

**PROPOSED REVISIONS TO  
THE STOWE ZONING REGULATIONS  
AS RECOMMENDED BY  
THE STOWE PLANNING COMMISSION  
11-07-16**

**Planning Commission Reporting Form  
for Municipal Bylaw Amendments**

This report is in accordance with 24 V.S.A. §4441 (c). The purpose of the proposed revisions is to implement the recommendations of the 2015 Stowe Town Plan, to clarify issues that have arisen during the development review process and to update the sign regulations to bring them into conformance with U.S. Supreme Court case law.

The report includes the following findings:

1. The proposed revisions further the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing as identified under the specific implementation tasks listed below.
2. The proposed revisions are compatible with the proposed future land uses and densities of the municipal plan, specifically as they relate to the purpose of the Town's locally-designated growth centers and as identified in the following implementation task: *Continue to review development standards and densities for the town's designated growth centers to ensure that the Town's goals for these growth centers are being met.*
3. The proposed revisions do not relate to any specific proposals for any planned community facilities.

**Bold red font** indicates additions

~~Strikethrough~~ indicates deletions

*Comments explaining the proposed revisions are in purple italics*

*Planning Commission proposed zoning revisions 11-07-16*

*Town Plan: Continue to review development standards and densities for the town’s designated growth centers to ensure that the Town’s goals for these growth centers are being met. Review the maximum height requirement in the locally designated growth centers to provide more second and third floor apartments.*

**Table 6.2 Dimensional Requirements**

Note: See Section 12.8 for Village-PUD dimensional requirements

Zoning District	Min. Lot Area	Min. Lot Width (Ft.)	Set Backs			Maximum Building Coverage	Maximum Building Height
			Min. Front Yard (Ft.)	Min. Side Yard (Ft.)	Min. Rear Yard (Ft.)	Coverage	Height
<b>RR-1</b> Motel, Hotel, Lodging	1 acre 5 acres	150	50	30	40	8% <sup>1</sup>	28
<b>RR-2</b>	2 acres	200	60	50	50	N/A	28
<b>RR-3</b>	3 acres	250	70	60	60	N/A	28
<b>RR-5</b>	5 acres	300	70	75	75	N/A	28
<b>VC-10</b>	10,000	60	10	10	<del>35</del> 10	50%	28/35*
<b>VC-30</b>	30,000	125	10	20	<del>50</del> 20	25%	28/35*
<b>VR-20</b>	20,000	100	20	10	40	30%	28
<b>VR-40</b>	40,000	150	30	25	50	15%	28
<b>HT</b>	1 acre	180	50	50	50	10%	28
<b>UMR</b> Residential Motel, Hotel, Lodging Other uses	1 acre 5 acres 2 acres	200	50	50	50	8%	28
<b>MRV/MCR<sup>2</sup></b> Motel, Hotel, Lodging Cape Cod Rd.	20,000 2 acres	100 <sup>3</sup>	20 50	10	20	<del>15</del> 20%	28/35*
<b>LVC</b>	20,000	125	<del>20</del> 10	<del>20</del> 10	<del>50</del> 10	20%	28/35*
<b>MC</b>	20,000	125	20	20	50	20%	28
<b>WBCSD</b>	1 acre	125	60	35	35	20%	28

<sup>1</sup> For conditional uses only

<sup>2</sup> Minimum setback from **Rural Residential** District Boundary is 50 feet

<sup>3</sup> ~~Minimum frontage requirement is 50 feet~~

**\*35 feet for mixed-use buildings with pitched roofs, with a minimum 3:12 pitch, containing at least 2 dwelling units.**

Table 6.3 Density Standards

Note: See Section 12.8 for Village-PUD density standards.

Zoning District	Single-Family	Two-Family	Multi-Family <sup>1</sup>	Lodging Units <sup>2</sup>	<del>Business Units</del>
<b>RR-1</b>	1 per acre <sup>3</sup>	3 units per acre	3 units per acre	5 units per acre	
<b>RR-2</b>	1 per 2 acres <sup>3</sup>	1 unit per 2 acres	1 unit per 2 acres	N/A	
<b>RR-3</b>	1 per 3 acres <sup>3</sup>	1 unit per 3 acres	1 unit per 3 acres	N/A	
<b>RR- 5</b>	1 per 5 acres <sup>3</sup>	1 unit per 5 acres	1 unit per 5 acres	N/A	
<b>VC-10</b>	1 per 10,000 sq. ft.	1 unit per 2,500 sq. ft.	1 unit per 2,500 sq. ft.	1 unit per 1,000 sq. ft.	<del>1 unit per 1,000 sq. ft.</del>
<b>VC-30</b>	1 per 30,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 2,500 sq. ft.	<del>1 unit per 2,500 sq. ft.</del>
<b>VR-20</b>	1 unit/ 20,000 sq. ft. <sup>3</sup>	1 unit per 10,000 sq. ft.	1 unit per 10,000 sq. ft.	N/A	
<b>VR-40</b>	1 unit/ 40,000 sq. ft. <sup>3</sup>	1 unit per 20,000 sq. ft.	1 unit per 20,000 sq. ft.	N/A	
<b>HT</b>	1 per acre	3 units per acre	3 units per acre	1 unit per 5,000 sq. ft.	
<b>UMR</b>	1 per acre	3 units per acre	3 units per acre	1 unit per 7,500 sq. ft.	
<b>MRV</b>	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per <del>10,000</del> 7,000 sq. ft. <sup>4</sup>	1 unit per <del>4,000</del> 3,500 sq. ft.	
<b>MCR</b>	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per <del>10,000</del> 7,000 sq. ft. <sup>4</sup>	1 unit per <del>5,000</del> 3,500 sq. ft.	
<b>LVC</b>	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per <del>10,000</del> 7,000 sq. ft.	1 unit per <del>4,000</del> 3,500 sq. ft.	
<b>MC</b>	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 5,000 sq. ft.	
<b>WBCSD</b>	1 per acre	2 units per acre	3 units per acre	N/A	

**There will be no maximum density for Retirement Homes, as defined in these regulations.**

<sup>1</sup> For the purpose of density calculations, multi-family includes all multi-family units as well as all residential units within a mixed-use building

<sup>2</sup> Density calculations are to exclude the portion of the lot occupied by other uses and their associated densities.

<sup>3</sup> In the RR and VR districts, a second single-family dwelling on one parcel is a permitted use when the parcel is equal or greater than the minimum acreage for that district. Minimum separation between dwellings shall be twice the side yard setback for the district.

<sup>4</sup> The DRB may grant a density bonus up to two (2) additional dwelling units per acre in instances involving the provision of year-round housing in mixed-use buildings.

*Town Plan: Consider revisions to the zoning regulations to support the redevelopment of existing properties with lodging facilities that are no longer economically viable.*

- *Consider revisions to the zoning regulations to promote the construction of workforce housing and the redevelopment of lodging facilities into multi-family dwellings.*
- *Consider revisions to the zoning regulations to promote the construction of senior housing and housing for middle-income residents.*
- *Consider a density bonus for the redevelopment of lodging facilities into multi-family housing.*
- *Consider a density bonus for residential PUD's that target middle-income people in addition to the current density bonus for the provision of low-income housing.*
- *Update, as needed, existing land use regulations that support the creation of affordable housing, particularly in the Town's locally designated growth centers.*

*Move the affordable housing bonus out of Section 12 and add it to Section 3 General Regulations:*

~~Section 12 — PLANNED RESIDENTIAL DEVELOPMENT~~

~~(9)3.14~~ Affordable Housing Density Bonus:

A. Density Bonus:

~~During the review of an application~~**In the VC-10, VC-30, LVC, MRV, MRC and** for a Planned Unit Development, the DRB may, in the instance of a proposed development creating affordable dwelling units, increase the number of dwelling units permitted up to an additional fifty (50%) percent, beyond the maximum number which could be permitted in the DRB's judgment, if the land were to be developed in conformance with the underlying zoning regulations for the district(s) in which such land is situated. Prior to granting a density bonus, the DRB must give due consideration to site conditions which otherwise limit development, such as shallow depth of soil, wetness or steep slopes. The DRB shall only grant a Density Bonus in instances where at least fifty (50%) percent of the total number of dwelling units in the project are to be perpetually Affordable Housing (as defined by these regulations). The DRB may not impose upon, nor require a landowner to apply for or accept, a density bonus.

B. Conditions of Approval:

As a condition of approval, the DRB shall require the applicant to file an affidavit indicating which of the proposed dwelling units are to be perpetually affordable and stating the legal mechanism to be used to assure affordability in perpetuity. The affidavit shall be submitted, reviewed and approved by the DRB and recorded in the Town of Stowe Land Records prior to the issuance of a Zoning Permit for construction.

## Section 15 DEFINITIONS

- 15.1 Affordable Housing: Any Dwelling Unit that is; 1) Renting for a monthly rent not more than thirty (30%) percent of the total monthly household income **of low to moderate income households**; or 2) Housing that may be purchased with monthly payments including: principal, interest, taxes, insurance, homeowners association fees, and assessments that do not add up to more than thirty (30%) percent of the total monthly household income of **low to moderate income households**. **Low to moderate-income households shall be defined to be a household earning income(s) equal to or less than the median annual income adjusted for household size, as determined by the United States Department of Housing and Urban Development.**

*2016 Lamoille County household median income: \$66,200  
30% of \$66,200 = \$19,860 per year or \$1,655 per month.*

*Town Plan: Develop a plan for increasing parking capacity in Stowe Village in conjunction with reducing the minimum parking requirements in the zoning regulations.*

### 14.3 Modification of Parking Requirements

- (1) With approval of the DRB the actual construction of parking spaces in lots requiring fifty (50) or more parking spaces may be reduced by twenty (20%) percent, lots requiring seventy-five (75) or more parking spaces may be reduced twenty-five (25%) percent, and lots requiring one hundred (100) or more parking spaces may be reduced by thirty (30%) percent provided that this space be dedicated to green belt and remain available for future parking. All calculations shall be rounded up to the next whole number.
- (2) Where the DRB determines that a unique usage or special conditions exist, it may require off-street parking spaces and loading areas greater or lesser than the requirements of this section. **Unique usage or special conditions may include any one of the following:**
  - A. **Proximity of the intended use to public parking areas and/or on-street parking;**
  - B. **Proximity of the intended use to lodging facilities;**
  - C. **Properties that were developed prior to the adoption of the Stowe Zoning Regulations;**
  - D. **Properties that are nonconforming with respect to the amount of on-site parking for the use that currently exists that wish to expand that use;**
  - E. **The addition of outdoor seating.**
  - F. **A building with multiple uses.**
- ~~(3) In the case of a building with multiple uses, the parking requirements may be reduced at the discretion of the DRB.~~

*Town Plan: Consider the adoption of a Source Protection Overlay District within the zoning regulations to control inappropriate development within the municipal source protection areas.*

## **SOURCE PROTECTION OVERLAY DISTRICT**

### **1. PURPOSE OF DISTRICT**

The purpose of the Source Protection Overlay District is to:

- a. Promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Stowe who rely on the Town's municipal water supplies;
- b. Preserve and protect existing and potential sources of drinking water supplies; and
- c. Conserve the natural resources of the town and prevent temporary and permanent contamination of the environment.

### **2. SCOPE OF AUTHORITY**

The Source Protection Overlay District shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses any of which requiring zoning approval. Applicable activities/ uses in a portion of one of the underlying zoning districts which fall within the District must additionally comply with the requirements of this District.

### **3. ESTABLISHMENT AND DELINEATION OF THE SOURCE PROTECTION OVERLAY DISTRICT**

The Source Protection Overlay District encompasses an area surrounding the Village Green municipal well where a contaminant released to the land surface or subsurface would be reasonably likely to move toward and reach the well. The Overlay District coincides with the Source Protection Area developed by the State of Vermont, Department of Environmental Conservation, Water Supply Division. The boundary of the District is delineated on the Stowe Zoning map of overlay districts as adopted by the Stowe Selectboard on \_\_\_\_\_.

### **4. DISTRICT BOUNDARY UNCERTAINTY**

If the location of the District boundary in relation to a particular parcel is in doubt, resolution of the boundary shall be made by the DRB after a written recommendation from the Stowe Public Works Director. The applicant may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundary of the district with respect to an individual parcel.

### **5. PERMITTED USES**

All uses permitted within the underlying primary zoning districts are permitted within the Overlay District after a determination that the proposed use will not have an undue adverse impact on groundwater resources. **All geothermal heating systems and underground fuel tanks within the Overlay District require a zoning permit.**

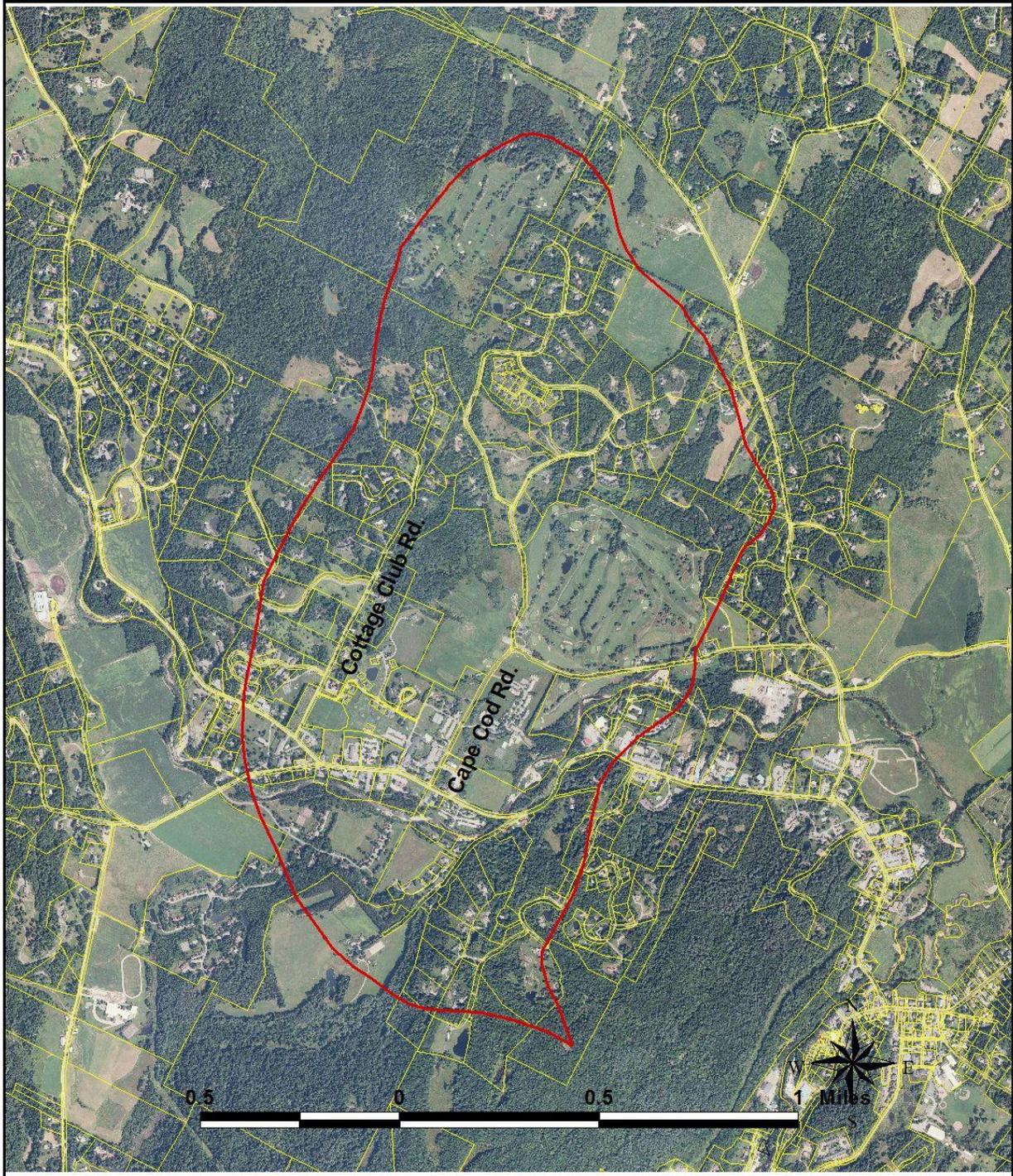
### **6. PROHIBITED USES**

The following uses and activities are prohibited:

- a. Landfills and open dumps.
- b. Automobile graveyards and junkyards.
- c. The release of any hazardous materials into surface waters, groundwater or onto the land. Any proposed use that will generate hazardous waste shall be required to submit a groundwater protection plan for approval by the Stowe Public Works Director.
- d. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- e. Storage of animal manure unless covered or contained in accordance with the specifications of the Vermont Agency of Agriculture.
- f. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works.
- g. Discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water.
- h. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the District.
- i. Storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- j. Single-walled underground fuel storage tanks.
- k. Closed loop geothermal heating systems, unless they use non-toxic, environmentally friendly, food-grade antifreeze.



## Proposed Source Protection Overlay District



*Town Plan: Consider strengthening the provisions of the Meadowland Overlay District to discourage development in open meadows and farmland.*

## **Section 8 MEADOWLAND OVERLAY DISTRICT**

### **8.1 Purpose**

The purpose of the Meadowland Overlay District (MOD) is to protect important scenic and ecological resources associated with open meadows, floodplains, wetlands and historic agricultural land, located within and adjacent to the Route 108 corridor, through the careful control of building location and site design and the transfer of development density to more appropriate areas.

### **8.2 Effect on Existing Regulations**

The MOD standards are intended to supplement the development regulations and density standards set forth in the underlying zoning district and shall not repeal or alter any existing ordinances, regulations or bylaws of the Town of Stowe except as provided herein.

### **8.3 District Boundaries**

These standards shall apply to all lands in the Town of Stowe that are designated as “meadowland” and depicted on the “Meadowland Overlay District” Map, dated January 1998.

### **8.4 General Requirements**

Lands within the MOD are subject to the development standards of the underlying district. Projects requiring DRB approval under these regulations, and/or subdivision review as defined by the Stowe Subdivision Regulations, shall meet the following standards.

- (1) Within the UMR and RR Districts, in order to preserve the open, agricultural character of designated meadowland and to protect the foreground views from vantage points along Route 108 westerly toward Mount Mansfield, development should avoid the placement of buildings, structures and/or parking areas in highly visible, prominent locations within the area designated as meadowland. Development ~~should~~**shall** be located on the non-meadowland portion of the site or, if locating on the non-meadowland portion of the site is not practical due to physical or environmental constraints, development shall be sited in a manner to carefully integrate the development into the meadowland while minimizing the adverse visual and environmental impacts.
- (2) Within the MRV and MRC Districts, development on designated meadowland shall be permitted in a manner which establishes a village green, said green to be formally defined by building façades, street edges or other appropriate defining elements. The defined green shall be of a size and shape that is consistent with traditional New England village greens; ~~should~~**shall** be oriented toward, and front upon, adjacent streams and public roads and highways; and shall be designed and managed to function as a public space. In no case shall the size of the defined green be less than thirty (30%) of the total size of the designated meadowland, or less than 1.5 acres, whichever is greater.

*Town Plan: Consider rezoning land in Mt. Mansfield State Forest, C.C. Putnam State Forest and other large tracts of forested land from RR-5 to a Forest Zoning District.*

## **FOREST RESERVE DISTRICT**

### **(A) Purpose**

1. To maintain existing land uses on the slopes of the Green Mountains and Worcester Range in a manner that preserves fragile features associated with high elevations, including steep slopes, soils unsuitable for on-site septic disposal, large areas of intact wildlife habitat, headwater streams and associated water supplies and scenic resources;
2. To prevent undue financial burden on town services including emergency services, utilities and road maintenance, by discouraging scattered development in areas with poor or limited access;
3. To protect the health, welfare and safety of Town residents by limiting development in areas characterized by poor site conditions and the lack of public access or services;
4. To encourage traditional land uses, such as forestry, outdoor recreation, and wildlife management, to continue in the district while limiting incompatible uses; and
5. To minimize fragmentation of forestland and wildlife habitat.

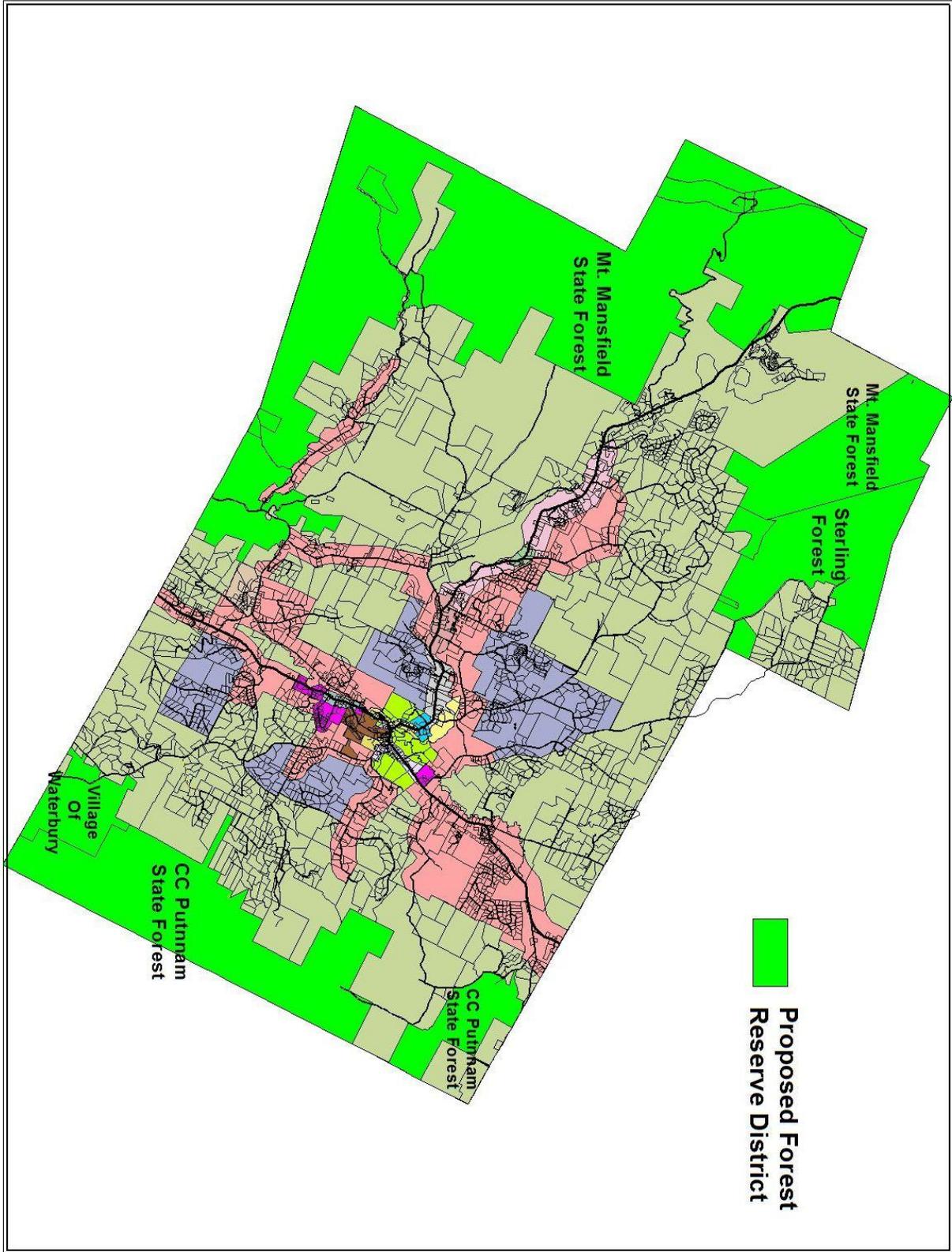
### **(B) Permitted Uses**

- Agriculture
- Forestry

### **(C) Conditional Uses**

- Outdoor Recreation and Related Facilities, excluding residential uses and lodging.
- Commercial Ski Area Infrastructure, excluding residential uses and lodging.
- State and Municipal Uses
- Communication Facilities
- Expansion of existing structures and uses

### **(D) Minimum lot size** Minimum lot size = 50 acres.



*Town Plan: Water quality in local streams and rivers shall be protected and enhanced through the following measures:*

*b. Requiring that runoff and erosion are adequately controlled during all stages of development through the town's zoning and subdivision regulations.*

3.12 Stormwater Management (Erosion Prevention and Sediment Control)

- (1) All stormwater management activities required by the Town shall adhere to current State of Vermont erosion prevention and sediment control standards.
- (2) Construction-related activities associated with any new construction including one and two family dwellings shall adhere to the following:
  - A. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.
  - B. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, will be stabilized.
  - C. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters. **All development involving the disturbance of more than one-half acre shall submit an erosion and sediment control plan that incorporates the State of Vermont erosion prevention and sediment control practices before a zoning permit is issued.**
  - D. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless in application materials include erosion control measures—that are adequate to ensure compliance with (A), (B) and (C) as noted above, taking into account winter and spring conditions.
  - E. All development, ~~including one and two family dwellings,~~ —must provide for an adequate stormwater drainage system to ensure ~~that stormwater runoff is not increased beyond the boundaries of the project, and~~ that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
  - F. **All development that creates more than ¼ acre of additional impervious surface must provide for an adequate stormwater drainage system to ensure that stormwater runoff is not increased beyond the boundaries of the project as determined by the standards used for the State of Vermont stormwater management permits. Such development shall submit a stormwater management plan prepared and sealed by a registered engineer before a zoning permit is issued.**

~~—All development involving the disturbance of less than one acre of land, excluding one and two family dwellings, at the discretion of the DRB, may be required to prepare and implement a site development plan which contains a stormwater management plan and a site grading plan showing both natural and proposed contour intervals.~~

**Proposed zoning amendments to clarify issues that have arisen during the development review process.**

1. *Clarify that short-term events approved by the Selectboard under a Special Event Permit are exempt from Zoning. This has been the past practice but it is not stated in the Zoning Regulations. It also eliminates potential duplicative similar processes.*

*Add following to Section 2.5(2) Zoning Permit Exemptions:*

**(Q) Events approved by the Selectboard under the provisions of the Special Events Ordinance.**

2. *Clarify that residential structures under 100 square feet that require design review under Section 10, Stowe Historic Overlay and Historic Buildings, need a permit. A requirement for design review of small structures was added to the regulations in 2011.*

Freestanding residential accessory structure, such as a shed, tree house, swimming pool, hot tub, doghouse, child's play house or similar structure with a floor area not more than one hundred (100) sq. ft, **not requiring design review under Section 10,** and a height of not more than ten (10') feet which may be lawfully located within any yard except front yard, but not closer than five (5') feet from any property lines. No more than two (2) such exempted structures per side or rear yard are permitted.

3. *Require all construction needing design review to obtain a Certificate of Occupancy.*

2.10 Zoning Certificate of Occupancy

(1) A Zoning Certificate of Occupancy (CO) issued by the Zoning Administrator 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 except for: signs; home occupations; changes of use, residential accessory structures and additions, under five hundred (500) sq. ft. and proposed in the permit to be at least fifteen (15') feet from any required setback line; **exterior building modifications except when requiring review under Section 10, Stowe Historic Overlay District and Historic Buildings.** 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 Zoning Administrator determines that the project has been substantially completed in conformance with all such approvals, conditions and permits. The Zoning Administrator may require reasonable proof from the applicant that all required setbacks have been satisfied when proposed structures are within fifteen (15') feet of any required setback. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.

4. *Change title of "Section 10.13: New Buildings in Overlay District" to **"Section 10.13 New Buildings Requiring Design Review"***

5. *Clarify that the lot merger requirement is for lots in separate ownership in 1975 or existing recorded plans (not and) which has always been the interpretation. Also adds a definition of what is a "plat" for clarification. Add clarification regarding what is the area of a pre-existing*

*lot and that a parcel is not two lots if bisected by a town road. The contiguous description below is already defined in the Zoning Regulations, but is useful here since it is sometimes missed by lawyers and others reading the regulations.*

### 3.3 Existing Nonconforming Lots

#### A. Pre-Existing Small Lots

(1) A lot in individual and separate and nonaffiliated ownership by deed from surrounding properties in existence on the effective date of the original Zoning Regulations (December 30, 1975), ~~and~~ **or** lots already subdivided by subdivision plats on file in the Town Clerk's office by December 30, 1975, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements provided that such lot is not less than one-eighth acre in area, with a minimum width or depth dimension of forty (40') feet. Lot-line adjustments involving such a lot shall not affect the lot's nonconforming status. **For the purpose of this section, a subdivision plat refers to a recorded map, which may or may not be approved by the town, that is drawn to scale, showing the divisions of a piece of land. It describes the piece of land, its boundaries, lots, roads, and easements. The area of a pre-existing lot includes all contiguous areas under the same ownership. A land area or parcel of land shall be contiguous although crossed, bisected or otherwise encumbered by town highways, roads, private rights-of-way, road and utility line rights-of-way, easements, watercourses or other like encumbrances or easements. A parcel of land shall be considered contiguous to another parcel of land if it meets the other parcel of land at any point.**

6. *Provide for a setback waiver in special circumstances (as opposed to a variance which has very strict criteria) and a setback and lot coverage waiver for Protected Public Uses. Add the following to Section 3.4 Lot and Yard Requirements:*

**(8) The Development Review Board may grant a waiver from setback requirements when:**

- 1. Fire safety, disability accessibility, or other building code requirements cannot be reasonably satisfied without a waiver or;**
- 2. Energy conservation and renewable energy structures cannot be reasonably developed without a waiver or;**
- 3. The waiver is necessary to allow for reasonable expansions of existing uses given the configuration of development on the parcel prior to December 31, 1975, irregular lot configuration, or restrictions of existing topography.**

**In all cases, the waiver shall meet all of the following criteria:**

- 1. The proposed development shall not adversely impact the overall character of the surrounding area or neighborhood.**
- 2. The proposed development is compatible in scale and design with the surrounding area.**
- 3. The proposed waiver shall not exceed 20% of any setback requirement.**
- 4. The proposed development would not impinge upon sight distances on public and private roads.**
- 5. The proposed development would not adversely impact the use of the adjacent parcel.**

**The applicant may propose, or the Development Review Board may require, mitigation of any impact through design, screening, or other remedy as part of the waiver approval.**

**(9) The Development Review Board may grant a waiver from setback and lot coverage requirements for Protected Public Uses as described in Section 4.12 of these regulations and 24 V.S.A, § 4413 in order to allow for reasonable expansion.**

7. *Expand landscaping conditional use criteria to make it clear that landscaping and screening is being reviewed. Expand screening to discuss commercial venting systems which have been historically reviewed by the DRB.*

3.7(B)(7) Landscaping and screening. Landscaping details **and screening of garbage collection areas, outdoor storage, commercial ventilation systems over 2 square feet; loading and unloading areas and other outdoor utilities, including solar installations,** shall be provided as part of proposed site development plans. Such plans shall include detailed specifications, including size, type and location, of all existing and proposed planting and landscape materials **and indicate fencing or other screening mitigation measures** and shall be ~~designated~~**designed** to conform to the terms and conditions of Section 4.6 of these regulations.

4.6(5) Screening

A. Sufficient screening shall be provided if the DRB determines that topographical or other barriers do not provide adequate screening. Screening may be required in the following cases:

1. Where more intensive land uses are proposed to abut less intensive uses.
2. Adjacent to garbage collection areas, **commercial ventilation systems over 2 square feet,** satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities.
3. When the project adversely impacts adjacent properties (i.e. lighting, outdoor storage, etc.) and when contiguous land uses and activities will adversely impact on the development (i.e. roads or incompatible uses).

8. *Add an additional requirement under Section 3.9, Nonconforming Uses and Nonconforming Structures to address non-conforming densities.*

***New definition: Nonconforming density: A parcel of land that contains pre-existing uses allowed in the underlying zoning district, but having a lot size that is less than required for the uses on the parcel.***

**3.9(5) Structures on a lot with a nonconforming density may be altered, enlarged, relocated, and/or replaced with new structures in a manner which does not achieve full compliance with the density requirements of these regulations providing the degree of density non-compliance is not increased and all other applicable regulations are met.**

9. *Add section allowing Transferable Development Rights to be reversed.*

**3.13(6)(D): A previously approved TDR between two parcels may be reversed upon approval by the DRB that the transferred density has not been used and upon approval of the documents reversing the TDR.**

10. *Clarify that single-family and two-family residential historic demolition can be an administrative approval which has been the practice.*

10.6(2) Administrative Approval. The following activities may be administratively approved by the Zoning Administrator upon the issuance of a positive recommendation by the SHPC:

1. Any alterations or additions to a single-family or two-family home that would require design review under this section.
2. The new construction of a single-family or two-family home within the SHOD
3. Minor alterations to a building, which in the judgment of ~~the Zoning Administrator and~~ the SHPC, have minimal effect on the appearance of the building or have limited visibility from public vantage points.
4. Minor modifications to applications previously approved by the DRB, which in the judgment of ~~the Zoning Administrator and~~ the SHPC, have minimal effect on the appearance of the building or have limited visibility from public vantage points.
5. Fences, retaining walls and landscaping walls.

**6. Demolition of a single-family or two-family dwelling within the SHPC or deemed to be a historic building.**

11. *The waiver for double setbacks in PUD's and PRD's is somewhat vague and the DRB has had a difficult time evaluating the standard. A more concise waiver standard is recommended.*

**General PUD, PRD and Ski PUD standard waiver language: Section 12.3(3)(A) & Section 12.4(5)(B) 12.6(4)(1) (same language in all sections)** ~~The DRB shall have the authority to waive or change this requirement if topography or other conditions so dictate.~~ **The DRB may grant a waiver from the double setback requirement when all of the following criteria are found to be met:**

1. **The double setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant.**
2. **The double setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas; and**
3. **The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.**

~~12.5(3)(A) Resort PUD 200-foot setback~~ Along the outside boundary of the project, there shall be a green belt perimeter of at least two hundred (200') feet. ~~The DRB may modify this setback standard if they determine that a two hundred foot (200') green belt is not necessary to protect the interests and privacy of adjoining property owners.~~ **The DRB may grant a waiver from 200-foot setback requirement when all of the following criteria are found to be met:**

1. **The 200-foot setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant;**
2. **The 200-foot setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;**
3. **The 200-foot setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.**

12. *The parking regulations lack a standard for required driveway widths outside of the actual parking lot area. The standards are the minimum required by VTRANS for a driveway entrance to a road. The following could be added:*

14.2 Required Area of Parking Facilities

Required parking facilities shall contain not less than the minimum area set forth below, exclusive of driveways, ramps and turning area necessary for access. Exceptions to full compliance may be granted in instances where an alteration and/or a change in use is proposed that does not increase the required number of parking spaces. The minimum size of one parking space, to be maintained year-round, is nine (9') x eighteen (18') feet. Spaces designated for handicapped parking shall be a minimum of twelve (12') x eighteen (18') feet. **Driveways leading to parking areas (except for single-family residential) shall be a minimum of 20 feet for two-way circulation and 10 feet for one-way circulation.**

*13. The additional conditional use criteria for certain districts general description refers to DRB guidelines to follow although some of the criteria are discussed as requirements (the applicant shall...). The additional language allows the DRB to waive absolute requirements given certain conditions. In addition, there are various other sections of the regulations that have special requirements for certain districts. It is recommended that these provisions be moved to one location in the ordinance for ease of use. Except for the waiver language below, no new regulation is proposed except that any permissive language (should require..., may require..., etc.) has been changed to an absolute (shall require...)*

3.7(2)(C). In addition to other provisions of this section, the DRB shall be guided by the following standards when reviewing all site development plans in the designated zoning district. These standards apply to all site development plans, including those involving new construction, expansion, alteration or change of use. **The DRB may waive the specific requirements of this section when it is found that mitigation through design, screening or other mitigation will accomplish the objectives outlined for the designated districts.**

1. Within the MRV, MRC, VC, (VR, MC) and LVC Districts, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. To help achieve these objectives, the following standards shall apply:

- a. Driveways and Road Edge Treatment: The Board ~~may~~**shall** require curbing or other appropriate treatment along all road frontage(s) and to define driveway entrances. Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.
- b. Front Yard Treatment: **Required** Front yards ~~should~~**shall** be limited to landscaping and yard area, sidewalks and public spaces and **shall** not be used for parking or outdoor storage. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.
- c. Parking: Parking shall be designed to re-enforce an internal street network by maximizing the use of parallel or diagonal parking on internal driveways and streets.
- d. Pedestrian Circulation and Sidewalks: Adequate provision for pedestrian circulation within the site, and for pedestrian access to adjacent properties, shall be required. In addition to internal pedestrian circulation, all site plans shall be designed in a manner, which allows a minimum five feet (5') wide sidewalk along all frontage roads.
- e. Internal Road Network and Traffic Mitigation: Site plans shall be designed in a manner that facilitates the development of an interconnected network of village streets. In instances where a connector ("side") street is deemed appropriate, internal driveways shall be designed as side streets, shall be separated from parking areas with curbing, sidewalks, landscaping, buildings or other physical features, and shall be configured to provide access to adjacent properties. In instances where driveways will not touch upon adjacent properties, a condition of site plan approval may be the establishment of a right-of-way to provide access to and through adjacent

properties; in instances where such access has been provided on adjacent properties as part of a prior permit condition, the DRB may require the applicant to connect to the existing driveway (side street).

- f. Orientation of buildings within the site: Buildings shall define a streetscape through a consistent building line and setbacks. Buildings shall front towards and relate to public streets, both functionally and visually, and shall not be oriented toward a parking lot. The Board may impose a maximum setback to achieve a consistent streetscape. The front elevation shall include a main entryway, pedestrian access and appropriate front-yard landscaping. Drive-thru lanes and drive-up windows, where allowed, shall be located in the rear of buildings. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained.

**g. VR Treatment of Front Yards and Driveways: *(moved from 5.7(3))***

**In any VR District, a continuous strip not less than ten (10') feet wide shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and may be traversed only by permitted driveway or pedestrian walks. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.**

**h. LVC and MC Treatment of Front Yards and Driveway Intersections *(moved from 5.9(3)(A))***

**A. Front Yards: In LVC and MC, a continuous strip not less than ten (10') feet wide out of the minimum required front yard shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and which may be traversed only by permitted driveways or by pedestrian walks. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.**

**B. Driveway intersections with streets or highways shall be located and designed as approved by the Selectmen, or State Highway Dept. if a state highway. Driveways shall be located not less than one hundred (100') feet from street intersections, where possible, and shall enter the street in such a manner as to provide the maximum sight distance possible.**

2. Within the Highway Tourist (HT), (Rural Residential (RR), Meadowland Overlay (MOD)) and Upper Mountain Road (UMR) Districts, site plans shall re-enforce efficient traffic circulation, preserve such important landscape features as open fields, scenic vistas, natural and cultural focal points and a well landscaped highway corridor. To help achieve these objectives, the following standards shall apply:

- A. Front Yard Treatment: A continuous strip not less than twenty (20') feet deep, measured from the edge of the highway right-of-way, shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped. Only driveways and

pedestrian walks may traverse the required strip. In addition, no portion of the front yard may be used for storage or for any purpose except as provided herein.

- B. Parking: Parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided under section 14.3 of these regulations. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.
- a.C. Driveway Access: Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation-

**(3) Within the Rural Residential (RR) Districts the following is required: *[This language is under Section 5.6(4)]***

- A. Treatment of front yard and driveways for all conditional uses in the RR districts:**  
A continuous strip not less than twenty (20') feet deep shall be maintained between the street line and the balance of the lot in all RR Districts, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.

**(4) Supplemental Standards for Development in the RR 1 District:**

In addition to the conditional use criteria set forth in these regulations, the DRB shall find that development permitted as a conditional use in the RR 1 District is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:

- A Adequacy and appropriateness of architectural design and visual context of the project. Generally, architectural designs shall reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.
- B Buildings shall be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

**(5) Additional Standards for Development in the HT District: *(moved from 5.10(2))***

In addition to the conditional use criteria of these regulations, the DRB shall find that proposed development is designed in a manner that promotes an overall high quality of design and construction and, where appropriate, incorporates traditional building materials

**(6) Additional Standards for Development in the MRV and MRC districts: *(moved from 5.11(2))***

In addition to the conditional review criteria of these regulations, the DRB shall find that the proposed development is designed to achieve a scale and pattern of development characteristic of traditional village settlements. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project. To this end:

- A. Buildings shall be multi-story;**
- B. Buildings shall include a prominent entrance(s) oriented to all public roads, and be designed to maximize pedestrian accessibility and presentation to the streetscape. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained;**
- C. Buildings shall reflect an overall diversity in size and style, with no single building being out of scale or incompatible with neighboring properties. The visual mass and scale of buildings deemed to be excessively large should be reduced through appropriate design changes, such as a reduction of building's height or width; separation into two or more structures and/or designing a building's façade to interrupt the over-all mass;**
- D. Expansion of existing uses shall emphasize infill development (i.e. the construction of new buildings on existing lots) in a manner, which reinforces pedestrian access and a compact village-scale development pattern.**

**(7) Additional Standards for Development in the UMR District: *(moved from 5.12(2))***

**In addition to the conditional use criteria of these regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:**

- A. Adequacy and appropriateness architectural design and visual context of the project. Architectural designs shall reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and shall reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.**
- B. Buildings shall be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.**

**(8) West Branch Community Service District (WBCS) Standards of Development: *(moved from 5.13(2))***

- A. Within the sixty (60') foot setback from district boundaries, the West Branch of the Little River, and Town Highways, a greenbelt shall be maintained. Uses permitted within the sixty (60') foot setback and greenbelt shall be limited to landscaping, approved driveways, bicycle and pedestrian paths.**
- B. The DRB shall require that the property be adequately landscaped to provide visual screening from neighboring properties and Town Highways. Methods of providing visual screening may include fencing, berms or densely planted vegetation, in addition to other landscaping techniques. The criteria used by the DRB in determining the adequacy of such screening shall include whether outdoor storage of materials or equipment is proposed, existing land cover and**

vegetation and the extent to which the project design and site plan is compatible with the surrounding area.

- C. In addition to the conditional use criteria of these regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's traditional agrarian setting and rural character. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project.
- D. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the project shall not be generated.
- E. The storage or use of hazardous materials shall not pose a threat to public safety and health.

14. Clarify who can sell merchandise outside a restaurant or retail establishment.

4.7 Outdoor Displays of Merchandise

Purpose. To assist in the promotion of the retail and restaurant community within the Town, while providing for the regulation of the display of retail goods or merchandise in outside areas to protect the aesthetic qualities of the community.

Standards. Any business holding a valid permit to operate a retail store or restaurant may erect a display of goods offered for sale, or a display which is designed to promote the sale of goods, including produce, products, goods, equipment, prepared food or commodities, outside a building, provided that the following minimum conditions are adhered to:

- ~~A~~ ~~The applicant owns or operates a retail business or restaurant legally doing business in the Town of Stowe.~~
- BA The proposed outside display is to be located in an area immediately adjacent to the building, provided that it does not impede pedestrian or vehicular traffic. The outside display shall not be done in such a manner, which impedes the flow of pedestrians or motor vehicles traveling in a public right-of-way.
- CB The outside display area shall not exceed ten (10%) of the approved retail or restaurant floor space of the business which has erected the display, but in no case shall the display area exceed three hundred and fifty (350) sq. ft. The area of the outside display shall be calculated using the entire area of the porch, patio, sidewalk, or similar area that is being used for the display. In the case of displays erected upon a lawn, the total area shall mean the smallest area

which can be enclosed within a square or rectangle and which would encompass all elements of the display.

**DC** Goods or food served or sold from a registered vehicle, trailer or a truck, or from a cart larger than 32 sq. ft. in area, must receive conditional use approval from the DRB as a Temporary Structure under Section 4.15 of these regulations.

**ED** A ~~restaurant or a~~ retail establishment ~~that serves food as an accessory use~~ may prepare and serve food outside the business in accordance with the requirements of this section.

#### 4.11 Temporary Structures

- (1) The Zoning Administrator has authority to issue permits for temporary structures in any district but may refer the applicant to the DRB when it is determined that DRB review is warranted.
- (2) All temporary structures including, but not limited to, trailers, tents, **trucks and other registered vehicles and carts with an area greater than 32 sq. ft. selling or serving goods or food**, and mobile homes used for temporary office or storage space may be permitted as a temporary accessory structure to an existing or proposed approved use. Such structures shall not be used for dwelling purposes.

## Amendments to Section 13: Signs

*The purpose of these amendments to the sign regulations is to:*

- *Address the recent Reed v. Gilbert case*
- *Address other signage issues that have been problematic. Draft signage amendments will then be prepared based upon initial input from the Planning Commission and guidance from the Town Attorney.*

### Reed v. Town of Gilbert

*The US Supreme Court in June 2015 (Reed v. Town of Gilbert) found that sign regulations need to be content-neutral. Their majority opinion noted that the distinction between political signs, ideological signs, and event-promoting signs was facially content-based, because it turns “on the communicative content of the sign”. However, the Court did acknowledge that some narrow content-based exceptions might pass strict scrutiny, if they are “narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers”. The examples the Court gave were special treatment for “warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses.”*

*Based upon this case, the Stowe signage regulations need to be modified to be content-neutral in order to comply with the recent court case. This will require some significant regulation changes and some significant policy decisions regarding signage. The information below lays out some of the changes that will be needed and is meant to begin the discussion regarding amendments. Based upon the Planning Commission discussions, staff will prepare draft signage amendments for review.*

### Current Signage Regulations That Appear to be Content-Based

*Language that allows certain signs based upon the content are not content-neutral. The following sign allowances and restrictions will need to be removed because they are content-based as defined by Reed v. Town of Gilbert. Other language will need to be added that is content-neutral in order to allow these signs.*

*Under Section 13.12 the following signs are allowed without a permit and would be content-based:*

1. *Memorial, historical, cultural or religious signs, no larger than twelve (12) sq. ft.*
2. *“OPEN” signs, no larger than one and one half (1.5) sq. ft. made of permanent, stiff materials.*
3. *Menu boards no larger than four (4) sq. ft. permanently mounted to the building or a post.*
4. *Gasoline price signs no larger than four (4) sq. ft.*
5. *“For Sale By Owner” signs not to exceed six (6) sq. ft. in area.*
6. *“For Rent” signs, no larger than six (6) sq. ft.*
7. *One (1) site identification sign, no larger than twelve (12) sq. ft., on a property that has been conserved by easement.*
8. *Political signs and signs exercising freedom of speech no larger than twelve (12) sq. ft.*

- 9. Community-wide special event signs, which may include, banners, sandwich boards and related directional signs no larger than six (6) sq. ft.*
- 10. No more than two (2) sale, auction and non-community-wide events signs and banners up to twelve (12) sq. ft. may be permitted on-premise for a maximum of ten (10) days no more than four (4) times per year.*

*Under Section 13.13 the following signs are prohibited and would be considered content-based:*

- 1. "For Sale" signs by real estate brokers or agencies on properties listed for sale;*
- 2. Contractor signs at construction sites except for work site signs required by state or federal regulations. Such signs shall be removed once they are no longer required;*
- 3. "OPEN" flags;*
- 4. "Sandwich" boards except as permitted under Section 13.12(16)(which allows the sandwich signs for community events);*

#### *Allowance of Temporary Small Signs*

*There is a need to allow small signs throughout the town to meet certain needs such as election signs, freedom of speech signs, for sale signs, and for rent signs. A total prohibition would not be allowed due to court cases that prohibit a total ban since it would interfere with freedom of speech. One simple way to address this would be to allow temporary signs of up to a certain square footage with a possible restriction on the number signs. Consideration needs to be made regarding a restriction on number so that the regulations do not restrict freedom of speech. Such signs would most likely not require any permit. This would allow any content on the signs including some signs that are currently not permitted (such as realtor signs and contractor signs).*

#### *Allowance for Sandwich Board Signs*

*Currently the regulations prohibit sandwich board signs except for special events. Special events are defined as " A temporary event open to the general public, including events requiring a Town Special Event Permit, outdoor festivals, craft shows and similar events expected to have at least one hundred (100) attendees, and community-wide thematic-based business promotions sponsored by the Stowe Area Association or similar association. Community-wide special events do not include events for the primary purpose of promoting one individual business."*

*Allowing only certain sandwich board signs is likely to be considered content-based. A regulation allowing some directional signage for larger events on the day of the event may be acceptable if they could be considered needed to help regulate traffic flow. The current special event application requires the applicant to outline plans for directional signs which are then approved by the Select Board as part of their approval. However, the current allowance for other sandwich board signs for special events only is content-based.*

*One option would include allowing sandwich board signs regardless of content within the commercial districts only (or any parcel maybe). The other option would be to not allow any sandwich board signs, which would not allow most of the event-based sandwich board signs.*

*Banners*

*The current regulations allow for two banners, up to 12 square feet, for sales, auction and non-community event signs for a maximum of 10 days four times per year. Under Reed v. Town of Gilbert, the regulations should be modified to not address content.*

*In addition, the banner regulations have been problematic in two ways. First, some businesses have been erecting banners on locations other than the building or below or on their permanent signs. This would include on fences and as free-standing pole mounted banners (sometimes referred to as feather banners or feather flags). Various complaints have been received regarding banners not on buildings or signs. A solution would be to require all banners to be mounted on the building or within the area approved for their permanent signage. Second, the time limits on banners are difficult to enforce since there is no easy way to know when a banner went up since they do not require a permit. The solution would be either to have no time limit on banners or to require a permit.*

*Decorative flags*

*Currently the regulations do not allow open flags. Some businesses have instead installed flags that say "welcome" or similar language. The regulations also do not limit works of art which may include some decorative flags. There is no limit on the number of decorative flags. Some complaints have been received regarding such flags. One solution would be to only allow decorative flags with no wording and to require them to be mounted on the building or a pole on the building. A limit could also be placed on the number of decorative flags allowed.*

*Wind- and motion-activated signs and decorations and tear drop or feather banners*  
*Some businesses have erected various free-standing feather banner or flags that are decorative only (banners without any words). In addition, there are various mechanical and wind activated decorations available that could be difficult to restrict. One solution would be to not allow any devices, whether part of a sign or not, that contain or consist of banners, posters, pennants, ribbons, streamers, strings of lights, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure or mechanically driven unless they are permitted specifically within the regulations.*

## Section-13 SIGNS

### Purpose

The purpose of these sign regulations is to recognize the necessity of appropriate signs to inform the traveling public and aid local businesses in attracting customers. These regulations are designed to encourage outdoor advertising that is compatible with the scenic and historic beauty of the Town of Stowe.

### 13.1 General Guidelines

*Items 5 through 9 are added as important guidelines from the Reed v Gilbert case.*

These regulations are to encourage the use of signs that ~~are~~:

1. ~~Compatible~~ **Are compatible** with the community character.
2. ~~Readable~~ **Are readable** and clear.
3. ~~Non~~ **Are not** distracting for vehicular traffic.
4. ~~Maintained~~ **Are maintained** in safe and good repair.
5. **Ensure public safety.**
6. **Do not create undue clutter.**
7. **Protect private property rights.**
8. **Protect freedom of speech.**
9. **Are content-neutral unless serving a compelling government interest.**

*The section below on sign approvals is not needed since the process for obtaining a zoning permit is already specified in Section 2.5 of the Zoning Regulations.*

### ~~13.2 Procedure for Approval of Sign Permits~~

~~For the erection of new, replacement, or temporary signs and their appendages, applications shall be made to the Zoning Administrator for a sign permit. Applicants shall complete permit application forms provided by the Zoning Administrator and shall attach additional information pertaining to the proposed sign as the Zoning Administrator may require.~~

~~Within thirty (30) days after receipt of a complete application and permit fee, the Zoning Administrator shall conduct a review of the application for compliance with these regulations and shall either grant a permit or deny the application. If the application is denied, a written explanation for the denial shall be provided to the applicant.~~

~~Permit fee: Every applicant, before being granted a permit, shall pay to the Town of Stowe such permit fee, if any, in accordance with the schedule of fees adopted by resolution of the Selectmen.~~

### 13.2 Signs in Residential Districts (all RR and VR Districts)

*The home occupation and non-residential use signs are content-based and removed. A general regulation allowing any type of temporary or permanent sign has been added. A definition of a neighborhood sign has been also added (see definitions at the end or amendments)*

1. **No permanent sign shall exceed six (6) square feet on a parcel and shall not be within the highway right-of-way. No more than one such sign is permitted per each principal residential building or each business-**
2. **Temporary signs shall not exceed three (3) square feet and shall be at least twenty (20) feet from the travel portion of any public or private road or the distance to the principle building, whichever is less. No more than two (2) such signs are permitted per property.**
3. One (1) neighborhood identification sign ~~(meaning a graphic to identify the entrance to a particular subdivision recognized by a given name)~~ is permitted at its entrance. The sign may be double faced, and shall not exceed thirty-five (35) sq. ft. in area, ten (10) ft. in height, and ten (10) ft. in width, including structural support. If the subdivision **or complex** has access from more than one service road, identification signs will be permitted at each entrance unless both entrances are within view of each other. In lieu of a double faced sign, two (2) thirty-five (35) sq. ft. signs attached and angled, if warranted, may be approved with suitable landscaping.

*The following sign regulations will be removed because they are content based:*

1. ~~A home occupation sign is permitted, not to exceed six (6) sq. ft.~~
2. ~~One (1) sign identifying any non-residential building or use permitted in residential districts is permitted, not to exceed twelve (12) sq. ft.~~
3. ~~A site identification sign up to thirty six (36) sq. ft. for a site or complex containing three (3) or more businesses or uses. In addition, an individual business within the site or complex may be identified by a building sign not to exceed eleven (11) sq. ft.~~

### 13.3 Signs in Commercial Districts (Districts other than RR and VR Districts)

*Language has been added that business signs can be free-standing or mounted. Definitions for sign height, business sign, site identification signs and building sign have been added. Some vague language regarding design has been removed. Other minor clarifications were added.*

**The following signs are permitted when located on the immediate property:**

1. In the HT, MRV and MRC Districts, one (1) business sign not larger than seventy (70) sq. ft. per sign face (message area) may be permitted. In the VC, LVC, MC, IND-PUD, VIL-PUD, WBCSD and UMR districts, business signs shall be no greater than thirty-six (36) sq. ft. The height of a sign, including **the** structural support, shall not exceed fifteen (15) ft. (Twelve (12) feet in VC, LVC, MC, ~~IND-PUD~~, VIL-PUD, WBCSD and UMR districts.). **These signs can be free-standing or mounted on the building.**~~The height shall be determined by measuring from either road level or the height of the ground at the place of the sign; whichever is higher, to the highest point of the sign or structure.~~ Overall width, including **the** structure, is not to exceed twelve (12) ft., (ten (10) feet in VC, LVC, MC, **VIL-PUD WBCSD** and UMR).~~Except as provided in paragraph (2) below, where two (2) or more businesses are located in a single~~

~~building or within attached buildings, or within a cluster of buildings sharing a common vehicular entrance and exit, only one (1) sign is permitted.~~ The Zoning Administrator may approve a second sign if unique physical conditions make a second sign necessary in order to ~~adequately advertise the existence of a business~~ **make the business sign visible from a public road.**

2. The following signs are permitted in instances where two (2) or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common vehicular entrance and exit.

**A.** One site identification sign, which may include individual business signs not to exceed a total of seventy (70) sq. ft. in HT, MRV and MRC districts or thirty-six (36) sq. ft. in VC, LVC, MC, UMR and WBCSD districts. **The height of a sign, including structural support, shall not exceed fifteen (15) ft. (Twelve (12) feet in VC, LVC, MC, VIL-PUD, WBCSD and UMR districts.). Overall width, including the structure, is not to exceed twelve (12) ft., (ten (10) feet in VC, LVC, MC, VIL-PUD WBCSD and UMR).**

~~**B.**—An individual business within the site or complex may also be identified by a building sign not to exceed eleven (11) sq. ft. Variations in the design of signs in a complex may be approved by the Zoning Administrator only when a sign plan is submitted for all business units in the complex and no individual sign exceeds eleven (11) sq. ft. in area. Signs in a complex must be harmonious throughout the entire complex in some manner, such as but not limited to, background board, trim, mounting brackets, etc. A graphic or sign must be located on that part of the building or lot occupied by the activity.~~

~~3. Small, o~~On-premise **permanent** directional signs, such as entrance and exit signs, not to exceed six (6) sq. ft., ~~may are be permitted by the Zoning Administrator. Entrance or exit signs will only be permitted when the driveway is not obvious or otherwise identifiable with a particular business or activity.~~ Directional signs along the Stowe Recreation Path shall be limited to no more than one sign per property, shall be of a standardized size and design as approved by the Stowe Selectboard and shall be located at least ten (10') feet from the path.

4. Appendages: (“that which is attached as if by being hung on, a subsidiary, adjunct or addition”):

A. Appendages of a compatible character and texture of material may be made to the sign. The size of appendages shall be included in message area limitations specified in this section. Appendages must be made of permanent, stiff materials and not flexible banner-like materials.

B. No appendages will be permitted on the outside of supports.

5. Two-road exposure: A second sign ~~may shall~~ be permitted for businesses that have property and buildings open to the public which have entrances on two (2) public roads or are on both sides of a public road.

~~7. No building sign will be permitted to extend above the peak of the roof on which it is erected.~~ *Moved to general requirements*

• 13.4 General Sign Requirements

1. Maintenance: All signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. Failure to adequately maintain a sign will constitute a zoning violation ~~enforceable under Section 13.4~~

2. Wind pressure and dead load: Any sign or advertising structure shall be designed and constructed to withstand a wind pressure load of at least (30) lb. per sq. ft.

3. Obstruction to safety: No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.

4. Signs not to constitute traffic hazards: In order to secure and maintain reasonable traffic safety, no sign shall be erected or maintained in such a manner as to obstruct free and clear vision or so as to distract the attention of the driver of any vehicle by reason of the position, shape or color thereof. Pursuant to the foregoing, no sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device. Accordingly, no sign or other advertising structure shall make use of the words "STOP", "GO", "LOOK", "DANGER", or any other similar phrase, symbol, or character, or employ any color in such a manner as to interfere with, mislead or confuse traffic. Reflective materials are prohibited.

5. Permanent signs must be made of permanent, stiff materials and not banner-like flexible materials.

6. **No building sign will be permitted to extend above the peak of the roof on which it is erected.**

7. **No signage is permitted within a public right-of-way unless approved by the appropriate authority.**

13.6 Illumination and Movement of Signs

*Language has been added to address to address wind-blown devices such as spinners, etc. Content-based language has been removed.*

Signs may be illuminated by a steady light in accordance with the following standards:

1. The light must be of one (1) color;
2. The average level of illumination on the vertical surface of the sign shall not exceed 3.0-foot candles;
3. Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the sign façade and does not cause glare and a resulting traffic hazard;
4. Interior illumination will not be permitted for any new or replacement sign.
5. A lighted sign on an intermittent or flashing circuit or the movement of any light used in connection with any sign such as blinking, traveling, flaring or changing degree of intensity, will not be permitted, with the exception of ~~barber poles, and~~ signs containing clocks and temperature readings.
6. No neon lighting or self-illuminated signs will be permitted inside a window.
7. Movement of a sign body or any segment thereof such as rotating, revolving, moving up or down or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical or other means, will not be permitted. **Devices, whether part of a sign or not, that contain or consist of banners, posters, pennants, ribbons, streamers, strings of lights, spinners, or other similarly moving devices or signs, which move or swing as a result of wind pressure such as feather banners, or are mechanically driven, are prohibited unless they are specifically permitted within these regulations.**

### 13.7 Temporary ~~and Portable Business~~ Signs

*Language has been added that temporary signs must be mounted on the building or permanent sign. Content-based language has been removed. The requirements have been simplified to allow temporary signs in lieu of permanent signs and to allow portable signs for seasonal businesses such as the farmers market or Stowe Theater. The time limit for temporary signs has been removed. Temporary signs do not currently require a permit and are proposed to continue to not need a permit. Definitions for portable and temporary signs have been added.*

**1. ~~Temporary business signs must comply with the dimensional, locational and number restrictions of permanent signs as detailed elsewhere in Section 13.7. Temporary signs must be either securely mounted on the principle building or securely mounted on or below a permanent sign structure. If mounted below a permanent sign, the total area of all temporary and permanent signage shall not exceed the total area allowed for the permanent sign. One temporary sign, mounted on the building, not to exceed twelve (12) square feet in area, is permitted per business in addition to those allowed on or below the permanent sign. Seasonal businesses are permitted to use a temporary or portable sign in lieu of a permanent sign.~~**

~~A. If incorporated into or under a permanent sign, and of a compatible character and/or texture material.~~

~~B. For a seasonal or short time business, for up to (3) three months, if in compliance with other requirements of this section.~~

~~C. Where a business is under construction, or a sign is being repaired.~~

~~2. Event Banners constructed to Town of Stowe specifications and erected by the Town of Stowe are permitted for up to one (1) week (or longer if space permits) to advertise special community events that are open to the public. Commercial and sponsor identification must be minimal and second to the event name.~~

~~3. "OPEN" banners, no larger than 12 sq. ft., are permitted for a period not to exceed one (1) month, for a newly opened or relocated business.~~

### 13.8 Unsafe, Outdated and Unlawful Signs

1. If the Zoning Administrator finds that any sign is unsafe or has been constructed in violation of the provisions of this Section, an enforcement action shall be taken in accordance with **these regulations**.~~Section 13.9~~. The Zoning Administrator may require the adjustment or relocation of any sign to help ensure vehicular and pedestrian safety.

2. This action shall apply also to any sign now or hereafter existing, which no longer identifies a bonafide business conducted or a product sold, on the lot on which it is located.

### 13.9 Nonconforming Signs

1. Nonconforming signs shall be brought into conformance with these regulations if the building space identified by the sign undergoes a change in name. The Zoning Administrator may permit a nonconforming sign to continue even if the name changes for businesses located within historic buildings as defined by these regulations, upon a positive recommendation from the Stowe Historic Preservation Commission.

### 13.10 Planned Unit Development Signs

1. Signs in Resort and SKI PUD may be no larger than signs in the Highway Tourist district, except for signs not visible from a public road as allowed under Section ~~H12~~.

### 13.10 Signs Exempt from These Regulations and Not Requiring a Permit

*Content-based sign language has been removed. Language was added regarding decorative flags, government signs, street number signs, and event directional signs. A definition of government signs has been added.*

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
2. Window signs, posters, banners, stencils or lettering on the inside of a window, except for neon signs or self-illuminated signs
3. ~~Signs erected or sanctioned by the Town of Stowe;~~ **Government signs**
4. Works of art that do not include a commercial message **and do not relate directly to the business where the work of art is displayed.**
5. **For commercial uses, decorative flags not larger than six (6) square feet that are mounted on the building or a pole attached to the building. Such decorative flags are limited to not more than two per business parcel or two per each business, whichever is greater.**
6. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Agency of Transportation standards and which contain no commercial message of any sort;
7. **Street number identification signs, no larger than 3 square feet no larger than two (2) feet.**
8. ~~The flag, pennant or insignia of any government on a single pole.~~ **Flags, pennants and insignias of any government when attached to a flag pole.**
9. Temporary signs permitted under these regulations.
10. Signs, **including portable signs**, no larger than ~~eleven-twelve~~ sq. ft. that are not visible from a public road or right-of-way **or are at least 50 ft. from the highway ROW**, within the commercial districts, SKI-PUD and Resort PUD.
11. ~~Community wide special event signs, which may include, banners, sandwich boards and related directional signs no larger than six (6) sq. ft~~ **Directional signs, including portable signs, for events with fifty (50) or less people are permitted for the day of the event. Directional signs, including portable signs, for events involving more than fifty (50) people are permitted for up to seven (7) days. Directional event signs are meant to assist with traffic control and must include directional information on how to get to the event. Such signs are only permitted in the public right-of-way if permission is obtained from the appropriate governmental body.**

13.12 Signs Exempt from These Regulations and Not Requiring a Permit

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- Signs erected or sanctioned by the Town of Stowe;
- Window signs, posters, banners, stencils or lettering on the inside of a window, except for neon signs or self-illuminated signs.
- Works of art that do not include a commercial message;
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Agency of Transportation standards and which contain no commercial message of any sort;
- ~~Memorial, historical, cultural or religious signs, no larger than twelve (12) sq. ft.~~
- ~~“OPEN” signs, no larger than one and one half (1.5) sq. ft. made of permanent, stiff materials.~~
- Menu boards no larger than four (4) sq. ft. permanently mounted to the building or a post.
- The flag, pennant or insignia of any government on a single pole.
- ~~Gasoline price signs no larger than four (4) sq. ft.~~
- ~~“For Sale By Owner” signs not to exceed six (6) sq. ft. in area.~~
- ~~“For Rent” signs, no larger than six (6) sq. ft.~~
- ~~One (1) site identification sign, no larger than twelve (12) sq. ft., on a property that has been conserved by easement.~~
- Political signs and signs exercising freedom of speech no larger than twelve (12) sq. ft.
- “No Trespassing” signs no larger than 24" x 18".
- Community-wide special event signs, which may include, banners, sandwich boards and related directional signs no larger than six (6) sq. ft.
- ~~No more than two (2) sale, auction and non-community wide events signs and banners up to twelve (12) sq. ft. may be permitted on premise for a maximum of ten (10) days no more than four (4) times per year.~~

- Signs no larger than ~~eleven~~ **twelve** sq. ft., **including portable signs**, that are not visible from a public road or right-of-way within the commercial districts, SKI-PUD and Resort PUD.
- ~~Official Business Directional Signs in accordance with the Vermont Agency of Transportation regulations~~

### 13.13 Prohibited Signs

- ~~“For Sale” signs by real estate brokers or agencies on properties listed for sale;~~
  - ~~Contractor signs at construction sites except for work site signs required by state or federal regulations. Such signs shall be removed once they are no longer required;~~
  - Signs that interfere with, imitate or resemble any official traffic control sign;
  - ~~Advertising billboards. (Chapter 21 of Title 10, V.S.A regulates outdoor advertising.)~~ **Signage prohibited by state statutes.**
  - Signs prohibited under Section 13.6;
  - ~~“OPEN” flags;~~
  - ~~“Sandwich” boards except as permitted under Section 13.12(16);~~ **Portable signs except where specifically permitted in these regulations.**
  - ~~Off-premise advertising, which means any sign or display promoting any business or activity not primarily related to the main activity of the facility on the premises, except for Official Business Directional Signs in accordance with Section 13.8 and community wide event signs as permitted under Section 13.12.~~
5. ~~Off-premise advertising, which means any sign or display promoting any business or activity not primarily related to the main activity of the facility on the premises, except for Official Business Directional Signs in accordance with Section 13.8 and community wide event signs as permitted under Section 13.12.~~

#### Sign Definitions

~~Sign: A device, structure, building or part thereof, used for visual communication for the purpose of bringing the subject thereof to the public’s attention.~~

**Sign, Site identification: A sign identifying where two (2) or more businesses are located on the same parcel and in a single building or within attached buildings or within a cluster of buildings sharing a common vehicular entrance and exit.**

**Sign, building: A sign that is attached to or mounted a building.**

**Sign, neighborhood identification sign:** A type of directional sign that identifies the entrance to a subdivision or a multi-family complex with at least 5 (five) units.

**Sign, business:** A sign for an on-premise business or organization that is registered with the Vermont Secretary of State.

**Sign height:** Sign height shall be determined by measuring the height of the natural ground at the ~~place~~ base of the sign to the highest point of the sign or structure.

**Sign, permanent directional:** An on-premise sign that directs vehicular and pedestrian traffic to a business or other use.

**Sign, government:** A permanent, temporary, or portable sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights, such as "No Trespassing" signs. These signs are meant to serve a compelling governmental interest.

**Sign, portable:** Any structure without a permanent foundation or otherwise permanently attached to a fixed location, **which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location.** Portable signs may include, but are not limited to, "sandwich board" style signs.

**Sign, temporary:** A sign not made of a permanent, stiff material and designed to be temporarily mounted. A portable sign is not considered a temporary sign under this definition. This excludes a commercial message that is incorporated into registered motor vehicles.

**Street Number Identification Sign:** A sign that contains no more than the street number and name.