the development and the reasons for the particular approach proposed. Such statement shall also describe the nature of all proposed modifications, changes or additions from the existing zoning regulations, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.
4. If residential units are proposed, a calculation of the number of units or lots which could be

permitted if the land were subdivided in strict conformance with the minimum lot size for dwelling units in the district in which the land is situated, together with a brief narrative outlining the methodology which was used in making the calculation. For the purposes of this calculation, the applicant shall exclude at least all land greater than 25% in slope, all land which lies under water, the amount of land required by these Regulations for all commercial or industrial uses proposed and land held within a designated floodway. The total number of residential units allowed may be increased by up to 25% of the total allowed under zoning district standards in accordance with Section 5.5.

**Flood Hazard:** Applications for Flood Hazard Review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 5.1. The application also shall include:

1. An Elevation Certificate, prepared by a Vermont licensed land surveyor or professional engineer, showing the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures;
2. The methods and levels to which any structure will be flood proofed and certification by the applicant's engineer or architect that the design and proposed methods of construction are in accordance with the flood proofing requirements of these regulations;
3. The relationship of the above to the channel, floodway and base flood elevations;
4. A description of the extent to which any water courses will be altered or relocated as a result of the proposed development;
5. Base flood elevation data for Planned Unit Development subdivisions, including existing and proposed contours, at one-foot intervals, for any proposed building sites and/or building envelopes located within the flood hazard area (see Springfield Subdivision Regulations);
6. Any additional information required pursuant to Section 5.6 (C); and
7. Such other information deemed necessary by the Development Review Board for determining the suitability of the site for the proposed development.

<b>Table 5.1 Application Requirements</b>				
<b>Required Application Information:</b>	<b>SPR</b>	<b>CUR</b>	<b>DDR</b>	<b>FH A</b>
1. Name, address and telephone number of owner(s) of record of the property; name, address, telephone number, and interest of the applicant, if different than the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans; tax map identification number and parcel size.	✓	✓	✓	✓
2. Proof of written notification to all adjoining property owners, regardless of rights-of-way, in accordance with Section 6.4(C)(1)	✓	✓	✓	✓
3. A plan drawn to scale showing the following: a. north arrow and scale; b. legal property boundaries for the property; c. a general indication of existing and proposed site conditions and features, including topography, land use, vegetation, critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprints); structures and other outstanding features within 200 feet or on adjacent properties, whichever is less; distance to all property lines from proposed structures; signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities. d. traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; sidewalks, pathways and trails in the vicinity; e. Photographs of existing site and/or structures;	✓	✓	✓	✓
4. Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries.	✓	✓	N/A	✓
5. Proposed landscaping and screening plan, including plant details (size, location, species).	✓	✓	N/A	N/A
6. Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management).	✓	✓	N/A	✓
7. Description of proposed water supply and wastewater disposal.	✓	✓	N/A	✓
8. Proposed lighting plan, including the design, number, and type of fixture(s), and location of all exterior lighting.	✓	✓	✓	N/A
9. Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials.	✓	✓	✓	N/A
10. Phasing schedule for completion of all proposed development and site improvements.	N/A	✓	N/A	N/A
11. Estimate of traffic to be generated by the project & the impact of such traffic on area roads.	N/A	✓	N/A	N/A
<b>The Development Review Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following:</b>				
1. Forest management, tree removal and vegetation management plans.				
2. Storm water management and erosion control plans.				
3. Visual impact analysis (photographs or drawings of site).				
4. Community service impact assessments (analysis of fiscal costs and benefits to the town).				
5. Traffic impact analysis.				
6. Open space management plan.				
7. Site reclamation plan (for proposed projects involving extraction).				
8. Habitat impact assessment.				
9. Other information or studies necessary for the Board to conduct a comprehensive review.				
<b>SPR=Site Plan; CUR= Conditional Use; DDR=Downtown Design; FHA= Flood Hazard; ✓ = required; N/A = Not Applicable</b>				

**Section 5.2 Site Plan Review Standards and Procedures**

**Application:** An application for Site Plan Review, including a site development plan prepared in accordance with Table 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.

**Review Procedure:** The Administrative Officer shall refer a complete application for site plan review to the Development Review Board and schedule a public hearing of the Development Review Board, to be warned and held in accordance with Sections 6.4(C) and (D), to review the application and to determine whether the proposed use or structure conforms to the site plan review standards set forth below. The Development Review Board shall act to approve, approve with conditions, or disapprove any application within 45 days of the date of final hearing adjournment, and shall issue a written decision, to include findings, any conditions, and provisions for appeal in accordance with Section 6.1. Failure to act within the 45-day period shall be deemed approval on the 46<sup>th</sup> day. In approving a project with conditions, the Development Review Board may require specific modifications to the design, layout, scale and/or configuration of the project.

**Attendance at Hearing:** The applicant, or his/her duly authorized representative, must attend the hearing to present and discuss the proposed site plan. An interested person, as defined in Section 4465(b) of the Act, shall be in attendance to participate in the discussion, or if unable to attend, shall request party status in writing to the Development Review Board, and participate by expressing their questions or comments in writing.

**General Standards:** The Development Review Board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:

1. **Safety and efficiency of traffic access:**

Vehicular access and intersections with roads shall meet all applicable Town and State design standards, including those set forth in Section 4.1. Properties within the Highway Corridor Overlay District must also comply with the standards in that district (Table 2.19). The Board may also:

- a. Limit the number and size of curb cuts to a single access. Pre-existing, non-complying curb cuts may require the reduction, consolidation or elimination of non-complying curb cuts.
- b. Require shared access between adjoining properties for: areas of compatible adjacent uses; congested or unsafe turning areas; or parcels with access to more than one road.
- c. Limit access to a side street or secondary road.
- d. Require the installation of acceleration, deceleration, and/or turning lanes on the street or highway adjacent to any access, or service or connecting roads if it determines such installation necessary for traffic safety;
- e. Require the provision of joint facilities between or among adjacent uses for access, parking and utilities, the total size of which shall be at least equal to the sum of the minimum required for each activity;
- f. Limit the number and width of any access drives to secure traffic safety and the purposes of these regulations;
- g. Whenever a proposed site plan involves access to a State Highway, the applicant 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 VSA Section 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit. [See 24 VSA 4416]

2. **Adequacy of circulation, parking and loading facilities:** Parking and loading facilities shall be provided per the requirements of Section 4.14 of these regulations, and in accordance with the following:
  - a. Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
  - b. Driveway connections to parking areas on adjacent properties, or provision for future connection, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 4.14 (C).
  - c. Adequate parking facilities for people with disabilities shall be required.
  - d. Loading and delivery areas within the site shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.
3. **Bicycle & Pedestrian Access:** Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, shall be provided. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. Bicycle racks may be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.
4. **Landscaping and Screening:** Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping may be required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening. Landscaping plans should emphasize the following:
  - a. The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
  - b. The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees may be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints.
  - c. The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such plantings practical, and are required for properties in the Highway Corridor Overlay District (Table 2.19). Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be an indigenous, deciduous species tolerant of road-salt, soil compaction and drought.

- d. The Development Review Board may require solid fencing and/or plantings to screen all outdoor lighting, outdoor storage area and parking from the view of adjacent residential areas.
  - e. The Development Review Board may require a three-year plan for all proposed landscaping and may require bonding or other surety to ensure installation and maintenance in accordance with Section 6.4(E)(2). Replacement of dead or diseased landscaping shall be a condition of the permit.
  - f. Rain gardens and other innovative ways to filter run-off are encouraged.
5. **Storm Water and Drainage:** Adequate provisions shall be made for the management of erosion, sedimentation, storm water runoff, and disturbance of subsurface water sources that causes runoff onto adjoining properties. Surface water and subsurface water runoff shall be minimized and if possible, detained on site. The Development Review Board may require a stormwater management and erosion control plan, consistent with the 2017 Vermont Stormwater Management Manual, certified as such and prepared by a professional engineer licensed by the State of Vermont. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The Board may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.
6. **Lighting:** Exterior lighting shall be confined to the intended use and kept to the minimum required for pedestrian and vehicular safety, but shall confine outdoor lighting principally with the property for security and intended use, consistent with the character of the neighborhood in which it is located.

All permanent outdoor lighting fixtures shall not direct light onto adjacent properties, roads, or public waters; and shall minimize glare. All lighting fixtures shall be shielded downwards to minimize light from escaping into the darkened or night sky. All security lighting fixtures shall be motion sensitive fixtures and/or low luminance lamps. The Board may restrict the height and/or location of fixtures and the maximum level of illumination on all or a portion of the property

The extent of this Section is not contrary to or conflicting with the standards of design guidelines of the Outdoor Lighting Manual for Vermont Municipalities (1996) or its subsequent revisions, the Development Review Board and applicants shall comply with the standards of recommendation therein.

The Development Review Board may impose conditions on exterior lighting in order to ensure compliance with the provisions of Section 4.10 of these Bylaws.

7. **Outdoor Storage:** The storage or display of outside materials, goods, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the Board. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. If the Development Review Board approves outdoor storage, may place conditions on the area and location of such storage, and may require appropriate screening.
8. **Outdoor Display:**
- a. **General Business:** May display items as follows:  
Except as hereinafter provided, outdoor displays of goods for sale, shall be prohibited, except:

1. The display of one item located immediately in front of the establishment. All items must be brought in at closing, but no later than night fall.
  2. No items may be illuminated nor create a glare.
  3. No items shall obstruct public right-of-way, sidewalk or parking area.
- b. **Central Business District:** May display items as follows:
1. Only items that are normally used out-of-doors, except clothing apparel.
  2. Display area is limited to 10% of the interior retail space not including storage areas, and shall not exceed 250 sq. ft.
  3. Display area is restricted to one side of the building not to exceed five (5) feet in width measured from the building's foundation edge and shall not violate setback.
- A. **Special Conditions applicable to Regional Solid Waste Management Facilities and Salvage and Recycling Establishments.** In addition to the general standards listed above, the following conditions shall apply to Regional Solid Waste Management Facilities and Salvage and Recycling Establishments.
1. There shall be a landscaped screening area no less than fifty (50) feet in depth, separating the facility from all adjacent properties or public roads;
  2. There shall be a fence no less than six (6) feet in height surrounding the entire facility;
  3. There shall be a plan, approved by the Development Review Board, for the control of loose rubbish and for the control of noise, dust and odor.
- B. **Terms of Approval.** The applicant must initiate development as presented in Site Plan Review within one year or forfeit approval of Site Plan Review.
- C. **Performance Bond.** The Development Review Board may require a performance bond or other surety, in a form and amount acceptable by the legislative body, to cover the cost of landscaping and any other improvements the Development Review Board designates.

### Section 5.3 Conditional Use Standards and Procedures

**Application:** An application for Conditional Use Review, including a development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer at least 20 days prior to the next available scheduled meeting of the Development Review Board (DRB).

**Review Procedure:** The Administrative Officer shall refer a complete application to the Development Review Board (DRB) and schedule a public hearing of the DRB, to be warned and held in accordance with Sections 6.4(C) and (D), for the Board's the next available meeting date. The Board will consider whether the proposed use or structure conforms to the conditional use standards set forth below. The Board shall act to approve, approve with conditions, or disapprove any application for Conditional Use Review within 45 days after the date of final adjournment of the public hearing held under this section, and shall issue a written decision, in accordance with Section 6.4(E), to include findings, any conditions, and provisions for appeal. Failure to act within 45 days shall be deemed approval, effective the 46<sup>th</sup> day. In approving a project with conditions, the Board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.

**Attendance at Hearing:** The applicant, or his/her duly authorized representative, must attend the hearing to present and discuss the proposed application. An interested person, as defined in Section 4465(b) of the Act, shall be in attendance to participate in the discussion, or if unable to attend, shall

request party status in writing to the Development Review Board, and participate by expressing their questions or comments in writing.

**General Standards:** Conditional Use approval shall be granted by the Board upon their determination that the proposed use or structure shall not have an undue adverse effect on any of the following:

1. **The capacity of existing or planned community facilities or services.** The Board shall consider the demand for community services and facilities which will result from the proposed development, and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the Board will consider any capital program or budget in effect at the time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services.
2. **The character of the area affected.** As defined by the purpose(s) of the zoning district within which the project is located, and specifically stated policies and standards of the Springfield Town Plan. The Board shall consider the location, scale and intensity of the proposed project relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use. The Board also shall consider the proposed project's compatibility with the purpose and character of the affected district as defined by these regulations, the Town Plan, and the testimony of affected property owners and other interested persons. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed project or use.
3. **Traffic on roads and highways in the vicinity.** The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.
4. **Bylaws and ordinances then in effect.** A Conditional Use request must comply with all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the Springfield Town Plan and compliance with conditions of prior permits or approvals, including subdivision approval.
5. **The utilization of renewable energy resources.** The Development Review Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources either through use of those resources or on the proposed project's impact on the future availability of such resources.

**Specific Standards:** In addition to the General Standards set forth in Subsection (D) above, the following shall apply to all conditional uses:

1. **Site Plan Review General Standards** set forth in subsection 5.2 (D) shall apply to all conditional uses reviewed under this Section.
2. **Site Plan Review District Standards** set forth in subsection 5.2 (D) shall apply to all conditional uses located within the designated district and reviewed under this section.

3. **Building Design.** The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, type and pitch of roofs, massing and/or orientation, to ensure compatibility.
4. **Protection of Natural Resources.** Proposed development shall not have an adverse impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife and fish habitat and habitat diversity, groundwater source protection areas, and/or floodplains identified in the town plan or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and fragile features:
  - a. The establishment of buffer areas;
  - b. Permanent protection through conservation easements or other deed restrictions in accordance with Subsection 5.5(D)(5);
  - c. The designation of established building locations and/or building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or
  - d. The preparation and implementation of management plans for protected resources and associated buffers.
5. **Performance Standards.** All conditional uses shall meet the standards set forth in Section 4.15.
6. **Protection of Water Quality.** The proposed development shall not result in any direct or indirect discharge of waste, contaminants or storm water, or any in-ground disposal of wastewater, in a manner that would adversely impact existing or planned, public or private, water supplies (including both ground and surface waters). See Section 4.19.

**Waivers for Minor Projects:** The Development Review Board may waive one or more of the standards set forth in Subsections (D) or (E), above, should the Board determine that the proposed use:

1. Will not result in an exterior change to an existing building; and
2. Will not require alterations to an existing site (e.g., will not result in additional parking requirements, existing landscaping is adequate, etc.).

**Additional Conditions:** Additional specific conditions may be imposed by the Board.

**Appeals:** A decision of the Development Review Board may be appealed in accordance with Section 4471 of the Act.

**Section 5.4 Downtown Design Control Overlay District Standards and Procedures****A. Design Review Approval:**

Except as otherwise provided in this bylaw:

1. A change in use or type of occupancy shall not require Design Review Approval.
2. The following acts are prohibited within the Downtown Design Review District without first obtaining Design Review Approval from the Development Review Board or approval of minor projects from the Zoning Administrator:
  - a. Construct or relocate a building.
  - b. Add or alter the exterior of any structure or portion of a structure, including, but not limited to buildings, permanent fences, awnings, canopies, and gazebos.
  - c. Illuminate a sign, path or street, landscape feature, or any exterior feature of the structure.

**B. Application:**

1. An application for Downtown Design Control Overlay District Review along with the associated fee shall be submitted to the Zoning Administrator at least seven days in advance of the next available regularly scheduled meeting of the Downtown Design Review Advisory Commission (hereafter referred to as the DDRAC) and fourteen days before the regularly scheduled Development Review Board (hereafter referred to as the DRB) meeting.

In addition to standard application materials, an application for Design Review shall include a detailed statement of the proposed construction or alteration, including:

- a. Its appropriateness to the neighborhood, surroundings or existing structures.
  - b. A detailed, scaled drawing that clearly illustrates the proposed construction or alteration.
  - c. Drawings or photographs showing existing conditions of the structure to be altered.
  - d. Catalogue cut sheets and/or product renderings of lighting fixtures, fences or other equipment to be added to the exterior of the building.
  - e. Other relevant information necessary for proper consideration of the application to be determined by the Zoning Administrator.
2. Review by the Downtown Design Review Advisory Commission:
    - a. Within 15 days of a filing of a completed application, the applicant shall meet with the Downtown Design Review Advisory Commission to present and review a design that meets with the criteria of subsection (5.4D) The initial meeting may be continued upon mutual consent of the Commission and applicant.
    - b. The Zoning Administrator shall determine the completeness of an application, schedule a hearing with the Downtown Design Review Advisory Commission and subsequent hearing with the Development Review Board.
    - c. At the close of the Downtown Design Review Advisory Commission hearing, the Zoning Administrator shall forward the DDRAC's written recommendation to the Development Review Board.
    - d. The DDRAC functions in a customer service capacity to enable the applicant to prepare for a successful outcome at the upcoming Development Review Board

hearing. The DDRAC shall advise applicants of potential responses of the DRB and suggest remedies to assist in preparing a more successful application in preparation for the following design review hearing with the DRB.

- e. The Commission and applicant may mutually agree to continue the hearing for further design review in order to prepare more detailed plans.
3. The Downtown Design Review Advisory Commission shall keep a written record of its discussion and recommendations, which shall be maintained as a public record of the municipality.
  4. Review by the Development Review Board of the design review application:
    - a. The applicant shall have the primary responsibility of presenting the proposal to the DRB and establishing that the proposal meets the criteria in Subsection (D).
    - b. The decision issued by the DRB may, but need not, adopt the recommendation(s) of the DDRAC.
    - c. Unless mutual written agreement between the DRB and the applicant, the following requirements shall apply:
      - i. After receiving the applicant's testimony and after reviewing the application materials and the DDRAC's recommendation, the DRB shall issue its decision in writing to the applicant within 45 days from the close of testimony.
      - ii. Failure of the DRB to issue its decision within the time and in the manner specified shall constitute an automatic granting of Design Review Approval, the occurrence of which shall be certified in writing to the applicant by the Administrative Officer. This stipulation applies only to Design Review Approval and not to any additional zoning requirements that may apply to the application proposal.
    - d. The applicant and the Development Review Board may mutually agree to the extension of time for action by the DDRAC or the Development Review Board for submission of additional information by the applicant.
    - e. The applicant shall be notified in writing of the decision and conditions of approval of the Development Review Board.

**C. Review Limitations:**

1. It is the intention of these regulations that new construction or alterations should blend with existing architectural styles or existing decorative details of other buildings within the Downtown Design Control Overlay District.
2. The Development Review Board shall not adopt or impose any specific architectural style in the administration of this bylaw.
3. The DRB and Downtown Design Review Advisory Commission shall not be overly restrictive in their judgment of plans for construction or alterations of structures of little historic or design value. Furthermore, the DRB and the Downtown Design Review Advisory Commission shall not be overly restrictive in their consideration of plans for energy conservation.

**D. Design Criteria:**

Before granting Design Review Approval the Development Review Board shall find that any proposal substantially conforms to the following design criteria:

1. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

2. Distinctive materials, features and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

New additions, exterior alterations, or related new construction shall protect the integrity of the property and its environment through use of appropriate historic materials, features, size, scale, and proportioning that is compatible with that of surrounding structures.<sup>3</sup>

Pattern: The visual pattern established by the alternation of solids (walls) and openings (windows and doors) in the façade of buildings creates a rhythm. These patterns of solids and openings shall be considered in new construction or alteration of an existing building. Variation of spacing between the buildings in the immediate area shall be considered in the construction or alteration of a building.

**E. Design Review Minor Application:**

Minor changes such as the following: conversion to energy efficient windows, minimal lighting, maintenance to canopies, and minimal alterations not visible to the passing public may be issued an administrative permit. If the DDRC recommends approval as a minor application, the Zoning Administrator will issue a permit. If not, a full Design Review process could be required. The Zoning Administrator shall inform the DRB of all approved minor applications.

**E. Demolition:**

1. Demolition or removal of a building or structure shall require Design Plan Approval from the Development Review Board.
2. Before a building or structure is demolished or removed, the applicant shall present a plan for the re-use of the vacated site to determine if the plan meets the criteria for approval as stated in this bylaw.
3. In the event that the DRB determines upon testimony offered that there may be valid reason for preservation, the DRB may impose a waiting period of no more than forty-five days.
4. The purpose of this provision is to afford a person or organization the opportunity to acquire or to arrange for the preservation of such building.
5. Notwithstanding the above, any building with substantial structural instability resulting from fire or natural disaster, not a condition caused or suffered by the owner, shall be exempt from the provisions of this section.

**G. Exterior Lighting:**

1. Exterior lighting shall conform to the requirements of Section 4.8 as the same relates to the Central Business Zoning District.
2. In addition, any new exterior lighting in the Downtown Design Control Overlay District, that is highly visible from Main Street, shall be compatible with the period of the related building or area of the Downtown Design Review Overlay District. The applicant must provide information on the type of proposed lighting fixture and the wattage of the bulb shall be provided in the application.
3. Applicants must demonstrate that the amount, type, intensity and location of all exterior lighting is complementary to buildings and structures on site and neighboring properties.

**H. Signs:**

Signs within the Downtown Design Review Overlay District shall meet the general and dimensional requirements for signs in the underlying zoning district in which the property is located. This applies to wall, projecting, free-standing, awning and portable signs. Signs

which meet the requirements of Section 4.15 and the underlying district may be approved by the Zoning Administrator except under (3) below:

1. The proposed sign shall be sited to coordinate with the façade of the building. Wall signs shall be located within a sign band, if one exists.
2. In addition, the size, location, design, texture, lighting, and material of all exterior signs shall be complimentary to buildings and structures on the site and surrounding properties.

### **Section 5.5 Planned Unit Development**

In accordance with Section 4417 of the Act, the Development Review Board may approve Planned Unit Developments in all districts. The Planning Commission is empowered to vary certain provisions of these zoning regulations in accordance with Section 4417 of the Act. Planned Unit Developments may be approved simultaneously with subdivision approval, provided that the purposes and requirements of this section are met in addition to those of the Springfield Subdivision Regulations.

**Purpose:** The purposes of Planned Unit Developments are as follows:

1. To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both.
2. To implement the policies of the town plan.
3. To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
4. To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities – including pedestrian facilities and parking – and related site and design considerations that will best achieve the goals of the area as articulated in the Town Plan and bylaws.
5. To provide for the conservation of open space features recognized as worthy of conservation in the Town Plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources and protection from natural hazards.
6. To provide for the efficient use of public facilities and infrastructure.
7. To encourage and preserve opportunities for energy-efficient development and redevelopment.

**General Standards:** In addition to the standards set forth in the Springfield Subdivision Regulations, the following shall apply to Planned Unit Developments.

1. Uses allowed in a Planned Unit Development are those uses allowed in the District in which the development is located.
2. The Planned Unit Development shall include a clustered plan of development
3. The Planned Unit Development shall create public benefits that would not be evident if the parcel were developed in strict conformance with the lot and building requirements for the district in which the development is located.
4. The number of dwelling units allowed in the Planned Residential Development shall not exceed one hundred twenty five percent (125%) of the number which, in the Development Review Board's judgment, could be developed on the parcel in conformance with the zoning regulations for the district in which the development is located.

5. In computing the number of dwelling units for purposes of item "4", above, land shall be excluded if the slope exceeds twenty-five percent (25%), if the land is underwater, if the land is classified as "wetland" per State regulations, and if it is otherwise undevelopable.

**Submissions:** In addition to meeting submission requirements of the Town of Springfield Subdivision Regulations, the Planned Unit Development application shall also include:

1. A site plan showing location, height, and spacing of buildings or building sites, open spaces, landscaping, off-street parking spaces, septic areas, wells, utilities, easements or rights-of-way, major land forms, fences, stone walls, historic features and other pertinent topographical and physical features, at a scale sufficient to permit study of the plan;
2. A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership such as community facilities, private roads or open spaces. This proposal must clearly outline who will be legally responsible for such commonly owned property for as long as the development exists;
3. A statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations;
4. If residential units are proposed, a calculation of the number of dwelling units to be constructed, together with a narrative outlining the methodology which was used in making the calculation.

**Procedure:** In addition to conforming with all procedural requirements of the Town of Springfield Subdivision Regulations, the following procedures will be followed:

1. The Development Review Board shall hold a public hearing to consider the proposed Planned Unit Development. This Public Hearing may coincide with any public hearing required for Subdivision approval.
2. In considering the maximum number of dwelling units to be allowed in a Planned Unit Development, the Planning Commission may decide to disallow acreage which it considers undevelopable or acreage being developed for some other purpose.
3. If the proposed Planned Unit Development creates property to be held in common ownership, such as community facilities or open spaces, the Development Review Board, as a condition of approval, may establish such conditions on ownership, maintenance and financing of such property, as it deems necessary to assure preservation of the property for its intended uses for as long as the property exists.
4. The Development Review Board shall render its decision on the application at the same time that it renders a decision on final Subdivision Approval in accordance with the Town of Springfield Subdivision Regulations. In addition to the subdivision approval required on the plat, any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended.

### **Section 5.6 Flood Hazard Review Procedure**

**Statutory Authorization:** To affect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. §4424, there is hereby established regulations for areas of special flood hazard in the Town of Springfield, Vermont.

**Statement of Purpose:** It is the purpose of these regulations to:

1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
2. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
3. Manage all flood hazard areas designated pursuant to 10 V.S.A. §753; and
4. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

**Applicability:** These regulations shall apply to all areas in the Town of Springfield, Vermont identified as areas of special flood hazard, also referred to as Special Flood Hazard Areas (SFHA), in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), 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 adopted by reference and declared to be part of these regulations.

The Flood Insurance Study and maps are on file in the office of the Zoning Administrator in the Springfield Town Offices.

**Development Permit Required:** A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the Development Review Board is required for the following prior to being permitted by the administrative officer:

1. New buildings,
2. Substantial improvement of existing buildings, and
3. Development in a floodway

All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

The Administrative Officer shall determine boundary limits of the flood prone area by scaling distances on the most current flood insurance studies and maps, referred to in Section 5.6 (C) herein, hereby declared to be a part of this Regulation.

**Procedures:**

1. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. §4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure

that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

3. **Applications and Hearings:**

- a. All applications for permits for development in the SFHA must be heard as a conditional use by the DRB. Those hearings shall be scheduled, noticed and heard using the same procedures as other conditional uses under these Zoning Regulations.
- b. Submission Requirements - Applications for Flood Hazard Review shall include:
  - i. Two (2) copies of a map drawn to scale showing:
    - a. The dimensions of the lot;
    - b. The location of existing and proposed structures;
    - c. The elevation above mean sea level of the lowest floor, including basement, of all new or substantially improved structures and notations as to whether or not such structures contain a basement;
    - d. The relationship of the above to the streambank and, based upon the best information available (including Federal Insurance Administration data, if issued), the elevation and limits of the 100-year (base) flood.
  - ii. If any portion of the proposed development is within a designated Floodway, the application must show that the development standards in Subsection (G) 1 and (G) 2 of this Section are met.
  - iii. If the proposed development is in the Floodway Fringe Area(s), the application must show that the development standards in Subsection (G) 1 and (G) 3 of this Section are met.
  - iv. All permits required for the proposed development by municipal law.
  - v. The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application.

4. **Review Procedure:**

- a. The Development Review Board shall review the application, comments from the State National Floodplain Insurance Program Coordinator at the Vermont Department of Environmental Conservation, River Management Section, if available, and other pertinent information available to insure compliance with the development standards set forth in Subsection (G), below.
- b. The Development Review Board shall review the application and assure that all permits required for the proposed development by municipal law have been received by the applicant.
- c. If the Development Review Board approves the proposed project, among other conditions, the Development Review Board shall, in its decision, make the approval contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.
- d. The permit issued by the Administrative Officer after the Development Review Board approval shall contain, among other conditions, a statement that the validity of

the permit is contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.

- e. Applicant is required to obtain the legally required permits from the entity indicated on the permit review sheet, or, if it is determined by that agency that a permit is not required, a letter so stating from the agency, and as received provide copies of the permit or letter to the Administrative Officer for the applicant's file.

**Base Flood Elevations and Floodway Limits:**

1. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, referred to in Section 5.6 (C) herein, shall be used to administer and enforce these regulations.
2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, including data developed pursuant to Section 5.6 (G) 3. c., shall be obtained and utilized to administer and enforce these regulations.
3. Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**Development Standards:**

1. **All Development** - All development within the SFHA shall be reasonably safe from flooding and:
  - a. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
  - b. constructed with materials resistant to flood damage;
  - c. constructed by methods and practices that minimize flood damage; and
  - d. 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.
2. **Floodway Areas:**
  - a. Development within the regulatory floodway, as determined by Section 5.6 (F) is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Vermont registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
  - b. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
  - c. All development in the regulatory floodway shall meet the standards of Floodway Fringe Areas, Subsection (G) 3 of this Section 5.6.

3. **Floodway Fringe Areas:** (i.e., special flood hazard areas outside of the floodway)
  - a. **Residential Development:**
    - i. New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH on the Flood Insurance Rate Maps shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
    - ii. Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
      - a. located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood. The required elevation and adequate anchoring must be certified in writing by a Vermont registered professional engineer.
      - b. located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement. The required elevation and adequate anchoring must be certified in writing by a Vermont registered professional engineer.
      - c. Residential construction located within Zones AH shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.
  - b. **Nonresidential Development:**
    - i. New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
    - ii. Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - iii. A permit for a building proposed to be flood-proofed shall not be issued until a Vermont 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.
    - iv. Nonresidential construction located within Zones AH shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

c. **Residential and Nonresidential Development in SFHA where BFE or floodway data is not available:**

When base flood elevation data or floodway data are not available in accordance with Section (C) and Section 7 B, in Special Flood Hazard Areas without Base Flood Elevation Data, new construction or substantial improvements of residential structures and new construction of nonresidential structures shall be elevated, and substantially improved nonresidential development shall be elevated or

floodproofed, to elevations adopted / established by the community. If floodproofed as provided in the previous sentence, the floodproofing shall be to the standards of (3)(b)(2) and (3) of this Section (G). The administrator officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5 of this ordinance. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation", dated July 1995.

d. **Subdivisions:**

- i. New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.
- ii. Subdivisions (including manufactured home parks) shall be designed to assure:
  - a. such proposals minimize flood damage within the flood-prone area,
  - b. public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - c. adequate drainage is provided to reduce exposure to flood hazards.

e. **Enclosed Areas Below the Lowest Floor:**

- i. Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.
- ii. New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- iii. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings 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 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.

f. **Recreational Vehicles:** Recreational Vehicles placed on sites with special flood hazard areas shall either:

- i. be on the site for fewer than 180 consecutive days,
- ii. be fully licensed and ready for highway use, or
- iii. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section B.2. (b).

- g. **Accessory Structures:** An accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:
  - i. shall not exceed 250 sq. ft. of floor area,
  - ii. shall not be used for human habitation,
  - iii. shall be designed to have low flood damage potential,
  - iv. shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
  - v. shall be firmly anchored to prevent flotation, and
  - vi. shall have service facilities such as electrical and heating equipment elevated or floodproofed to or above the base flood elevation.
- h. **Water Supply Systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- i. **Sanitary Sewage Systems:** New and replacement 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.
- j. **On-Site Waste Disposal Systems:** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- k. **Watercourse Carrying Capacity:** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- l. **All development:** Until a regulatory floodway is designated in Zones A1-30 and AE the requirements of Subsection (F)(3) shall be met.

**Administration:**

- 1. **Designation of the Administrative Officer for These Flood Hazard Regulations:** The Selectboard of the Town of Springfield hereby appoints the Administrative Officer to administer and implement the provisions of these regulations.
- 2. **Duties and Responsibilities of the Administrative Officer:** The Administrative Officer is hereby authorized and directed to enforce the provisions of this ordinance. The administrative officer is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.
  - a. Duties of the Administrative Officer shall include, but not be limited to:
    - i. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
    - ii. Advise applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
    - iii. Notify adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

- iv. Where base flood elevation (BFE) data is available per Subsection (C) of this section or the Flood Insurance Rate Map (FIRM), verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with 5.1.8.
  - v. Where BFE data is available per Subsection (C) or the Flood Insurance Rate Map (FIRM), verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Subsection (G).
  - vi. Review certified plans and specifications for compliance.
  - vii. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (determination of the horizontal limits only, not vertical) the Administrative Officer shall make the necessary interpretation. The person contesting the location of the boundary may appeal the interpretation to the DRB.
  - viii. When base flood elevation data or floodway data have not been provided in accordance with Subsection (E) of this Section, then the Administrative Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Subsection (G).
  - ix. Prior to issuing a permit the Administrative Officer shall submit a copy of the application and supporting information to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
  - x. Provide information, testimony, or other evidence, as needed, during variance request hearings.
  - xi. When damage occurs to a building or buildings, the following actions shall be conducted:
    1. Determine whether damaged structures are located within the Special Flood Hazard Area;
    2. Conduct damage assessments for those damaged structures located in the SFHA; and,
    3. Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.
- b. The Administrative Officer shall maintain a record of:
- i. All permits issued for development in areas of special flood hazard;
  - ii. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
  - iii. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

- iv. All floodproofing certifications required under this regulation; and
- vi. All variance actions per Subsection (I), including justification for their issuance.

**Variances to the Development Standards:** Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

1. **Matters to be Considered in Variance Procedures:** In passing upon such applications, in addition to the requirements of said § 4469, the DRB shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger of life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  - l. Upon consideration of factors listed above, and the purpose of this ordinance, the DRB may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
2. **Procedures for Variance Hearings:** In addition to the requirements of 24 VSA § 4469, in considering variances to these flood hazard area regulations, the DRB shall follow the following procedures, which include the procedures for the granting of variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations:
  - a. No-Impact Certification within the Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result. A No-Impact Certification within the Floodway from A Vermont registered professional engineer is required to satisfy this prohibition set forth in 44 CFR, Section 60.6(a)(1).
  - b. Variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots

- with existing structures constructed below the base flood level, in conformance with the procedures set forth in (I) 2 c, d, and e herein.
- c. Variances shall only be issued when there is:
    - i. A showing of good and sufficient cause;
    - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
    - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - e. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
    - i. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and,
    - ii. Such construction below the base flood level increases risks to life and property.
  - f. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Town Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
  - g. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's annual or biennial report submission to the Federal Emergency Management Agency or State NFIP Coordinator upon request.
  - h. Historic Structures: Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
  - i. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that
    - i. the criteria of paragraphs (I) 2 a through d of this section, above, are met, and
    - ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**Warning of Disclaimer of Liability:** These regulations do not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Springfield or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

**Validity and Severability:** If any portion of these regulations is held unconstitutional or invalid by a competent court, the remainder of these regulations shall not be affected.

**Precedence of FHA Regulations:** The provisions of the regulations in this Section 5.6 of this bylaw shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where the regulations in this Section 5.6 of this bylaw impose a greater restriction, the provisions of the regulations in this Section 5.6 shall take precedence.

**Enforcement and Penalties:** It shall be the duty of the Administrative Officer to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location,
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority,
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

**ARTICLE 6. ADMINISTRATION AND ENFORCEMENT****Section 6.0 Permit Requirements**

- A. Zoning Permit:** In accordance with the Act [§4449], the application for and receipt of a zoning permit issued by the Administrative Officer shall precede any initiation of development as defined herein, except for development which is specifically exempted from these regulations under Subsection (B).

Additionally, according to Town ordinance and policy, any development may require a Town permit for a driveway, or connection to Town water or sewer. State permits are required for all new on-site septic systems beginning July 1, 2007. Renovations or alterations of any commercial, retail, or rental unit may also require a construction permit by the State to be obtained from the Division of Fire Safety. Compliance with any property specific restrictions or covenants is the responsibility of the applicant or property owner. For other business licenses contact the Town Clerk.

- B. Exemptions:** Except as provided in Section 5.6 of this bylaw, no zoning permit shall be required for the following activities:

1. Accepted Agricultural Practices (AAP's) including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act, Section 4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Administrative Officer prior to any construction, as required for AAP's. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.
2. Accepted management practices (AMP's) for silviculture (forestry) as those practices are defined by the Commission of Forests, Parks and Recreation in accordance with the Act Section 4413(d).
3. Power generation and transmission facilities which are regulated under 30 V.S.A. Section 248 of the Vermont Public Utility Commission in accordance with the Act 4413(b). Such facilities, however, shall conform to policies and objective specified for such development in the Municipal Plan.
4. Hunting, fishing and trapping as specified under 24 V.S.A. section 2295 on private or public land. This does not include facilities supporting such activities as firing ranges or rod and gun clubs, which for the purpose of these regulations are defined as outdoor recreation facilities or private club houses.
5. Normal maintenance and repair of an existing structure which does not result in exterior alterations or expansion or a change of use, except as required in the Downtown Design Control Overlay District (DDCOD).
6. Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.
7. Exterior alterations to structures which are not located within the Downtown Design Control Overlay District (DDCOD) and which do not result in any change to the footprint or height of the structure or a change in use. Exterior alterations to structures within the DDCOD are subject to review by the Downtown Design Commission.
8. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways and fences or walls less than six (6) feet in height which meet setbacks, and do not extend into or obstruct public rights-of-way or interfere with corner visibilities or sight distances for vehicular traffic.

9. Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities for which a permit is specifically required in these regulations.
  10. Outdoor recreational trails (e.g., walking, hiking, cross country skiing and snow mobile trails) which do not require grading, construction, or the installation of structures or parking areas.
  11. Small accessory buildings associated with residential uses which are less than 120 sq. ft. of floor area and less than eight feet in height, and are not located within required setback areas.
  12. Garage sales, yard sales, or similar activities that do not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year.
- C. Application Requirements:** An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the Town of Springfield. Required application fees, as set by the Legislative Body, also shall be submitted with each application. In addition, the following information will be required:
1. **Permitted Uses:** Applications for a permitted use shall include, but not be limited to, a sketch plan, on paper no smaller than 8.5" x 11", drawn to scale, that depicts the following:
    - a. the dimensions of the lot, including existing property boundaries;
    - b. the location, footprint and height of existing and proposed structures or additions;
    - c. the location of existing and proposed access (curb cuts), driveways and parking areas;
    - d. the location of existing and proposed easements and rights-of-way;
    - e. existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands;
    - f. the location of existing and proposed water and wastewater systems; and
    - g. other such information as required by the Administrative Officer to determine conformance with these regulations.
  2. **Other Uses:** In addition to the above permit application requirements, the application for development requiring approval under Conditional Use, Site Plan, Downtown Design Review, Flood Hazard Area, and/or Planned Unit or Planned Residential Development review shall include a site development plan prepared in accordance with Table 5.1.
- D. Issuance of Zoning Permits:** No zoning permit shall be issued by the Administrative Officer until a complete application, including all forms, materials, and fees, has been received, and all applicable approvals have been obtained in accordance with the following provisions:
1. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires approval of the Development Review Board, Selectboard, Public Works, State and/or Health Officer until such approval(s) and/or permits have been obtained and presented to the Administrative Officer.
  2. For uses within the Flood Hazard Area Overlay District requiring state agency referral, no zoning permit shall be issued until the expiration of 30 days following the submission of a report to the Vermont Department of Environmental Conservation in accordance with the Act [§4424(2)(D)].

3. If public notice is issued with respect to a public hearing by the legislative body for the purpose of adopting or amending these regulations, applications shall be reviewed under the proposed amendment for a period of 150 days following that notice. If the amendment has not been adopted by the conclusion of the 150-day period or if the proposed amendment is rejected, the application shall be reviewed under the existing bylaws at no additional charge in accordance with the Act [§4449 (d)].
  4. Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the Administrative Officer shall act to either issue or deny a permit in writing, or to refer the complete application to the Development Review Board, pursuant to the Act [§§4448, 4449]. If the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31<sup>st</sup> day. Decisions shall be sent by registered mail to the applicant explaining any conditions of approval or reasons for denial, and include a statement of the time in which an appeal may be made under Section 6.1.
  5. Each permit issued shall require the applicant to post a notice of permit, on a form prescribed by the Town, within view from the public right-of-way nearest to the subject property until the time for appeal has passed.
  6. Within three (3) days of issuance, the Administrative Officer shall deliver a copy of the permit to the Listers, and post, for a period of 15 days from issuance, a copy at the Town Office.
- E. Administrative Review:** In accordance with the Act [§4464(c)] the Administrative Officer may review and approve new development and amendments to previously approved development.
1. The Administrative Officer may approve amendments to previously approved development providing it shall not have the effect of substantively altering any impact under any of the standards set forth in the bylaw or have the effect of substantively altering any of the findings of fact or conditions of the most recent approval. In the Downtown Design Control Overlay District such approval may only be granted after review by the Downtown Design Review Commission.
  2. The Administrative Officer may approve a one-year extension of the permit expiration date after written request and explanation of the reason for the extension by the applicant and signed by the property owner.
  3. Exterior lighting installations involving the installation or replacement of six (6) or fewer lighting fixtures may be approved by the Administrative Officer except in the DDROC. All others must be approved by the Development Review Board.
- F. Effective Dates:** No zoning permit shall take effect until the time for appeal under Section 6.1 has passed or, in the event that a notice of appeal has been properly filed, until final adjudication of the appeal. A zoning permit shall remain in effect for a period of one (1) year from the date of issuance, but, provided the regulations have not been amended in a way that would affect the use or structure of the subject of the permit, the permittee may request an extension of the permit up to a year, which the AO may allow. The extension must be in writing signed by the AO. If the work described therein is not commenced and diligently prosecuted within this one-year period, the zoning permit shall become void. All associated approvals (conditional use, site plan, etc.) shall expire with the zoning permit.

- G. Certificates of Occupancy:** In accordance with the Act [§4449(2)], a certificate of occupancy issued by the Administrative Officer shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued.
1. All new structures (except accessory structures), substantial improvement, commercial change of use or permits upon determination by the Development Review Board shall require a Certificate of Occupancy before such use or permit may vest. Said Certificate of Occupancy shall show that the premises comply with all applicable provisions of these Bylaws and the permit as granted.
  2. The Administrative Officer will include an application for a Certificate of Occupancy with the zoning permit.
  3. A certificate of occupancy shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the Administrative Officer determines that the project has been substantially completed in conformance with all local approvals and permits.
  4. Within 14 days of receipt of the application for a Certificate of Occupancy, the Administrative Officer may inspect the premises to ensure that all work has been substantially completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions.
  5. If the Administrative Officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.
  6. If denying an application, the Administrative Officer shall: (1) State the reasons for the denial; (2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and (3) Include a copy of Section 6.1, which explains the appeal process.
  7. If the Administrative Officer denies the application for a certificate of compliance, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.
  8. Neither the Town nor the Administrative Officer is responsible for any Certificate of Occupancy issued in good faith after a reasonable inspection.
  9. Owners-builders may apply for a temporary Certificate of Occupancy, to be reviewed annually, which will allow occupancy in the structure until completion of construction. In certain circumstances, to be determined by the Administrative Officer, a Conditional Certificate of Occupancy may be issued. Owner of property must still obtain a Final Certificate of Occupancy once the project is deemed complete.
  10. Where a zoning permit requires a new septic system or a change in the existing septic system, a State installation certificate and copy of final septic plan shall be filed with the Town Clerk's office before a Certificate of Occupancy can be issued.

11. Where applicable, a Residential Building Energy Standards Certificate per 30 V.S.A. 51 shall be filed with the Town Clerk’s office before a Certificate of Occupancy can be issued.
12. Where applicable, a Commercial Building Energy Standards Certificate per 30 V.S.A. 53 shall be filed with the Town Clerk’s office before a Certificate of Occupancy can be issued.

**Section 6.1 Appeals**

**A. Decisions of the Administrative Officer:** In accordance with the Act [§§4465, 4466], any **interested person** may appeal a decision or act of the Administrative Officer by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, within fifteen (15) days of the date of such decision or act. A copy of the notice of appeal shall also be filed with the Administrative Officer.

**Interested Person.** In accordance with the Act [§4465], the definition of an interested person includes the following:

- (1) A person owning title to a property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by this bylaw, who alleges that this bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The Town of Springfield or an adjoining municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under this bylaw, 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 the Town.
- (4) Any ten persons who may be any combination of voters or real property owners within the Town or an adjoining municipality who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the Town. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5) Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

1. The notice of appeal 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, and the alleged grounds why the relief is believed proper under the circumstances.
2. Pursuant to the Act [§4468], the Development Review Board shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The Board shall give public notice of the hearing under Section 6.4(C) and mail a copy of the hearing notice to the appellant at least fifteen (15) days prior to the hearing date. Any hearing held under this section may be adjourned from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.
3. Any interested person empowered to take an appeal with respect to the property at issue may appear and be heard in person or represented by an agent or attorney at the hearing.
4. The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810.

5. In accordance with the Act [§4470], the Development Review Board may reject an appeal without hearing, and render a decision within ten (10) days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant.
6. A decision on appeal, to include written findings of fact, shall be rendered within 45 days of the date of final hearing adjournment in accordance with Section 6.4 and the Act [§4464]. Failure to issue a decision within the 45-day period shall be deemed approval, effective on the 46<sup>th</sup> day. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the Administrative Officer and Town Clerk in accordance with the Act.

**B. Decisions of the Development Review Board:** Any interested person who has participated in a hearing of the Development Review Board may appeal a decision rendered in that proceeding within thirty (30) days of such decision to the Vermont Environmental Court, in accordance with the Act [§§4471, 4472].

1. "Participation" shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
2. A notice of appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the Town Clerk or the Administrative Officer, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person listed.

### Section 6.2 Variances

**A.** The Development Review Board is empowered to authorize a variance from the provisions of these regulations on appeal under Section 6.1, for specific cases where, owing to special conditions of a property, literal enforcement of these regulations will result in an unnecessary hardship. In accordance with the Act [§4469], however, the Board may approve a variance only if *all* of the following facts are found, and the findings are specified in its written decision:

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 provisions of the zoning regulations in the neighborhood or district in which the property is located;
2. that because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning 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 appellant;
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, nor be detrimental to the public welfare; and
5. that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulations and from the plan.

- B. On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§4469(b)] are found in the affirmative and specified in its decision.
- C. Variances within the Flood Hazard Area Overlay District shall be granted by the Development Review Board only in accordance with the Act [4469(d)] and the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations, and Section 5.6 (I) of these regulations.
- D. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of this bylaw and the municipal plan currently in effect. In no case shall the Development Review Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

### Section 6.3 Violations and Enforcement

- A. **Violations and Penalties:** The commencement or continuation of any development or use that is not in conformance with the provisions of this bylaw shall constitute a violation. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions 24 V.S.A. '1974a and '1977 as amended, et seq. and as described below:

A penalty of \$100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one-year period shall be \$250, and the penalty for each subsequent violation within a one-year period shall be \$500. As per statute, in cases where a violation is not contested, a "waiver fee" shall be paid in the amounts of: \$50 for the first offense, \$125 for the second offense within a one-year period, and \$250 for each subsequent offense within a one-year period. Each day that a violation continues will constitute a separate violation of this Ordinance.

If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. 4451, et. seq. as they exist or are hereafter amended or revised. These additional penalties may be up to \$200 per day (with each day constituting a separate violation), and issuance of injunctions. Regarding enforcement actions under 24 V.S.A. 4451, et seq., no action may be brought unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation exists. The warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The issuance of a notice of violation may be appealed in accordance with Section 6.1. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding twelve (12) months.

All fines imposed and collected for violations shall be paid over to the Town.

Issuing officials authorized to enforce these Zoning Regulations include the Springfield Town Manager, Administrative Officer, Code Enforcement Officer and/or Constable.

- B. **Limitations on Enforcement:** The Town shall observe the fifteen-year limitations on enforcement proceedings relating to municipal land use permits as set forth in the Act [§4454].

**Section 6.4 Municipal Administrative Requirements**

**A. Appointments:** The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:

1. **Administrative Officer:** The Selectboard shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three (3) years in accordance with the Act Section 4448. The Legislative Body may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.

An acting Administrative Officer may be appointed by the Legislative Body, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Administrative Officer in the Administrative Officer’s absence. In the event an acting Administrative Officer is appointed, the Legislative Body shall establish clear policies regarding the authority of the Administrative Officer relative to the authority of the acting Administrative Officer. [The Act Section 4448(b)]

The Administrative Officer shall literally administer and strictly enforce the provisions of these bylaws, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

2. **Development Review Board:** The Development Review Board shall consist of not less than five (5) or more than nine (9) members. Members of the Development Review Board, which may consist of one or more members of the Planning Commission, shall be appointed by the Selectboard in accordance with the Act [§4460]. One or more alternates also may be appointed by the Selectboard to serve for members in the event of an absence or conflict of interest. The Board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct in accordance with the requirements of the Act [§§4461, 4464] and Vermont’s Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including but not limited to the power to hear and decide:

- Appeals from any decision or act of the Administrative Officer under Section 6.1;
- Rights-of-way or easements for development lacking frontage;
- Variance requests under Section 6.2;
- Site Plan Approval under Section 5.2;
- Conditional Use Approval under Section 5.3;
- Design Review Approval under Section 5.4;
- Planned Unit Development under Section 5.5;
- Flood Hazard Review under Section 5.6; and
- Subdivision Review under the Springfield Subdivision Regulations.

3. **Downtown Design Review Commission:** For purposes of these regulations, the Downtown Design Review Commission, established and appointed by the Selectboard in accordance with the Act [§4433, 4464(d)] shall have the authority under these regulations to hold meetings, subject to Vermont’s Open Meeting Law [1 V.S.A., §310-314] and to:

- review applications and prepare recommendations on each of the review standards under Section 5.4 of these regulations that are within the Downtown Design Review Commission’s purview for consideration by the Development Review Board at a public hearing on the application

- meet with the applicant, interested parties, or both, conduct site visits, and perform other fact finding that will enable the preparation of the Downtown Design Review Commission's recommendations; and
  - inform applicants of any areas of concern prior to the DRB public hearing, and suggest remedies to correct identified deficiencies in the application.
4. **Planning Commission:** The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the Legislative Body in accordance with the Act Sections 4321-4323. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the Legislative Body.

The Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act Section 4461(a) and Vermont's Open Meeting Law and shall have powers and duties as set forth in the Act [§§4325, 4441], including the powers to:

- prepare and review proposed amendments to these regulations;
  - prepare reports documenting the conformance of proposed bylaw amendments to the Springfield Town Plan in effect;
  - prepare and submit to the Selectboard a Capital Budget and Program;
  - hold warned public hearings on proposed amendments to these regulations; and
  - participate as a statutory party under Act 250 review procedures.
- B. Fee Schedule:** In accordance with the Act [§4440], the Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs. The Selectboard may also establish procedures and standards for requiring an applicant to pay for the reasonable costs of an independent technical review of an application.
- C. Hearing Notice Requirements:**
1. Pursuant to the Act [§4464], a warned public hearing shall be required for Conditional Use Review (Section 5.3), Planned Unit Development applications (Section 5.5), Flood Hazard Review (Section 5.6) and Appeals and Variances (Sections 6.1 and 6.2). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by *all* of the following:
    - a. publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town,
    - b. posting of the same information in three (3) or more public places within the municipality and at <http://www.springfieldvt.govoffice2.com> , which is the municipal website, in conformance with the requirements of state statute [1 V.S.A., §312(c)(2)], including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;
    - c. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

- d. for hearings on Planned Unit Development subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality (see Springfield Subdivision Regulations).
2. Public notice of all other types of quasi-judicial development review proceedings, including downtown design control district review, site plan review hearings (Section 5.2), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:
  - a. posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., §312(c)(2)], and
  - b. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
4. No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Development Review Board or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.
5. Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [§§4441, 4444].

**D. Meeting & Hearing Requirements:**

1. **Development Review Board:** In accordance with the Act [§§4461, 4464], all meetings and hearings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public. In addition:
  - a. For the conduct of any meeting and the taking of any action a quorum shall be not less than a majority of the members of the Board, and any action shall be taken by a concurrence of the majority of the Board.
  - b. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed immediately in the Town Office as public records.
  - c. Public hearings shall be noticed and warned in accordance with Subsection (C) of this Section 6.4. In any regulatory hearing of the Development Review Board there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under Section 6.1 to demonstrate that the criteria for achieving such status are met. The Board shall keep a written record of the name, address, and participation of each of these persons.
  - d. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review.

- e. The Board may recess a public hearing on any application or appeal pending submission of additional information, but should close evidence promptly after all parties have submitted requested information.
2. **Downtown Design Review Commission:** In accordance with the Act [§4464(d)], meetings of the Downtown Design Review Commission to review an application under these regulations shall comply with Vermont's Open Meeting Law and requirements of the Commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body. Commission recommendations may be presented in writing at or before the Development Review Board public hearing on the application, or may be presented orally at the public hearing.
- E. Decisions:** In accordance with the Act [§4464(b)], the Development Review Board may recess proceedings on any application pending the submission of additional information. The Board will close evidence promptly after all parties have submitted requested information, and 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 the 46<sup>th</sup> day.
1. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 6.1.
  2. In rendering a decision in favor of the applicant, the Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the Town Plan currently in effect. This may include, as a condition of approval the submission of a three (3)-year performance bond, escrow account, or other form or surety acceptable to the Springfield Selectboard, which may be extended for an additional three (3)-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project.
  3. All decisions shall be sent by certified mail, within the required 45-day period, to the applicant and their designated agent(s) or to the appellant on matters of appeal. Copies of the decision shall be mailed by regular mail to the applicant's agent and to any person who attended the hearing and specifically requests a copy be sent to them. Copies of the Notice of Decision will also be kept on file with the Zoning Administrator and Town Clerk as part of the public record of the municipality.
  4. In accordance with the Act [§4464(c)], any decision issued by the Development Review Board may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the Administrative Officer, rather than Board review, in accordance with the following, which shall be specified in the Board's decision:
    - a. The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.
    - b. The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.

- c. No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any Board approval in effect.
  - d. Any decision of the Administrative Officer authorized in this manner may be appealed to the Board in accordance with Section 6.1(A).
- F. **Recording Requirements:** The Administrative Officer shall maintain a complete record of all applications, reviews, decisions, appeals, and variances made under these regulations, and any administrative actions taken pursuant thereto.
  - 1. In accordance with the Act [~~§~~ 4449(c)], within thirty (30) days after a municipal land use permit, including but not limited to a zoning permit and associated approvals, has been issued, or within thirty (30) days of the issuance of a notice of violation, the Administrative Officer shall deliver the original or a legible copy of the municipal land use permit or notice of violation, or a notice of the municipal land use permit generally in the form set forth in 24 V.S.A. subsection 1154(c), to the Town Clerk for recording as provided in 24 V.S.A. subsections 1154(a). The applicant may be charged the cost of recording fees.
  - 2. In addition to permit recording requirements under Section 6.4 (F)(1), for all development approved within the Flood Hazard Area Overlay District, the Administrative Officer shall maintain a record of:
    - a. all zoning permits issued within the district;
    - b. the elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
    - c. the elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;
    - d. all flood proofing certifications required under this regulation; and
    - e. all variance actions, including justification for their issuance.
- G. **Availability & Distribution of Documents:** In accordance with the Act [~~§~~4445], copies of these regulations, other related municipal regulations and ordinances, and the town plan shall be made available to the public during normal business hours in the Town Clerk's Office.
- H. **Termination of Permit:** Construction authorized by an approved zoning permit shall commence within six (6) months of the date of issuance and shall be completed within two (2) years of its date. Upon request, the Development Review Board may extend the term of a permit for one-year intervals, if the Development Review Board finds that there is a reasonable basis for the extension.
- I. **Notification:** After foundation forms have been set and at least 24 hours prior to pouring foundations, the applicant shall notify the Administrative Officer of the time when the foundations are to be poured. Prior to the pouring, the Administrative Officer may inspect the project to ascertain that all setbacks are met and that the structure is located as shown on approved plans.

## ARTICLE 7. DEFINITIONS

### Section 7.0 Word Definitions

Except where specifically noted herein, all words used shall carry their customary meaning. Furthermore:

1. Words used in the present tense include the future and the singular includes the plural;
2. The word "lot" includes "plot";
3. The word "building" includes "structure";
4. The word "shall" is mandatory;
5. The words "occupied" and "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; and
6. The word "persons" shall extend and be applied to associates, societies, clubs, firms, cooperatives, companies, organizations, partnerships and bodies political and corporate as well as to individuals.

### Section 7.1 Clarification of Word Meaning

Doubt as to the precise meaning of any word used in these Bylaws shall be clarified by the Planning Commission.

### Section 7.2 Term Definitions

Accessory Dwelling - A unit that is located within or appurtenant to a single-family dwelling. An accessory dwelling unit is 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 Building/Structures - A building or structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. In the SFHA: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

- (a) The structure must only be used for parking or storage,
- (b) The structure must have required openings to allow floodwaters in and out,
- (c) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
- (d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
- (e) All building utility equipment including electrical and heating must be elevated or floodproofed.

Accessory Use - A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use. When applied to agriculture, this shall be deemed to include the sale of products raised on the property. A home occupation shall be considered an accessory use. A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations.

A self-service machine (vending machine, automatic teller machine, etc.) shall be considered as an accessory use to the principal use on the same lot.

Accessory Use On-Farm Business – An accessory business as a supplement to a working farm. Educational, and agritourism events that feature agricultural practices and/or qualifying products such as Farm to Table Events, Weddings, Wine Tastings, etc.

The Act - The Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, as it may be amended from time to time.

Administrative Officer - Individual nominated by the Planning Commission for a three (3) year term, and appointed by the legislative body in accordance with Title 24, Chapter 4448. The Administrative Officer shall administer the Bylaws literally, and shall not have the power to permit any land development which is not in conformance with such Bylaws.

Adult day care - A facility which provides supervised activities, meals and limited care to adults during the day, but which does not provide overnight accommodations except for the care givers and members of the care givers' families.

Agriculture – Agriculture is the production of food and goods through farming. Farming includes the activities in the definition below, and viticulture, i.e., culture of grapes. This definition shall include usual, customary, and traditional harvesting, processing, and packaging activities of produce grown on the premises.

Title 10 VSA Section 6001(22): "Farming" means:

1. the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
2. the raising, feeding, or management of livestock, poultry, fish, or bees; or
3. the operation of greenhouses; or
4. the production of maple syrup; or
5. the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
6. the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
7. the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

Agricultural and Forestry Product Processing - The processing and packaging or bottling of agricultural or forestry products, for sale to or consumption by others.

Alteration - Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment in the usual course of maintenance.

Antenna - Any facility, including towers and dish antennae, designed and erected for the purpose of transmitting or receiving any type of radio, television, telephone or other airborne communication signals.

Bank - Establishments, including credit unions, offering demand deposit services and other financial services, operating under charter from the State or Federal Government.

Bar - An establishment, open to the public, where alcoholic beverages are sold, served and consumed.

Barn used for Storage - A barn originally constructed to house agricultural equipment or activities, converted for use as cold storage of goods on a commercial basis.

Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The height of the base flood, 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 average depth of the base flood, usually in feet, above the ground surface.

Basement - Any area of the building having its floor elevation (below ground level) on all sides.

Bed and Breakfast - A place of lodging that provides overnight accommodations and which may serve only breakfast to lodging patrons.

Broadcast Facilities - A tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Broadcast Facilities, also known as Wireless Communication Facilities include Wireless Telecommunication Facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease it to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

Building and Excavating Yard - Yards for the storage and maintenance of equipment used for building and/or excavation activities (not to include extraction of earth or mineral resources on the site).

Building Area - The total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building Height - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and the average height between eaves and ridge for other types of roofs.

Building Materials Supply - A facility for the sale of building materials on a retail basis, and including the storage of materials for sale. Building materials includes lumber and other building products, hardware, plumbing and electrical materials, paints and related products, and similar materials generally used for construction.

Business Incubator – Business & Professional Service - Facility aimed to foster growth of small companies, to increase its chances for surviving and enhance the growth by providing a range of business development services. It usually provides lower cost spaces by decreasing overhead by sharing some offices and other facilities. Primary occupants typically include business and professional services utilizing traditional and new technology office machines and computers.

Business Incubator - Manufacturing & Distribution - Facility aimed to foster growth of small companies, to increase its chances for surviving and enhance the growth by providing a range of business development services. It usually provides lower cost spaces by decreasing overhead by sharing some offices and other facilities, including warehousing, shipping & receiving. Primary occupants typically include product manufacturers, industrial processes, warehousing, product distribution or similar businesses.

Campground - An area designed to accommodate people with camping vehicles and/or tents for overnight accommodation on a seasonal basis.

Car Wash - A commercial facility designed for the purpose of washing automobiles and trucks, either by automated or manual equipment.

Cemetery - A tract of land for burial of the dead, including pet cemeteries.

Church - A building whose primary purpose is that of a house of worship in which those belonging to the organization profess the same religious creed and constitute a non-profit congregation.

Club House: Private - A building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Commercial Parking Lot/Garage - A lot/structure used for the temporary storage of motor vehicles, for a payment, in association with uses or activities located on the same or other lots.

Communications/Transmission Facilities - Any facility (structure or other, excluding antennae) used for the purpose of transmitting radio, television, telephone or other electronic signals. A communications/ transmission facility may or may not be co-located with an antenna.

Commercial Concert Venue, music – A building or area used for the establishment of live stage and music presentations.

Conditional Use - A use identified in these Bylaws, which is permitted only upon Approval by the Development Review Board in accordance with the provisions of Section 5.3 of these Bylaws.

Cultural Facility - Establishments such as libraries, museums, theaters for live stage presentations, art galleries, interpretive centers, etc., which are of historic, educational or cultural interest, and which are not operated commercially.

Day Care Home: - A home or facility serving six or fewer children. (Considered to constitute a permitted single-family residential use of property per 24 VSA 4412 (5)).

Deeded Access Corridor - A deeded strip of land, not less than twenty (20) feet, nor more than one hundred (100) feet in width, which provides access to land which has no frontage on a town highway. A deeded access corridor shall serve no more than two (2) lots and shall have no buildings, septic systems or wells located within it.

Development - Any man-made change to improved or unimproved real estate, including but not limited to the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, any change in the use of any building or other structure, or land, or extension of use of land.

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.

Development Review Board - A Development Review Board for a municipality created under subchapter 10 of Chapter 117 of Title 24 Vermont Statutes Annotated. The Development Review Board shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including but not limited to the power to hear and decide: administrative appeals; variance requests; and applications for site plan approval, conditional use, design review, planned unit development, flood hazard review, and subdivision review.

Downtown Design Review Commission - The Downtown Design Commission (DDC) is an advisory design review commission established and appointed by the Selectboard in accordance with the Act [§4433,4464(d)]. The Downtown Design Commission has the authority under these regulations to hold meetings, subject to Vermont's Open Meeting Law [1 V.S.A., §310-314] and to:

- review applications and prepare recommendations on each of the review standards under Section 5.4 of these regulations that are within the Downtown Design Commission's purview (within the boundaries of the Designated Downtown) for consideration by the Development Review Board at a public hearing on the application
- If necessary conduct site visits, prior to a regularly scheduled meeting. No testimony shall be taken at said site visit.
- advise applicants of potential negative responses of the DRB and suggest remedies to correct identified deficiencies for a more detailed and successful application in preparation for the following design review hearing with the DRB.

Dwelling, Multi-Family - A building designed for occupancy by three or more families living independently of each other in individual dwelling units.

Dwelling Unit, Single Family - A room or rooms for the purpose of occupancy by a single family, including independent facilities for living, sleeping, cooking, eating and sanitation.

Dwelling, Two-Family - A building designed for occupancy by two families living independently of each other in individual dwelling units.

Electronic Message Display Sign – An electrically activated changeable sign where the variable message capability can be electronically programmed.

Essential Services - The erection, construction, alteration or maintenance, by public utilities or municipal or other government agencies, of underground or overhead facilities for energy, communications, water or drainage.

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).

Extraction of Earth Resources - Includes but not limited to gravel pit and mines. See Section 3.11 of these Regulations for specific use standards.

Family Child Care Home - A family child care home is a day care facility which serves six or fewer full-time children and four part-time children in the care giver's own dwelling unit. 33 VSA 3511 (7). (Constitute a permitted use of property, but can require Site Plan Approval).

Family Child Care Facility - A family child care facility is a day care facility which serves more than six full-time and four part-time children. (Subject to all applicable municipal bylaws).

Family Unit - One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Farm Structure - Farm Structure means a building, enclosure, fence for housing livestock, silo, the raising of horticultural or agronomic plants or the carrying out of other practices associated with accepted agricultural or farming practices as defined in subsection 6001 (22) of Title 10. This excludes dwellings for human habitation.

Fence - A freestanding structure of wood, metal, masonry, stone or any combination of materials, attached to the ground and used to restrict visual or physical access.

Flood -

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

Flood Hazard Areas - Those areas shown as Special Flood Hazard Areas on Flood Insurance Rate Maps, further defined as those areas in which a flood would have a one percent (1%) chance of occurring each year.

Flood Insurance Rate Map (FIRM) – An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – The official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Flood Insurance Study (generic) – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or Flood-prone Area – Any land area susceptible to being inundated by water from any source (see definition of “flood”).

Flood Proofing – 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 – 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.

Floodway Fringe - The remaining portion of the flood hazard area excluding the floodway.

Forestry - Any use and management of land for forestry purposes, including logging of a forest, woodland, or plantation and research and educational activities.

Forest Product Processing - See Agriculture and Forest Product Processing.

Fuel Storage and Distribution Facility - The use of a lot and/or building or other structure for the bulk storage of combustible fuels (fuel oil, gasoline, propane, compressed natural gas, coal or other similar materials, excluding wood) prior to transfer to vehicles for distribution to consumers.

Funeral Home - A structure, or part thereof, used for the preparation of the deceased for burial and associated funeral services.

Garden Apartment - A garden apartment complex consists of low-rise apartment buildings built with landscaped grounds surrounding them. The apartment buildings are often arranged around courtyards that are open at one end. A garden apartment has some characteristics of a townhouse: each apartment has its own building entrance, or just a few apartments share a small foyer or stairwell at each building entrance. Unlike a townhouse, each apartment occupies only one level.

Garden Apartment Design - A two (2) or two and one-half (2 ½) story structure containing multi-family dwellings.

Gasoline Station - A building or land that is used for the sale of motor fuel, oil, and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

Green Space - The area of a lot which is landscaped or otherwise undeveloped; the area not included in "lot coverage" (see definition below).

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

Health Care Facility - Facilities for the provision of health care services including but not limited to hospitals, nursing homes, medical laboratories, clinics, etc. doctors' offices, Individual offices for a physician, dentist, etc., are considered to be Professional Offices.

Heavy Equipment Sales and Service - A structure or lot used for the purpose of selling or servicing heavy equipment (tractors, farm equipment, earth moving equipment, cranes, and similar equipment). The facility may include space used for display of items for sale and storage of items awaiting repair.

Historic Structure - 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.

Home Business - A business carried on in a portion of a dwelling/residence or in an accessory structure to a dwelling/residence.

Home Occupation - An occupation, carried on within a dwelling/residence or in an accessory structure to a dwelling/residence, which is customarily incidental and secondary to the use of the premises for dwelling purposes and does not have an undue adverse effect upon the character of the area in which the dwelling is located.

Hotel - An establishment designed or used for public lodging, meeting rooms, meals, service of legal beverages, and related amenities with all rooms accessible from a central point within the building.

Housing, Affordable - Housing is affordable when households with incomes below an area's median income pay no more than 30% of their income on housing. Housing costs for renters are rent and utilities. Housing costs for homeowners are principal on mortgage payments, interest, property taxes, and insurance."

Housing, Low Income - Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that does not exceed 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

Housing, Moderate Income - Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that is greater than 80 percent and less than 120 percent of the median gross household income for households of the same size within the county in which the housing is located.

Inn - Use of one or more structures (typically a private home or accessory building or buildings designed to appear as such) to provide short-term accommodations for guests and may include a restaurant, bar, event facilities, spa or fitness club as an accessory use.

Kennel - An establishment for housing domestic animals on a commercial basis.

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

Legislative Body - The Selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

Lot - A parcel of land defined by property lines or boundaries.

Lot Coverage - That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, such as parking and loading areas, access roads, service areas, tennis courts, and other impermeable surfaces, which prevent the infiltration of stormwater. Lawn areas are specifically excluded from this definition.

Lowest Floor - 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 CFR 60.3.

Makerspace - A place in which people can gather to work on projects while sharing ideas, equipment, and knowledge. Makerspaces often combine shared tools, manufacturing equipment, industrial processes, peer to peer and/or professional assistance for the purpose of enabling members to design, prototype and fabricate new products that might not be possible to create by individuals working alone. Primary focus of makerspaces is the creation of new products.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing/Processing of Goods, Foods and Beverages - An establishment which makes or processes raw materials into a finished or intermediate product, for commercial purposes, including fabricating facilities and large printing or publishing establishments.

Means of Access - This use is unique to the NRPD district and includes trails, driveways, tracks, etc., which allow the public access to study and enjoy the significant natural resources which are protected by this district.

Medical Marijuana Dispensary - A medical marijuana dispensary is a dispensary registered with the State that may acquire, possess, cultivate, manufacture, transfer, transport, supply, sell or dispense marijuana, marijuana-infused products, and marijuana-related supplies to registered patients and their caregivers who have designated that dispensary.

Medical Testing Laboratories - Laboratories for testing of medical samples, water samples, etc., where the testing is not directed towards the development of new products, and where no testing is done on live subjects such as humans or other animals.

Mixed Use - A structure or land containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the structure or land is located (see Section 3.17).

Mobile Home - A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation. It includes plumbing, heating, cooking, and electrical systems, and is:

- transportable in one or more sections; and
- at least eight feet wide or 40 feet long or when erected has at least 320 sq. ft. or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.

Mobile 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. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

Mobile Home Sales and Services - Any lot and/or structure used for the sale and repair of mobile homes. Such a facility may include space for the display of mobile homes for sale and the temporary storage of mobile homes awaiting repair.

Modular or Prefabricated Housing - A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel - A facility for short-term accommodations usually having a private outside entrance for each room or suite of rooms, and for each room or suite a parking place provided on the premises.

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

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

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

Multi-Story Apartment Design - A structure containing multiple dwellings, composed of three or more stories, but no more than eight (8) stories.

New Construction - For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of these bylaws and includes any subsequent improvements to such structures.

New 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 on or after the effective date of the floodplain management regulations adopted by a community.

Nonconforming Lots (or parcels) - Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Non-Conforming Structure - 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.

Non-Conforming Use - Any 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.

Nursery - A place where young trees or other plants are raised for transplanting or for sale, wholesale or retail, and including the sale of cut and live flowers.

Official Zoning Map(s) - Map(s) adopted as part of these Bylaws showing the boundaries of the established zoning districts.

Outdoor Market - An open or roofed area, not within a building for groups or individuals that offer goods for sale, display or demonstration.

Parking Space - An off-street space used for the temporary storage of a licensed motor vehicle.

Permitted Use - A use, identified in these Bylaws, allowed upon issuance of a zoning permit by the Administrative Officer. A permitted use may also require Site Plan approval in accordance with Section 5.2 of these Bylaws.

Personal Services - A class of uses including barbers, hairdressers, beauty parlors, shoe repairs, laundries, laundromats, dry cleaners, photo studios, and other businesses deemed services of a personal nature by the Development Review Board.

Personal Storage Facility - A structure designed to include a number of small, independent storage spaces, each intended to be rented to individual users who are able to access their space without assistance by the proprietor or manager of the facility.

Planning Commission - A Planning Commission for a municipality created under subchapter 2 of Chapter 117 of Title 24 Vermont Statutes Annotated.

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 bylaw requirements that are otherwise applicable to the area in which it 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.

Professional Office - A professional office shall include offices for the professional practice of various occupations including but not limited to physicians, dentists, insurance sales, consultants, lawyers, building or property management, engineers, architects or accountants.

Professional Service - The provision of services which support other commercial and professional activities such as small print shops, office equipment sales and repair and similar activities.

Public Administrative Office - A structure which contains the administrative offices of a municipality or a public agency or department.

Public Maintenance and Storage - A lot and/or structure used by a municipality or public agency or department for the storage and maintenance of vehicles and equipment, and for the storage of materials.

Public Road - For the purpose of these zoning bylaws a State highway as defined in 19 V.S.A. § 1 or a class 1, 2, or 3 town highway as defined in 19 V.S.A. § 302(a).

Public Safety Facility - A facility used by public police, fire or rescue agencies for the purpose of storing vehicles, office activities, training and other agency activities.

Recreation, Private Indoor - A class of uses including bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops and similar places of indoor commercial recreation.

Recreation, Private Outdoor - A class of uses including marinas; golf courses; trap, skeet, and archery ranges; swimming pools; skating rinks; riding stables; parks; swimming areas; tennis courts and skiing facilities; which are not enclosed and which are operated commercially.

Recreation: Public Indoor - A class of uses owned or operated by a municipality or school district for various recreational activities, which are open to the public. Included are publicly owned or operated indoor facilities such as: gymnasiums, skating rinks, swimming pools, etc.

Recreation, Public Outdoor - A class of uses including publicly owned and operated playgrounds, play fields, parks, forests, golf courses and unenclosed swimming pools.

Recreation Vehicle Sales and Service - A structure or lot used for the purpose of selling or servicing recreational vehicles such as motor homes, camper trailers, travel trailers, etc. The facility may include space for the display of such vehicles for sale, and for the temporary storage of such vehicles awaiting repair.

Recreational Trail – A corridor that is used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar recreational activity.

Recreational Vehicle - vehicle which is:

- a. Built on a single chassis;
- b. 400 sq. ft. 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 as a temporary living quarters for recreational, camping, travel, or seasonal use and shall not be used as a permanent dwelling.

**Temporary living is defined** as not more than thirty (30) days and must have the ability to move off-site on a regular basis to discharge the potable water supply.

Renewable Energy Resource - Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Research and Testing Laboratory - A commercial facility or enterprise intended for the purpose of conducting scientific research and development related to manufactured or processed end products or services.

Residential Care Home - A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multifamily dwelling and shall be subject to conditional use and site plan review.

Restaurant - A commercial establishment for the preparation, sale and consumption of food, but which does not contain a drive through window.

Restaurant: With Drive Through Window - A commercial establishment for the preparation, sale and consumption of food, which does contain a drive through window.

Retail Sales - An establishment for the sale of goods and merchandise to direct users or consumers of such goods.

Rooming House: Any dwelling unit with two, (2), or more individual sleeping rooms for rent, non-transient (meaning for more than seven, (7), days at a time) and not including uses defined as Bed and Breakfast or Motel/Inn. Owner occupied (where the owner is a natural person) single family residences renting out no more than two bedrooms with adequate off-street parking are not to be considered rooming houses under this regulation.

Family Unit: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, not including a housekeeping unit being operated as a Rooming House.

Salvage and Recycling Facility - Any lot and/or structure used for the purpose of storing, collecting, purchasing, processing, recycling or selling such materials as wastepaper, rags, scrap metal, plastics, glass, discarded machinery, auto parts, or two or more unregistered, inoperable motor vehicles.

School: Private - An establishment for the purpose of instructing students that does not receive principal funding from the public sector, including schools certified by the Vermont Department of Education.

School: Public - Any publicly owned and operated school district which is used for the education of students.

Seasonal Roadside Produce Stand - An establishment for the Retail sales of produce.

Setback - The minimum distance by which a building must be separated from a lot line, centerline of a right-of-way or public road.

Short term rental - Rental of a home, apartment or accessory building for a period of less than 30 days per occurrence.

Sign - Any device, logo, structure, building or part thereof used for visual communication or for the purpose of directing the attention of the public to any business, industry, profession, service, commodity or entertainment.

Sign, Freestanding - A sign which is separate from any other structure and is supported from the ground only.

Sign, Projecting - A sign which projects from the face of the building on which it is mounted.

Sign, Wall - A sign which is mounted on and runs parallel to the building which shows only one face.

Small Repair Services - An indoor use that specializes in small repair services, restoration of a broken, damaged, or failed device, equipment, or part to an acceptable operating or usable condition, such as computer, upholstery, small engine repair or other similar uses.

Solid Waste Management Facility - An area designed for the disposal of refuse or waste materials. Such facilities may be privately or publicly owned and operated, and may include transfer stations. See Section 3.37 for specific requirements.

Special Flood Hazard Area- The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of Construction (includes substantial improvement) - 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, regardless whether that alteration affects the external dimensions of the building.

Street - (Defined for the purposes of These Bylaws) Any public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street Line - The portion of the right-of-way line defining a street which forms the front boundary line of a lot fronting on that street.

Structure - An assembly of materials for occupancy or use, including a building, mobile home or trailer.

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

Substantial Improvement (This definition applies only to the Flood Hazard Review Procedures specified in Section 5.6 of these Bylaws) – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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 specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

For the purposes of determining “substantial improvement” value and exceptions in (a) only, the Administrative Officer is “the local code enforcement official.”

Theater (Indoor) - An establishment for the presentation of motion pictures, inside a structure, operated on a commercial basis.

Townhouse - townhouses usually consist of multiple floors and have their own outside door as opposed to having only one level and an interior hallway access.

Townhouse Design - A residential structure containing single-family attached dwelling units which are separated by a common wall and in which each dwelling unit extends from foundation to roof.

Travel Trailer - Any vehicle used as sleeping or transient living quarters mounted on wheels or a camper body which can be mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

Trucking Terminal -A lot and/or structure used for storage, sales, servicing, or loading and unloading of trucks, including tractor and/or trailers. Trucking terminals may also include areas for the temporary storage of loads prior to transshipment.

Veterinary/Animal Hospital - An establishment for providing care to animals under the direction of a licensed veterinarian.

Violation - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Warehouse/Wholesale Distribution - A structure or structures used for the purpose of storing goods and merchandise for a fee and/or distributing goods and merchandise to various retailers for resale. A warehouse/wholesale distribution establishment may include space for temporary storage of trucks, but shall not include facilities for servicing such vehicles.

Wetlands - Those areas of the State that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Yard - The space on a lot which is not occupied by a building or structure, (structure includes porches).

Yard, Front - The Yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of a front yard shall be measured from the street line to the front line of the building.

Yard, Side - The yard between the principal building or accessory building and a side lot line, and extending from the front yard to the rear yard. The depth of a side yard shall be measured from the side lot line to the nearest point of the structure.

Yard, Rear - The yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

Zoning Permit - A form of public notice for posting, issued to an applicant for a use or a structure, following approval by the Development Review Board or the Administrative Officer.

Zoning Administrator - See Administrative Officer.