TOWN OF STOWE

ZONING REGULATIONS

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Section 1 AUTHORITY AND PURPOSE

1.1 Enactment

In accordance with Section 4401 of the Vermont Planning and Development Act, Chapter 117, Title 24 VSA (hereinafter referred to as "the Act"), there are hereby established Zoning Regulations for the Town of Stowe as set forth in the text and maps contained herein. These regulations shall be known as the Zoning Regulations of the Town of Stowe, Vermont.

1.2 Purpose

It is the intent of these regulations to:

(1) Provide for and promote the orderly development of Stowe;

(2) Implement the goals and objectives of the Stowe Town Plan;

(3) Promote the public health, safety and general welfare of the community; and

(4) Advance the purposes and goals as set forth in "the Act".

Section 2 ADMINISTRATION AND ENFORCEMENT

2.1 Administrative Officer (Zoning Administrator)

(1) The Zoning Administrator is hereby appointed by the Town Manager to administer the regulations, as provided for by the Charter of the Town of Stowe.

(2) The Selectboard may appoint an acting Zoning Administrator who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence.

(3) The Zoning Administrator shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate. The Zoning Administrator has the authority to administratively approve applications for permitted uses, signs, minor alterations to conditional uses, lot line adjustments (minor subdivisions), and any other activities exempted from Development Review Board (DRB) review under these regulations. Any decision of the Zoning Administrator may be appealed to the DRB in accordance with Section 2.11.

(4) In addition, the Zoning Administrator shall coordinate the Town's development review program. If other municipal permits or approvals are required, the Zoning Administrator shall provide the applicant with necessary forms. The Zoning Administrator should also inform any person applying for municipal permits or authorizations that they should contact the Vermont Agency of Natural Resource's Regional Permit Specialist to assure timely action on any related state permits. The applicant retains the obligation to identify, apply for, and obtain relevant state permits.

2.2 Planning Commission

(1) The Planning Commission shall consist of seven (7) members appointed by the Selectboard. 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 Selectboard.

(2) The Commission shall adopt rules of procedure deemed necessary and appropriate for the performance of its functions. The Commission shall have the following duties in association with these regulations:

A. Prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, including amendments submitted by petition;

B. Prepare and approve written reports on any proposed amendment to these regulations; and

C. Hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Selectboard.

(3) The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct.

2.3 Development Review Board

(1) The Development Review Board (DRB) shall consist of seven (7) members appointed by the Selectboard for specified terms. The Selectboard also may appoint alternates, for specified terms, to serve on the DRB in situations when one or more members of the DRB are disqualified or are otherwise unable to serve. The Selectboard upon written charges and after public hearing may remove any member of the DRB for cause.

(2) The DRB shall have all powers and duties as set forth in "the Act" to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

A. Applications for rights-of-way or easements for development lacking frontage (Section 3.1);

B. Appeals from any decision, act or failure to act by the Zoning Administrator (Section 2.11) and any associated variance requests (Section 2.12);

C. Requests for waivers of dimensional standards for historic buildings (Section 10.10);

D. Applications for conditional use approval (Section 3.7);

E. Applications for subdivision approval for two (2) or more parcels;

F. Applications for planned unit development (Section 12);

G. Applications for development within the RHOD (Section 9); and

H. Applications for design or historic review (Section 10).

2.4 Stowe Historic Preservation Commission

(1) The Stowe Historic Preservation Commission members shall be appointed by the Selectboard. The number of members shall be determined by the Selectboard, but shall not be less than five. The Commission may be composed of professional and lay members with expertise in related fields, a majority of who shall reside in the Town. For purposes of these regulations, the Historic Preservation Commission shall have the authority to:

A. Review applications and prepare recommendations to the DRB and Zoning Administrator for exterior alterations, demolition and relocation of historic buildings or any land development within the Stowe Historic Overlay District

B. Meet with the applicant, interested parties, or both, conduct site visits, and perform other fact finding that will enable the preparation of recommendations to the DRB; and

C. Inform applicants of any negative recommendations prior to the public hearing, and suggest remedies to correct identified deficiencies in the application.

2.5 Zoning Permit

(1) Applicability. No land development as defined herein, which is subject to these regulations, shall be commenced in the Town of Stowe until the Zoning Administrator has issued a zoning permit.

(2) Exemptions. No zoning permit shall be required for the following activities:

A. Farming, including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets (§6001(22) of Title 10 of "the Act"). 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 Zoning Administrator prior to any construction. Farm structures shall meet all setback requirements as approved by the Secretary;

B. Accepted silvicultural practices (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation;

C. Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, shall conform to policies and objectives specified

for such development in the Stowe Town Plan in accordance with 30 V.S.A. §248(b)(1);

D. Hunting, fishing, and trapping on private or public land. This exemption does not include facilities supporting such activities as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities;

E. Normal maintenance, repair, or interior alterations of an existing structure that does not result in a change in use or any change to the footprint, height dimensions or expansion in the total floor area of the structure. Examples of normal maintenance include, but are not limited to: roof replacement keeping the same ridgeline or new siding.

F. Façade changes except for conditional uses and except as otherwise specified in the RHOD and SHOD;

G. Fences or landscaping walls, no more than eight (8) feet in height, except within the SHOD, which do not interfere with public street corner visibility or extend into the public right-of-way, handicap access ramps, patios no more than six (6") inches in height, walkways, utility poles and boxes, water well casings, and residential fuel tanks. Conditional use review will be required for fences and landscaping walls greater than eight (8') feet in height;

H. Grading involving less than fifty (50) cubic yards, site clearing, excavation for foundations, and installation of utility infrastructure, provided that the property is not located within the RHOD;

I. Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), 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 regulated under Section 4.14;

J. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, mountain biking and snowmobile trails) which do not require paving or the installation of structures or parking areas. This exemption does not apply to trails on commercial properties;

K. 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 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. This exemption does not apply to structures requiring design review under Section 10.

L. Temporary structures accessory to a residential use erected for no more than seven (7) days.

M. The ordinary use of a room of a dwelling for personal office use for business activity carried on elsewhere as long as there are no employees, clients or customers on the premises. (See Section 4.4 for Home Occupation standards.)

N. Activities exempted under Section 4.7, Outdoor Displays of Merchandise.

O. Communications antennae and facilities used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the aggregate area of the largest faces of the antennae is not more than eight (8) sq. ft., and if the antennae and any mast support does not extend more than twelve (12') feet above the roof of that portion of the building to which the mast is attached. (This exemption does not pertain to "historic buildings" as defined in these regulations.)

P. An antenna structure less than twenty (20') feet in height with a primary function to transmit or receive communication signals for commercial, industrial, institutional, nonprofit or public purposes, and located within the boundaries of a downhill ski area.

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

2.6 Applications

(1) Permitted Uses: All permitted use applications shall be submitted to the Zoning Administrator accompanied by two (2) copies of the proposed building elevations with heights measurements indicated and floor plans, drawn to scale and a site plan, with a scale appropriate to show the necessary details for review, at a minimum, the dimensions of the lot to be built on, location of the building and/or accessory building to be erected, altered, extended or moved and a surveyor's plot plan of the property, if available. The application should further include the location of all streams and wetlands, construction-related soil erosion measures and permanent stormwater control measures. (Refer to Section 3.11.) The applicant shall also state the existing or intended use of all buildings on the lot and supply such other information as noted below in Sections A. and B.

A. Site Plans shall include the following, unless waived by the Zoning Administrator, upon a determination that such information is not necessary to determine if an application, as proposed, will fully comply with these Regulations:

1. Location map of an appropriate scale showing the relation of the property boundaries and road frontage to at least two (2) intersecting roads in the vicinity;
2. Name of the project, current owner(s) name and address, and tax parcel number for the property;
3. Names and address of all adjoining property owners;
4. Name of firm or individual preparing plan, scale, north point and date of preparation;
5. Existing and proposed features in sufficient detail to allow the Zoning Administrator to determine compliance with these Regulations;
6. Zoning setback lines;
7. All distinct and/or prominent physical features, (existing or proposed), such as tree lines, no-cut zones, stone walls, ledge outcroppings, watercourses, water supplies, wastewater areas or sewer line~~s~~ areas, or items of historical or cultural significance or the like;

B. Building elevations and floor plans shall be of all sides of the structure and shall be of sufficient detail to allow the Zoning Administrator to determine if an application, as proposed, will fully comply with these Regulations. In the instance of an addition to an existing structure, the Zoning Administrator may, at his/her discretion, waive the requirement for elevation drawings and floor plans for those elevations not affected by the proposed construction.

(2) Applications Requiring DRB Approval: Applications shall be submitted to the Zoning Administrator accompanied by nine (9) copies of the site development plan required by Section 2.6 and any other plans and information required by the DRB. Appeals for variances involving permitted uses may omit the site development plan, and submit an adequate plot plan in accordance with Section 2.6(1)(A) above.

(3) The DRB may require that legal or engineering services be required to be paid by the applicant subject to the policies of the Town.

(4) The DRB may require certification by an appropriate official, including, but not limited to: certification by an engineer of completion of stormwater management plans; driveway, road construction and grading; or certification by a surveyor of final building locations, property boundaries, clearing limits and setbacks.

(5) Flood Hazard District Approval: Any application for development within the Flood Hazard Area District shall include copies of application information as required for referral to the Vermont Agency of Natural Resources, the Federal Flood Insurance Administrator, in accordance with Section 7.1.

2.7 Conditional Uses, Minor Alterations

(1) Alterations to an existing conditional use shall not require the review of the DRB when, in the opinion of the Zoning Administrator, the application for a Minor Alteration as defined by these Regulations has no potential to create an undue adverse effect under the review criteria of Section 3.7. In such cases, the Zoning Administrator may review the application as a Permitted Use and may, using his/her sole discretion, issue a Minor Amendment Permit.

(2) Examples of Minor Alterations to existing conditional uses may include, but are not limited to, minor expansions to building coverage through renovations or reconstruction (e.g. the replacement of a porch, deck, or roof), small additions to existing buildings up to four hundred (400) sq. ft., replacement of doors or windows, the construction of accessory buildings up to four hundred (400) sq. ft. for the storage of maintenance equipment, and minor additions or alterations necessary for compliance with fire safety or building code requirements, etc. The Zoning Administrator may also approve changes of use where no additional parking is required.

(3) Any alteration that has the potential to increase the volume of business, expands the services offered by the conditional use, or otherwise has the potential to increase the intensity of use on the property shall not be considered minor and shall require the review of the DRB.

2.8 Issuance of Permit

The Zoning Administrator in accordance with the following provisions shall issue a zoning permit:

(1) Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the DRB for consideration. If the Zoning Administrator fails to act within the

thirty (30) day period, a permit shall be deemed issued on the 31st day. The Zoning Administrator shall notify the applicant within thirty (30) days if an application and associated application materials are deemed to be incomplete. The applicant shall have sixty (60) days to correct the application defects or else the application shall be considered denied by the Zoning Administrator as incomplete. The Zoning Administrator shall have the right to waive the sixty (60) day limit when, in the opinion of the Zoning Administrator, a good faith effort to submit a revised application is being made by the applicant.

(2) No zoning permit shall be issued by the Zoning Administrator for any use or structure that requires the approval of the DRB until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of thirty (30) days following the submission of the application to the state**.**

(3) If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, for a period of one hundred (150) days following that notice the Zoning Administrator shall review any new application filed for compliance with the proposed amendment and applicable existing regulations. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of these regulations.

(4) A zoning permit shall include a statement of the time within which appeals may be taken under Section 2.11 and shall require posting of a notice of permit, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for appeal has expired.

(5) The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.

2.9 <u>Effective Dates</u>

(1) No zoning permit shall take effect until the time for appeal under Section 2.8 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

(2) If after the DRB approval no zoning permit has been issued within two (2) years (or longer if approved by the DRB), such approval shall become null and void.

(3) Permit Expiration

A. Uses Requiring Zoning Administrator Approval Only. Once a zoning permit is issued for a permitted use, all activities authorized by its issuance shall be substantially completed within three (3) years of its effective date.

B. Uses Requiring DRB Approval. Once the zoning permit is issued, all activities authorized by its issuance shall be substantially completed within five (5) years of its effective date, or, if applicable, within the construction schedule granted under the applicant's DRB approval.

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.

For all uses, "substantially complete" shall mean that the exterior of the building or structure is complete to the satisfaction of the Zoning Administrator and all permit and DRB conditions have been met. In addition, any interior work on a building that contains a conditional use shall be completed to the degree that the intended use is clearly demonstrated.

(2) An application for a Certificate of Occupancy shall be provided with the zoning permit issued by the Zoning Administrator. The applicant shall submit a completed application to the Zoning Administrator and shall not use or occupy the land or structure until a CO is issued.

(3) Within thirty (30) days of receipt of the application and fee for a Certificate of Occupancy, the Zoning Administrator shall inspect the premises to ensure that all work has been completed in conformance with Section 2.10(2). If the Zoning Administrator fails to either grant or deny the CO within thirty

(30) days of the submission of an application, the certificate shall be deemed issued.

(4) The Zoning Administrator may issue a Certificate of Occupancy for an expired permit as long as the project is substantially complete as defined in Section 2.10(1) above.

(5) Temporary Certificate of Occupancy. The Zoning Administrator may issue a temporary Certificate of Occupancy if a building is substantially complete, but not all permit conditions have been met. For example, a temporary CO may be issued if the Zoning Administrator determines that the building is substantially complete but the required landscaping cannot be completed due to the season. The Zoning Administrator shall establish reasonable timeframes to complete the required work. The temporary CO shall expire when the required work is to be completed, but never more than six (6) months from the date of issue.

(6) The issuance of a Certificate of Occupancy does not waive the Town's authority to take future enforcement actions on the completed project.

2.11 Appeals

(1) Appeals of Zoning Administrator Decisions to the DRB

A. Any interested person, as defined in Section 2.11(2) below, may appeal a decision or act of the Zoning Administrator within fifteen (15) days of the date of the decision or act by filing a notice of appeal with the Secretary of the DRB and by filing a copy of the notice with the Zoning Administrator.

B. The DRB shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The DRB shall give public notice of the hearing under Section 2.14, and mail a copy of the hearing notice to the appellant not less than fifteen (15) days prior to the hearing date.

C. The DRB may reject an appeal or request for reconsideration without hearing, and render a decision, which shall include findings of fact, within ten (10) days of the filing of a notice of appeal, if the DRB 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.

D. All appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in all DRB hearings. Any interested person or body may appear and be heard in person or be represented by an agent

or attorney at the hearing. The hearing may be adjourned by the DRB, provided that the date and place of the adjourned hearing shall be announced at the hearing.

E. A decision on appeal shall be rendered within forty-five (45) days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the forty-five (45) day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality. Failure of the DRB to issue a decision within this forty-five (45) day period shall be deemed approval and shall be effective on the 46th day.

(2) Interested Persons

The definition of an interested person under §4465(b) of "the Act" includes the following:

A. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;

B. The Town of Stowe or an adjoining municipality;

C. A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, 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 regulations of the municipality;

D. Any ten (10) voters or property owners within the municipality who, by signed petition to the DRB allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and

E. Any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

(3) Notice of Appeal

A notice of appeal filed under this section shall be in writing and include the following information:

A. The name and address of the appellant;

B. A brief description of the property with respect to which the appeal is taken;

C. A reference to applicable provisions of these regulations;

D. The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations; and

E. The alleged grounds why such relief is believed proper under the circumstances.

(4) Appeals to Environmental Court

An interested person who has participated in a regulatory proceeding of the DRB may appeal a decision rendered by the DRB within thirty (30) days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

A. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

B. For all proceedings of the DRB that are on the record, appeals to the Environmental Court shall be taken on the record in accordance with the Rules of Civil Procedure.

C. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Municipal Clerk, or the Zoning Administrator, if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), 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. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Court to intervene.

2.12 <u>Variances</u>

(1) Variance Criteria

The DRB shall hear and decide requests for variances and appeal procedures under Section 2.11. In granting a variance, the DRB may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The DRB may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

A. 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 these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;

B. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;

C. The unnecessary hardship has not been created by the appellant;

D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and

E. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

(2) Renewable Resource Energy Structures

Where a variance is requested for a structure that is primarily a renewable energy resource structure, including, but not limited to wind turbines and solar collectors, the DRB may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision:

A. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;

B. The hardship was not created by the appellant;

C. 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

D. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

(3) Variances within the Flood Hazard Area

In addition to requirements under Section 2.12(1), variances for development within the Flood Hazard Overlay District shall be granted by the DRB only:

A. In accordance with "the Act" and the criteria for granting variances found in CFR Section 60.6 of the National Flood Insurance Program;

B. Upon determination that during the base flood discharge the variance will not result in increased flood levels; and

C. Upon determination that 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.

2.13 Violations and Enforcement

(1) Violations

The commencement or continuation of any land development that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with §§4451 and 4452 of "the Act". Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute, in the name of the Town of Stowe any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality.

(2) Notice of Violation

No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail that a violation exists. The notice of violation also shall be recorded in the land records of the municipality. The notice shall state that a violation exists; that the

alleged offender has an opportunity to cure the violation within the seven (7) days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven (7) day notice period and within the next succeeding twelve (12) months.

(3) As an alternative to (1) and (2) above, a violation of these regulations may be enforced as a civil matter in accordance with the provisions of 24 V.S.A., §1974(a) and §1977.

A penalty of $100 shall be imposed for the initial violation of any provision of these regulations. The penalty for the second offense within a one (1) year period shall be $250 and the penalty for each subsequent violation within a one (1) year period shall be $500. 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 (1) year period, and $250 for each subsequent offense within a one (1) year period. Each day that a violation continues will constitute a separate violation of these regulations.

(4) Limitations on Enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within fifteen (15) years from the date the alleged violation first occurred, and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit approved after July 1, 1998 unless the permit or a notice of the permit has been recorded in the land records of the municipality.

2.14 <u>Public Hearings</u>

(1) Public Notice

A. A warned public hearing shall be required for conditional use review, site plan review, design review, appeals of decisions of the administrative officer, variances and preliminary and final subdivision review. Any public notice for a warned public hearing shall be given not less than fifteen (15) days prior to the date of the public hearing by all of the following:

1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality.

2. Posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made.

3. Written notification 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. Written notification to any holders of conservation easements on all or part of the subject property, or on an adjacent property, including the information required under #3 above.

5. For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.

B. The applicant shall be responsible for the posting of the notice within view from the public right-of-way and notifying adjoining landowners and holders of conservation easements as required above, as determined from the current municipal grand list. The applicant is required to demonstrate proof of delivery to adjoining landowners and holders of conservation easements either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

C. No defect in the form or substance of any required public notice under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If the DRB or the Environmental Court rules an action to be invalid, the action shall be remanded to the DRB to provide new posting and notice, hold a new hearing, and take a new action.

(2) Hearings

A. All meetings and hearings of the DRB, except for deliberative sessions, shall be open to the public. For the conduct of any hearing,

and the taking of any action, a quorum shall be not less than four (4) of members of the DRB. The DRB, in conjunction with any hearing under this bylaw, may:

1. Examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
2. Require the attendance of any person(s) having knowledge in the premises;
3. Take testimony and require proof material for its information; and
4. Administer oaths or take acknowledgement in respect of those matters.

B. In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 2.11(2) are met. The DRB shall keep a record of the name, address, and participation of each of these persons.

C. Any Advisory Committee recommendations shall be submitted in writing to the DRB before the public hearing.

D. The DRB may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

(3) Hearings on the Record

The Town of Stowe has adopted the Municipal Administrative Procedures Act or "MAPA" [24 V.S.A., Chapter 36] to be applied by the DRB for purposes of hearing, on the record, any applications that require DRB approval.

A. Such hearings shall be considered "contested hearings" as defined under the MAPA, to be conducted in accordance with the requirements of the procedures act.

B. The DRB shall comply with the provisions of 12 V.S.A. §61(a) regarding conflicts of interest.

C. Public notice of hearings shall be provided in accordance with Section 2.14(1).

D. The chair or vice chair shall preside over the hearing; in their absence the DRB shall elect a temporary chair. The presiding officer shall cause the proceeding to be recorded.

E. All testimony of parties and witnesses shall be made under oath or affirmation.

F. The rules of evidence as applied in civil cases in superior court shall be followed. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible to proof under those rules, evidence not admissible under those rules may be admitted if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.

G. Requirements regarding ex parte communications shall be followed. No member of the DRB shall communicate on any issue in the proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any interested person in the outcome of the proceeding while the proceeding is pending without additional notice and opportunity for all parties to participate. All ex parte communications received by DRB members, all written responses to such communications, and the identity of the person making the communication shall be entered into the record.

H. Members of the DRB shall not participate in the decision unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording, or reading the transcripts of testimony they have missed, and reviewing all exhibits and other evidence prior to deliberation.

I. All final decisions shall be in writing and shall separately state findings of fact and conclusions of law in accordance with Section 2.14(4).

J. Transcripts of proceedings shall be made upon the request and payment of reasonable costs of transcription by any party.

(4) Decisions

Any action or decision of the DRB shall be taken by the concurrence of a majority of the members of the Board. At the close of the hearing, the DRB shall vote to authorize the Zoning Administrator to draft a Findings of Fact and Notice of Decision. The DRB shall issue a decision within forty-five (45) days after the adjournment of the hearing. A written decision issued by the DRB need not be adopted at an open meeting since the decision will be a public record (1 V.S.A. 312(F)). The approval of the decision may be done electronically. Electronic approvals shall be considered deliberative sessions not open to the public. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective on the 46th day. In addition:

A. 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. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

B. In rendering a decision in favor of the applicant, the DRB may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of "the Act", these regulations, and the municipal plan currently in effect. This may include, as a condition of approval:

1. The submission of a three (3) year performance bond, escrow account, or other form or surety acceptable to the Selectboard, which may be extended for an additional three (3) year period with the consent of the owner(s), to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project; and/or

2. A requirement that no zoning permit be issued for an approved development until required improvements have been satisfactorily installed in accordance with the conditions of approval.

C. All decisions of the DRB shall be sent by certified mail, within the required forty-five (45) day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the municipality.

2.15 Recording Requirements

(1) Within thirty (30) days of the issuance of a municipal land use permit or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the permit or violation to the Municipal Clerk for recording in the land records of the municipality and file a copy in the Municipal Office in a location where all municipal land use permits shall be kept. The applicant will be charged for the cost of the recording fees.

(2) For development within the Flood Hazard District, the Zoning Administrator shall also maintain a record of:

A. All permits issued for development in areas of special flood hazard;

B. Elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;

C. The elevation, in relation to mean sea level, to which buildings have been flood proofed; all flood proofing certifications required under this regulation; and

D. All variance actions, including the justification for their issuance.

2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

(1) In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB shall evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. For the purpose of this section, conditions include all stated conditions in a decision and elements of a recorded plat or plan.

(2) In balancing the competing policies of flexibility and finality (referred to herein as the Stowe Club Test) three kinds of changes justify altering a condition of a permit or approval:

A. Changes in factual or regulatory circumstances beyond the control of a permittee; or
B. Changes in the construction or operation of the permittee's project, not reasonably foreseeable at the time the permit was issued; or
C. Changes in technology.

(3) Even where the DRB finds such a change as described above, there are certain situations where an amendment may not be justified, for instance where the change was reasonably foreseeable at the time of the original permit application.

Section 3 GENERAL REGULATIONS

3.1 Access Management and Frontage Requirements

(1) Land development may be permitted only on lots which have the lot frontage and/or minimum lot width required in that district or, with the approval of the DRB, have access to such a street or road by a permanent easement or right-of-way not less than fifty (50') feet wide. In the case of a right-of-way serving not more than three (3) family dwelling units or lots, the right-of-way may not be less than twenty-five (25') feet wide.

(2) Access onto public highways is subject to the approval of the Director of Public Works, and for state highways, the Vermont Agency of Transportation.

(3) Adequacy of Driveway Access. Vehicular access and intersections with public roads shall meet all applicable Town and State design standards to ensure traffic safety and efficiency. Generally, no property should be served by more than one (1) driveway access to State or Town highways except where multiple accesses will serve to enhance traffic safety; promote efficient transit service and/or serve multiple uses on single parcels with extensive road frontage.

(4) Shared Access. In appropriate instances, including the presence of compatible adjacent uses; areas characterized by congestion, frequent and/or unsafe turning movements; parcels having direct access to more than one public road; and within districts with specific access management standards, the DRB may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.

(5) Route 108 and Route 100 Access Management: In the event that a property has frontage on a public or private road other than Route 108, the DRB may limit driveway access to that road providing such limitation does not restrict access otherwise allowed under the provisions of Section 5.3 of the Stowe Subdivision Regulations. Provision for shared driveway access with contiguous properties shall be made wherever feasible, either at the time of site plan approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.

(6) Access Roads and Driveways from Town or State Highways. Parcels of land, including parcels to be subdivided, which are located on state highways shall have no more than one (1) access road or driveway for the first one thousand (1,000) feet or fraction thereof, of frontage on such state

highway and one (1) additional access road or driveway for each additional one thousand (1,000') feet or fraction thereof of such frontage.

Where located on town highways, such parcels shall have no more than one (1) access road or driveway for the first six hundred (600') feet or fraction thereof of frontage on such local road and one (1) additional access road or driveway for each additional six hundred (600') feet or fraction thereof of frontage.

The DRB may waive this provision in situations where doing so will result in increased safety or aesthetics.

All such access roads shall be subject to the approval of the Vermont Department of Transportation in the case of state highways, the Director of Public Works in the case of town highways. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. Lots of other land development located on a subdivision and which abut a state highway or local road shall have access only from interior access roads within such subdivision or from a frontage street adjacent to or near the state highway or local road or from said driveways.

3.2 Compliance with Regulations

(1) Except as provided elsewhere in these regulations, any building or structure to be erected, moved, altered, extended and any land, building or structure or part thereof, shall be occupied or used only in conformity with the regulations herein including dimensional requirements for the district in which it is to be located

(2) No lot shall be diminished, nor shall any yard, or any other open space be reduced, except in conformity with these regulations.

(3) The Zoning Administrator should advise applicants regarding other possible required Town and State approvals. Nevertheless, the applicant retains the obligation to identify, apply for, and obtain other relevant permits and approvals related to the proposed development.

(4) Nothing contained in any section of these regulations shall require any change in the plans, approved subdivisions, construction, or designated use of a building complying with local laws in force prior to a regulation revision, so long as the building is completed within one (1) year of the effective date of a regulation revision or such time period for completion as is stipulated in the permit.

3.3 Existing Nonconforming Lots

A. Pre-Existing Small Lots

(1) A lot in individual and separate and non-affiliated ownership by deed from surrounding properties in existence on the effective date of the original Zoning Regulations (December 30, 1975) 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 been 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.

(2) The Zoning Administrator shall not require the applicant to seek a variance from the DRB as long as the proposed setbacks comply with those specified for the district nearest in size to the lot (e.g., a 1.1 acre approved lot in RR5 would not require a variance if the construction will meet the set-back requirements of RR1; a lot smaller in area than 20,000 sq. ft. in the VR40 would not require a variance if construction will meet the set-back requirements for VR20).

B. Pre-Existing Conforming Lots

(3) Adjacent lots that existed prior to December 30, 1975 (either by separate deeds or shown on a recorded subdivision plat as separate lots) and that conform to the required minimum lot size for the district in which they are located, shall be considered to be separate lots for the purpose of zoning except:

a) When specifically merged through a new recorded subdivision plat; or
b) When merged through language in a deed that specifically states that the lots are merged; or
c) When a zoning permit is issued where the adjacent lots are needed in order to meet applicable zoning requirements (For example: setbacks

for a new building are not met without the inclusion of the adjacent lot; or required parking is on the adjacent lot.)

3.4 Lot and Yard Requirements

(1) Structure Setback Lines: (NOTE: The actual setback requirements for each district are listed on Table 6.2.)

A. Front Yard Setback: The distance from the street line to the closest portion of any structure, including rooflines, porches and sills, except steps.

A. Side Yard Setback: The distance from the side lot line to the closest portion of any structure, including rooflines, porches and sills, except steps. The side lot line shall be any lot line that is not a front or rear lot line.

C. Rear Yard Setback: The distance from the rear lot line to the closest portion of any structure, including roof lines, porches and sills except steps. The rear lot line shall be the lot line most distant from and is most parallel to the front lot line.

D. In the case of a corner lot, the required front yard setback shall apply on all streets. Side yard setbacks will apply to the remaining sides.

E. When a lot has no frontage on a street; the front setback shall be the side of the lot where the ROW from a street meets the lot.

(2) Dimensional requirements and property setbacks are not applicable to: public utility structures no more than 100 sq. ft. in area, bus shelters, handicap access ramps, lampposts, patios or terraces at grade level, swing sets and similar playground equipment, flag poles, barbecue pits, decorations such as statues or similar items, playhouses, signs and fences that are not part of a structure.

(3) Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than fifty (50') foot right-of-way, the front yard requirement shall be measured from the center line of the existing roadway and twenty-five (25') feet shall be added to the front yard requirement.

(4) Municipal uses (such as, but not limited to, offices, public safety buildings, storage facilities, etc.) will not be subject to the dimensional requirements of the underlying zoning district. Rather, the dimensional requirements of the least stringent of any zoning district shall apply.

(5) No obstruction to vision shall be placed or allowed to grow at any street intersection.

(6) Any lot that is smaller than the required district lot size shall have setbacks that comply with those specified for the zoning district nearest in size to the actual lot size so long as the lot:

A. Has been approved by the Planning Commission or Development Review Board and
B. The setbacks are not in conflict with any setbacks established as part of the Town approval.

(7) When a parcel is spilt by a town boundary, the total parcel shall be considered when determining if a proposed development meets the requirements of this ordinance. This includes, but is not limited to:

A. Required setbacks shall be measured from any structure to the parcel boundary in the adjoining municipality.
B. Any new lot created shall meet the required lot size regardless of the town boundary.
C. Other dimensional requirements, such as density and building coverage, shall consider the complete parcel.
D. The size of a pre-existing parcel shall consider the total size of the parcel when determining if the parcel qualifies as a pre-existing small lot as defined in Section 3.3(A).

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

A. Fire safety, disability accessibility, or other building code requirements cannot be reasonably satisfied without a waiver or;
B. Energy conservation and renewable energy structures cannot be reasonably developed without a waiver or;
C. 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:

A. The proposed development shall not adversely impact the overall character of the surrounding area or neighborhood.
B. The proposed development is compatible in scale and design with the surrounding area.
C. The proposed waiver shall not exceed 20% of any setback requirement.
D. The proposed development would not impinge upon sight distances on public and private roads.

E. 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.

3.5 Height Requirements

(1) No building or structure in any district shall exceed the height limit applicable to the district where it is located, but this limit shall not apply to spires, cupolas, chimneys, ventilators, tanks or similar parts of a building, occupying in the aggregate not more than ten (10%) percent of the area of such building and not used for any human occupancy, nor to farm buildings, church steeples, flagpoles, residential radio or television aerials, rooftop solar collectors less than ten (10') feet high, wind turbines with blades less than twenty (20') feet in diameter, ski lift towers, or similar structures.

3.6 Lots Lying in More Than One Zoning District (Split Lots)

(1) In the case of lots lying in more than one (1) district, the provisions of any district may be applied for the distance of not over thirty (30') feet into any other adjacent district.

(2) In such split lots, the maximum allowed density of development shall be determined by calculating the allowed density for the acreage of the lot in each zoning district and adding the totals.

(3) In such split lots, the maximum allowed building coverage shall be determined by calculating the allowed building footprint for the acreage of the lot in each zoning district and adding the totals. Said coverage shall be permitted anywhere on the lot. In RR districts that do not have a maximum building coverage, a maximum coverage of five (5%) percent shall be used to calculate the maximum coverage allowed for a split lot.

(4) When subdividing a split lot, the maximum number of lots shall be determined by calculating the number of lots that would be allowed for the acreage of the lot in each zoning district (including fractions) and adding the totals. The required minimum lot size shall be that needed for the zoning district that will contain the proposed buildings and structures. (For example, a 10.8 acre parcel, with 9 acres in RR 5 and 1.8 acres in RR2, is

permitted to have a 2-lot subdivision. 9/5 acres per lot = 1.8 plus 1.8/2 acres per lot = .9 for a total of 2.7 or an allowance for 2 lots.)

(5) In such split lots, the principal and accessory uses shall be located only on that portion of the lot zoned to permit the proposed use.

(6) In such split lots, the required setbacks shall be those established for the zoning district in which a structure or building is located.

(7) In such split lots, The DRB may waive coverage, density, setback and lot size requirements to the least restrictive of the zoning districts for the lot when it is found that:

A. The portion of the lot in the more restrictive district is minimal and the proposed development is predominately located within one (1) zoning district or

B. The intended purpose of the zoning districts are satisfied and the character of the area is not adversely affected by the proposed waiver(s).

3.7 Conditional Uses

(1) Conditional Uses shall be constructed, established, enlarged, or altered only upon approval of the DRB in accordance with the standards and procedures specified in this section. Renovation of a structure involving an existing or contemplated conditional use, and changes from one permitted conditional use to another (e.g., a change from retail to office), require a determination by the Zoning Administrator as to whether a zoning permit and, hence, a hearing before the DRB is necessary.

(2) During the public hearing, the DRB must determine that the use will conform to the following set of standards.

A. Standards of evaluation shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities and services. Approval may be required from electric, fire and police departments, and if applicable for town sewer hook-up and village water;

2. Traffic on roads and highways in the vicinity. Applicant may be required to provide turn lanes or appropriate traffic control measures;

3. The character of the area affected as defined by the purpose of the zoning district within which the project is located and specifically stated policies and standards of the Stowe Town Plan;

4. Regulations and ordinances then in effect;

5. Utilization of renewable energy sources.

B. Other standards for evaluation are that the use:

1. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

2. Will not result in undue water, noise or air pollution. When considering the undue impact of noise, the Board shall consider the existing noise levels in the area of the development, the impact on other (or off-site) properties, and the level of noise customarily generated from uses permitted within the zoning district.

3. Access management. Adequate access management shall be provided in accordance with Section 3.1.

4. Shared Access. In appropriate instances, including the presence of compatible adjacent uses; areas characterized by congestion and frequent and/or unsafe turning movements; parcels having direct access to more than one public road; and within districts with specific access management standards, the Board may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels or contingent upon future development of neighboring properties.

5. Circulation and parking. Parking shall be provided per the requirements of Section 14 of these regulations and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. The majority of parking shall generally be located to the rear or interior side (side not fronting on public road) of buildings and large, uninterrupted expanses of parking should be avoided. Driveway connections to parking areas on adjacent properties shall be required where feasible; in the event that such connections allow for shared parking between properties; the over-all parking requirements may be reduced pursuant to Section 14.3 of these regulations.

6. Pedestrian circulation and access. Pedestrian circulation within the site, and access through the site to adjacent properties along public roads, should 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. In addition, adequate parking and access for people with disabilities shall also be provided.

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 designed to conform to the terms and conditions of Section 4.6 of these regulations.

8. Stormwater Management: The applicant shall, at the request of the DRB, submit a plan for the management of stormwater generated by the proposed development. All stormwater management plans shall meet the applicable State of Vermont Stormwater Discharge Regulations.

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 though design, screening or other mitigation will accomplish the objectives outlined for the designated districts.

1. Additional MRV, MRC, VC, VR, MC and LVC Standards: 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 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 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:
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

(i) 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.

(ii) Driveway intersections with streets or highways shall be located and designed as approved by the Selectboard, 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.

i. Additional MRV and MRC standards: 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:

(i) Buildings should be multi-story;

(ii) Buildings generally 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;

(iii) Buildings should 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;

(iv) Expansion of existing uses should 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.

2. Additional HT, RR, MOD, UMR Standards: 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.

c. Driveway Access: Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.

d. Additional HT Standards: 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.

e. Additional UMR Standards: 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:

   (i) Adequacy and appropriateness 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.

   (ii) Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

f. Additional RR Standards: Within the Rural Residential (RR) Districts the following is required:

   (i) 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.

(ii) 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:

- Adequacy and appropriateness of architectural design and visual context of the project. Generally, architectural designs should 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.

- Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

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3. Additional West Branch Community Service District (WBCS) Standards of Development:

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.

a. The DRB may 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.

b. 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.

c. 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.

d. The storage or use of hazardous materials shall not pose a threat to public safety and health.

3.8 Conditional Use Application Submission Requirements

The following information is required for all conditional use applications, unless waived by the DRB:

(1) Building elevations and floor plans.

(2) Site Plan drawn in an appropriate scale on paper not smaller than 18" X 24" showing boundaries of the property and including the following:

A Locator map of an appropriate scale showing the relation of the property boundaries and road frontage to at least two (2) intersecting roads in the vicinity.

B Name of project, name and address of property owner.

C Names of adjoining property owner(s).

D Name of firm preparing plan, scale, north point and date of preparation.

E Existing features including lot area, structures, streets, driveways, waterways, wetlands, easements, rights-of-way, land use and deed restrictions, parking spaces and landscaping features.

F Proposed features including structures, streets, driveways, traffic circulation, parking areas, loading areas, pedestrian walks, water supply, sewage disposal area and lighting locations.

(3) Landscaping plan showing in detail size, variety, and location of all new plantings proposed, along with other landscaping elements such as berms, fences, gardens, walls, boulders, etc. When appropriate, this plan may be shown on the Site Plan in (1) above.

(4) Parking Plan with the spaces delineated and a legend explaining the number of spaces required based upon the proposed use of the property. See Section 14 for specific requirements. When appropriate, this plan may be shown on the Site Plan in (1) above.

(5) Stormwater Drainage Plan showing natural and proposed contour intervals may be required depending upon the nature of the project. The DRB will determine if necessary.

(6) Site Grading Plan showing natural and proposed contour intervals may be required depending upon the nature of the project. The DRB will determine if necessary.

(7) Lighting Plan with specifications for all existing and proposed exterior light fixtures (locations to be shown on site plan).

(8) Statement of the time schedule for completion of buildings, parking spaces and landscaping.

(9) Any other material that the DRB deems appropriate.

3.9 Nonconforming Uses and Nonconforming Structures

(1) Nonconforming Uses. Any use of land or a structure, which does not conform to the uses allowed for in the zoning district in which it is located, shall be deemed a nonconforming use. Nonconforming uses which legally existed on the effective date of these regulations may be continued indefinitely, but shall be subject to the following provisions:

A No nonconforming use may be changed, except to a conforming use or, with the approval of the DRB, to another nonconforming use which is found to meet the conditional use requirements of these regulations.

B No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

C No nonconforming use shall be extended or expanded, except with the approval of the DRB, provided that the following requirements are met:

1. The extension or expansion shall meet the standards for conditional uses specified in these regulations.

2. For a non-conforming use that would be permitted in other zoning districts, and would not be permitted in the district in which it is located, the extension or expansion of such a use shall not cause the use as a whole to exceed the most restrictive dimensional requirements specified in any of those other districts.

3. For a non-conforming use that would not be permitted in any zoning district, the extension or expansion of such a use shall require a variance under Section 2.12.

4. In no case shall the extension, expansion, reconstruction or relocation of a non-conforming use cause the aggregate area occupied by the non-conforming use to exceed fifty percent (50%) of the space devoted to such use at the time of the adoption of this section.

5. The expansion of a nonconforming use shall not result in an increase in the number of dwelling units or lodging units.

6. No nonconforming use, which has been discontinued for a period of one (1) year, shall be resumed thereafter except with approval of the DRB.

(2) Nonconforming Structures. Any preexisting structure or part thereof which is not in compliance with the provisions of these regulations concerning density, setbacks, height, lot size, or other dimensional requirements, or which does not meet other applicable requirements of these regulations, shall be deemed a non-complying structure. Non-complying structures legally in existence on the effective date of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions:

A. Any expansion or alteration that increases the degree of noncompliance with these regulations except as provided below shall require a variance under Section 2.12.

B. A nonconforming structure that does not comply with established setback requirements may be altered, enlarged, relocated and/or replaced with a new structure or structures in a manner which does not achieve full compliance with the setback requirements of these regulations providing the degree of non-compliance is not increased except as provided below and no other setback requirements are infringed upon. In no case shall the length of cumulative total of all

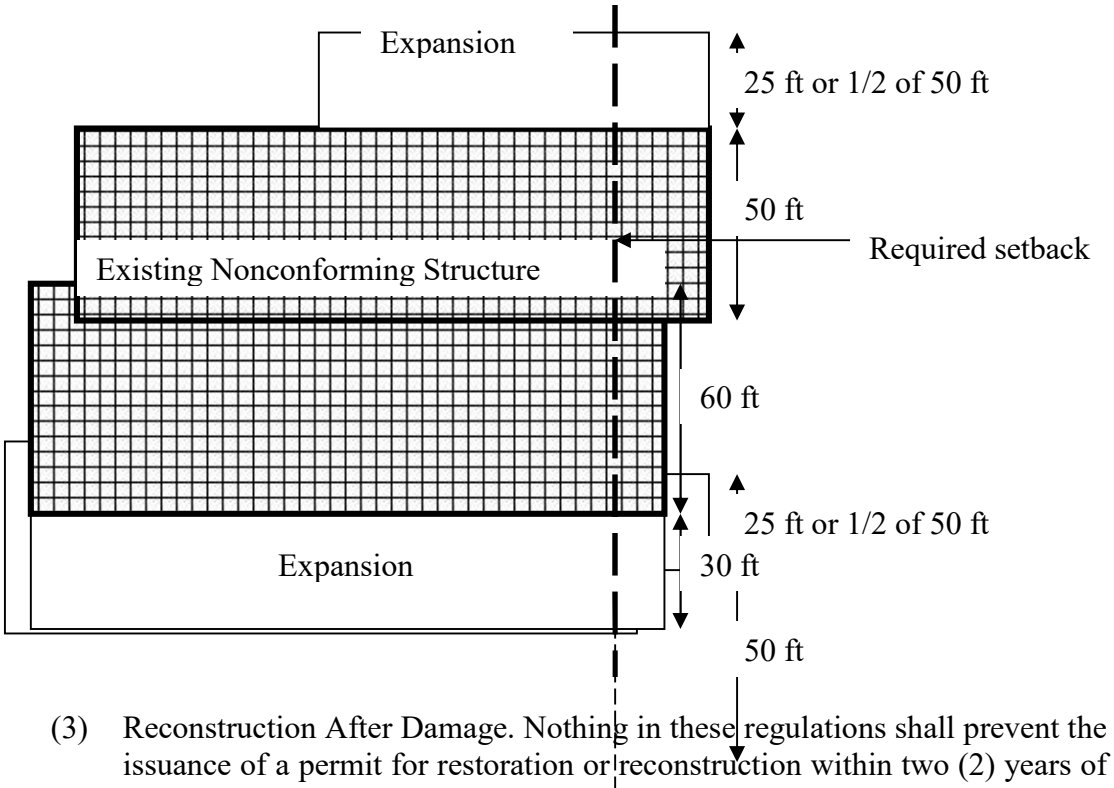
proposed and future expansions or alterations exceed 50% of the length of the existing nonconforming portion of the structure at the time the structure became nonconforming.

C. In no case shall these requirements limit the construction of additions to, or expansion of, the nonconforming structure if said additions and expansions otherwise comply with the regulations. (Example: The original structure does not comply with a front yard setback; however, the planned addition is behind the existing building and will comply with all of the other required setbacks.

D. The Zoning Administrator shall have the authority to review and approve expansions of nonconforming structures containing permitted uses in accordance with the requirements of this section.

E. The Development Review Board shall have the authority to review and approve expansions of nonconforming structures containing conditional uses. In granting such approval, the Board shall find that the alteration, relocation, enlargement, or replacement meets the review standards for conditional uses.

Example of Nonconforming Expansion



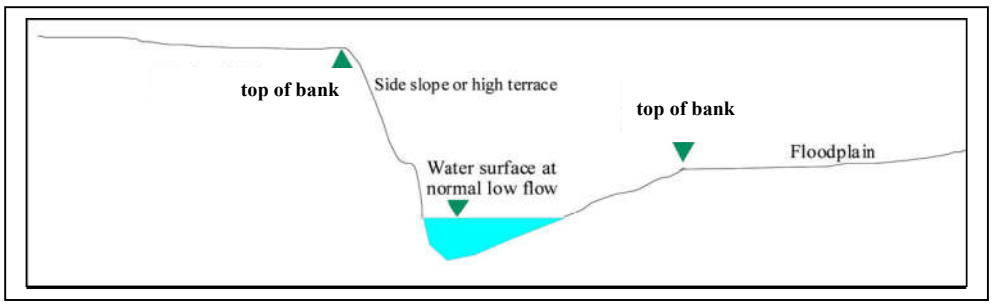
(3) Reconstruction After Damage. Nothing in these regulations shall prevent the issuance of a permit for restoration or reconstruction within two (2) years of a nonconforming structure damaged or destroyed by fire, explosion, accident, or any other means, subsequent to the adoption of these regulations, to its condition prior to such damage or destruction, nor prevent the restoration of an unsafe wall or structural member.

(4) A nonconforming structure that has been demolished for any reason other than subsection (3) above, may receive a permit to be rebuilt to the same degree of nonconformity prior to the demolition within a period of two (2) years. After two (2) years, any rebuilt structure must conform to the dimensional requirements of the underlying zoning district.

(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.

3.10 Setbacks from Watercourses

(1) To protect water quality and maintain the scenic beauty of the Town's watercourses, there shall be no development, excavation, landfill or grading in any zoning district within a minimum distance of fifty (50') feet from the top of the bank of any watercourse in the Town. The top of the bank shall mean the point along a stream bank where an abrupt change in slope is evident.



Within the fifty (50') foot setback, a vegetation buffer shall be left in an undisturbed state with the exception of minimal clearing necessary to accommodate and build public recreation and transportation paths, recreational river accesses, driveways, public or private road and utility crossings, landscaping, permitted impoundments and dams and stream bank stabilization and restoration projects. Private driveways and private and public roads within the buffer, with a width of no greater than sixteen (16') feet may also be allowed when reasonably necessary to permit access to a lot.

(2) The expansion or enlargement of any pre-existing buildings not in compliance with Section 3.10(1), above, is only permitted with the approval of the DRB in accordance with Section 3.9 of these regulations.

(3) No permit will be issued for construction within twenty (20') feet of any required-watercourse buffer without a construction plan that describes how the buffer will be protected from construction-related activity.

3.11 Shoreline District

(1) There shall be no development within two hundred (200') feet of the mean water mark of Lake Mansfield and any form of development within five hundred (500') feet of the mean water mark must be reviewed by the DRB for approval of a conditional use permit in addition to the existing zoning.

(2) Existing trees and ground cover along the shoreline shall be preserved, maintained and supplemented by selective cutting, transplanting and the addition of new trees, shrubs and ground cover for the depth of the required setback. The extent of such planting and/or seeding will be sufficient to prevent erosion.

(3) The expansion or enlargement of any pre-existing buildings not in compliance with Section 3.11(1), above, is only permitted with the approval of the DRB in accordance with Section 3.9 of these 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 must provide for an adequate stormwater drainage system to ensure 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 1/2 (one-half) 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.

3.13 Transferable Development Rights

(1) Purpose. To encourage the preservation of important resource lands and the rural character of specific zoning districts, and to encourage concentrated development in specific growth nodes along the Mountain Road, the transfer of development rights from designated sending areas to designated receiving areas is allowed in accordance with the following provisions.

(2) Sending Areas**.** Development rights may be transferred from lands that are located within the Upper Mountain Road District or the Meadowland Overlay District. For the purposes of this section, lands sharing these designations shall be considered a "sending area".

(3) Receiving Area. Development rights transferred from a designated sending area may be used to increase allowable densities, as set forth in Section 3.13(4) below, in the Mountain Road Crossroads, Mountain Road Village, Moscow Commercial, Lower Village Commercial, Ski-PUD**,** Village Commercial and Village Residential, which for the purposes of this section shall be designated as a "receiving area(s)".

(4) Densities**.** Development rights may be transferred at a density which permits up to an additional eight percent (8%) of additional building coverage per acre, and/or; an additional three (3) dwelling units per acre or an additional five (5) lodging units per acre, in accordance with the standards of the relevant underlying zoning district. In no case will density previously allocated for development on contiguous or adjacent property, or previously designated as "open space", as permitted by these Regulations, be transferred to another property.

(5) When transferring development rights from a residential district to a commercial district, the number of lodging units that may be transferred

shall be calculated by dividing the affected acreage in the sending zone by the minimum lot size and multiplying by 5 lodging units. For example, if the development rights on ten (10) acres in the RR-5 district are to be transferred to the MRV to be used for lodging units, the total number of units transferred shall be ten (10) acres divided by five (5) (the minimum lot size) and multiplied by five (5) units for a total of ten (10) lodging units.

(6) Administration

A. The removal of development rights from a parcel within a sending area (sending parcel) shall be accomplished through a density reduction easement, of a form and content approved by the DRB, to be recorded in the Stowe Land Records. Such easement shall be accompanied by a recordable plat depicting the boundaries of the sending area parcel, shall specify the total, unallocated density available under current zoning regulations prior to the transfer, and shall specify the total reduction of density resulting from the transfer. Development rights shall be removed from a sending parcel(s) in one (1) acre increments; any sending parcel(s) which retains a portion of the total allowable development rights shall retain a minimum of one (1) acre of density or the amount of land area containing existing development, whichever is greater.

B. The transfer of development rights to a parcel within a receiving area (receiving parcel) shall be accomplished through a written agreement, approved by the DRB concurrently with development approval pursuant to the Stowe Zoning Regulations and/or the Stowe Subdivision Regulations. Said written agreement shall be of a form and content approved by the DRB, and shall be recorded in the Stowe Land Records. Such agreement shall specify the total density being transferred to the receiving area parcel and shall include a deed reference to the density reduction easement from which the TDR density originated.

C. Upon the removal of development rights from a sending parcel, and prior to the transfer to a receiving parcel, development rights may be held in a "TDR Density Bank", to be administered by the DRB. The TDR Density Bank will allow for the removal of development rights from a sending parcel(s) by private, non-profit conservation organizations, the Town of Stowe, or any other interested party, without the immediate need to transfer the TDR density to a receiving parcel(s). It will further permit the removal of TDR density from a single sending parcel and the incremental transfer of that TDR density to multiple receiving parcels over an extended period of time. Such TDR Density Bank shall consist of an affidavit, approved by the DRB and recorded in the Stowe Land Records, which shall provide a current

record of total development rights removed from sending parcels, together with a current record of TDR density transferred to one or more receiving parcels, and a current record of all unallocated TDR density still available for transfer to parcels within a designated receiving area. Concurrent with any transfer of TDR density, the TDR Density Bank shall be updated by the DRB. Said update shall occur at a regularly scheduled meeting of the DRB, shall require a positive vote of the DRB, and shall involve revising the affidavit and recording the revised affidavit in the Stowe Land Records.

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.

3.14 Affordable Housing Density Bonus

A. Density Bonus:
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 4 SPECIFIC USE STANDARDS

4.1 Accessory Dwellings

(1) One (1) attached or detached dwelling unit, which is accessory to a single-family dwelling, may be permitted in any district subject to the following requirements:

A. The maximum living area of an accessory dwelling unit shall not exceed 750 square feet for single-family dwellings under 1,500 square feet of living area;

B. The maximum living area of an accessory dwelling unit shall not exceed 50% of the square feet of living area for single-family dwellings over 1,500 square feet of living area. However, in no case, shall the maximum accessory dwelling unit living floor area exceed 1,200 square feet or 30% of the total living area of the single-family dwelling, whichever is greater.

C. The living area shall be as defined by the Town Appraiser.

D. The accessory dwelling shall contain no more than two bedrooms;

E. Applicable dimensional requirements specified in these regulations are met;

F. On-site parking shall be provided for the residents of the accessory dwelling in accordance with Table 14.2; and

G. The accessory dwelling shall be served by the same access and driveway as the primary single-family dwelling.

4.2 Childcare Facilities

(1) A state-registered or licensed childcare home serving no more than six (6) full-time children and four (4) part-time children, as defined in 33 V.S.A. §4902(3)A, which is conducted within a single-family dwelling by a resident of that dwelling, shall be considered a permitted use of the single-family residence.

(2) Commercial childcare facilities and those facilities operated from a dwelling, which serve more than six (6) full-time and four (4) part-time children, may be permitted in designated zoning districts as a conditional use.

4.3 Group Homes

(1) A state-registered or licensed group home serving not more than eight (8) persons who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing group home.

4.4 Home Occupations

(1) No provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

(2) Applications for home occupations must meet the following criteria in order to receive approval from the Zoning Administrator:

A. A home occupation must be operated by a resident of the premises.

B. There shall be no outside storage of materials related to the home occupation.

C. A home occupation may not conduct its business in such a manner as to cause undue traffic in the neighborhood or undue noise, water or air pollution.

D. The total area devoted to the home occupation shall not exceed thirty five (35%) of the area of the dwelling's living space.

E. No more than two (2) non-residents of the premises shall conduct business from the premises.

F. The home occupation shall be carried on entirely within the principal dwelling or an accessory structure.

G. Only retail sales that are clearly incidental to the home occupation may be permitted.

H. No more than two (2) vehicles or pieces of equipment related to the home occupation shall be stored outside.

I. The repair and service of any type of motor vehicles is prohibited.

4.5 Junk Motor Vehicles

Any junk motor vehicle, which remains unregistered for a period of ninety (90) days from the date of discovery, which can be seen from any road, shall be removed by the end of such ninety (90) days.

4.6 Landscaping Standards

(1) Purpose. These standards are intended to guide the DRB and applicants in developing and reviewing site development plans to ensure that landscaping is designed to enhance the overall appearance of individual properties; integrate new development into its natural and historic surroundings; preserve and enhance the particular identity of individual sites; and to maintain compatibility among neighboring properties and consistency within the community.

(2) Landscaping Plan. As required by Section 4.6, a landscaping plan shall be drawn to a scale that will allow a clear representation of the work to be performed. Existing natural features, landscaping and site improvements, including structures, parking areas and driveways, shall be shown with appropriate planting and/or construction details. Building elevations shall be provided when the DRB deems it necessary to convey the heights of existing and/or proposed landscaping relative to existing and/or proposed buildings.

(3) Landscaping Standards; Trees, shrubs and planting beds.

A. Landscaping shall be designed to achieve the purposes of this section, strengthen the features and conditions unique to each site, and should include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs, well kept grasses and ground covers. Landscaping may be required in front and side yards, adjacent to parking areas and where rear yards abut residential properties or public roads.

B. Maximum effort shall be made to save existing trees, especially those that are mature or determined to be of special horticultural or landscape value. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers, such as snow and silt fences, shall be installed during construction around the drip lines of trees and plantings that are to remain on the site and may be damaged by construction activity. The DRB may require that existing trees to be saved in the area affected by the development shall be replaced with large tree specimens (up to 6" caliper) in the event of death during or after site development.

C. Landscaping plans shall emphasize the use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the façades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape and to enhance environmental quality (i.e., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints. Shade trees shall:

1. Shade trees shall be of sufficient size to achieve the desired effect, but in no event shall they be smaller than 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet, or, in the case of coniferous trees, a minimum of 8' - 10' in height. The DRB may require the planting of larger diameter trees upon consideration of the site conditions.

2. Be a relatively long-lived (i.e. over sixty (60) years) species with a high tolerance for soil compaction.

3. Be of native origin, provided that they meet the above criteria.

D. Landscaping plans shall emphasize the use of street trees along road frontage in commercial districts, and along well-traveled roads (Route 100, Route 108, Moscow Road). In instances where a planting strip is required along road frontage, at least one (1) street tree shall be planted for each thirty linear feet (30') of landscaping strip. Such trees shall be planted along the edge of the road right-of-way, and shall:

1. Be a minimum of 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet, unless otherwise specified by the DRB upon consideration of site conditions;

2. Be an appropriate species of nursery stock deciduous shade tree - not flowering ornamental or conifers;

3. In the event that the Town has developed a street tree plan for a district or road segment, the DRB may require that tree planting be consistent with that plan;

4. Be a relatively long lived (i.e. over sixty (60) years) species with a high tolerance for road salt and soil compaction.

5. Be of native origin, provided that they meet the above criteria.

E. Flowering ornamental trees should only be used to complement shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.

F. Landscaping beds should enhance the general appearance of the site, define planting strips and buffer areas and reduce the amount of grass lawn area; such beds are not to be considered a substitute for tree plantings. Beds should be planted with a diversity of hardy flowering and evergreen perennials, should be designed to minimize the amount of exposed mulch or soil during the growing season and to create a naturalized appearance. Landscaping plans should emphasize species that are indigenous to Vermont.

G. A mix of evergreen, flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to compliment shade trees and other landscaping features. Landscaping plans should emphasize species that are indigenous to Vermont.

H. All plantings shall be installed according to accepted horticultural standards. Plant species should be hardy for zone three (3) or hardier as defined in University of Vermont Extension Service's "Landscape Plants for Vermont". Sizes of trees and plantings shall be specified and shall be appropriate in terms of function and size.

I. A three (3) year maintenance plan for all proposed landscaping shall be prepared when required by the DRB. The owner shall replace dead and dying plants and trees within one (1) year of death. No buildings, structures, storage of materials, or parking shall be permitted within defined buffer or landscaped areas and such areas shall be maintained and kept free of all debris.

(4) Site Protection and Restoration

A. Topsoil shall be preserved and redistributed on all regraded surfaces and disturbed areas and shall be stabilized by plantings, sodding, mulching and/or seeding - with double or triple the flat field seeding rates for slopes with little reclaimable soil in order to successfully regenerate and re-establish a permanent cover growth.

B. Proper soil erosion control measures shall be taken during and after construction. Landscaping plans shall incorporate setbacks from streams pursuant to Section 3.10 of these regulations and existing natural drainage patterns shall be preserved wherever possible. Seed and mulch shall be applied as soon as possible on all disturbed sites to stabilize soils.

C. The landscaping plan shall include sedimentation and erosion control measures to ensure that site improvements do not generate additional stormwater runoff, erosion or sedimentation of surface waters beyond the boundaries of the project.

(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 and utility areas, satellite antennas, commercial ventilation systems over 2 square feet, 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).

B. Screening should provide a year-round visual screen, particularly from roads. A diversity of materials should be used to create an interesting, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations thereof to achieve the same objectives.

C. Arrangement of screening shall provide protection to adjacent properties and avoid damage to existing plantings. If re-contouring of the site is proposed, the side slope shall be used for plantings. A 4:1 slope is recommended.

(6) Parking Lot Landscaping

A. Landscaping shall emphasize the use of shade trees to provide a tree canopy, provide separation to avoid large expanses of parking and minimize the visibility of parking areas from off-site. Suitable locations for shade trees include along walkways, in center islands, in between parking clusters in appropriate locations.

B. Parking shall be bordered with a buffer area landscaped in a manner that integrates the parking area together with the overall landscaping

plan for the site, reduces the visibility of the parking area from off-site, and provides suitable locations for shade trees.

C. All landscaping in parking lots and on the street frontage shall be placed so that it will not obstruct visibility when moving from the parking area onto the road.

D. All plantings shall be maintained and adequate provision made for snow removal from parking spaces and lanes.

E. Acceptable surface materials shall include, but are not limited to, concrete, brick, cement pavers, asphalt, stone, gravel, and flagstones. Area(s) to be held in reserve for future parking, or for overflow parking, should be planted in grass or other landscape materials.

(7) Assurances. The DRB may require that adequate surety, in the form of a letter of credit, performance bond or escrow account, be secured to ensure the completion of the landscaping. The DRB shall have the option of using such surety to complete the work if the applicant, for any reason, does not finish the landscaping by the time specified.

4.7 Outdoor Displays of Merchandise

(1) 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.

(2) 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 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.

B. 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 are 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.

C. 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.

D. A retail establishment may prepare and serve food outside the business in accordance with the requirements of this section.

E. In the event that the business is located in a building or complex containing more than one business, the outdoor display shall be located in direct proximity to the business that has erected the display.

F. The outside display shall be in place only for the period of the day that the business is open. All portions of the display, including shelves, racks, or other appurtenances shall be stored out of sight except during hours of operation.

G. The display may not contain advertising or product banners, moving or intermittent lighting, or otherwise be in any way contrary to the other requirements of the Zoning Regulations.

H. The outside display shall not be located in an area designated or reserved for other purposes as part of the original approval of the business. Examples of previously designated areas would include but are not limited to access ramps for handicapped persons, fire lanes, fire exits or stairs, or the like. Outdoor displays may be approved upon a previously approved parking area provided that the use of said parking area does not reduce the total number of available parking spaces below the minimum required by the Zoning Regulations for the business(es) located within the affected property.

I. Signs of an informational nature, such as to list pricing, sales, hours of operation, or the like, are permitted within the outdoor display area without a sign permit provided that the following conditions are met:

    1. Signs may not exceed 8 ½" x 11" in size.

    2. Such informational signs shall be present only during the hours that the business is open.

(3) Any business that operates an outdoor display in a manner that is not in accordance with the requirements of an outdoor display permit shall be deemed to be in violation of the Zoning Regulations.

(4) Exemptions. The following categories of uses shall not be deemed to be outdoor retailing or display and shall be exempted from the requirements of this section:

A Any use that has a valid "Special Event Permit" issued by the Town of Stowe Selectboard.

B Retailing events of a special nature, such as a "Tent Sale," provided that such a special event is not held for more than five (5) days in any given fourteen (14) day period, and not more than four (4) times in any calendar year. Tent sales held for longer periods would be required to obtain a Conditional Use Permit from the DRB. Any outdoor arts festivals, sculpture exhibits, or similar activities which may involve the display of art work or goods for sale, provided that such displays are part of a larger community event or exhibit.

C Any outdoor arts festivals, sculpture exhibits or similar activities which may involve the display of art work or goods for sale, provided that such displays are part of a larger community event or exhibit.

D A farmer's stand, or similar display and marketing of agricultural products or crafts.

E Garage or yard sales, auctions, or other privately operated commercial undertakings which is not held for more than four (4) days in any given fourteen (14) day period, and not more than four (4) times in any calendar year.

F A promotional event or sale, organized by the business community around the Fourth of July period, provided that the promotional event is not held for longer than nine (9) consecutive days.

G Any other use which, in the opinion of the Zoning Administrator, is similar in character or intent to the purposes outlined in this section.

(5) The exterior display of items for rent, such as bicycles, canoes, snow machines, or similar equipment, and of equipment, which is seasonal in nature, shall comply with all elements of these regulations, except that the maximum display area provisions of Section 4.7(2)C and the storage requirements of Section 4.7(2)F may be waived by the Zoning Administrator.

(6) The exterior display or storage of seasonal products commonly marketed in an open air setting, such as snow removal equipment, yard maintenance equipment, landscaping materials or products, outdoor furniture, lumber or building materials, or the like, shall comply with all elements of these

regulations, except that the maximum display area provisions of Section 4.7(2)C and the storage requirements of Section 4.7.(2)F may be waived by the Zoning Administrator.

Please Note Suggested Guideline:

Though there are no laws that dictate the display or use of the American Flag, the Town of Stowe encourages the proper display of the US Flag, the Vermont State Flag and any other national flag or emblem. These symbols should not be used as obvious advertisement. Flags should be displayed on poles or hung from buildings, but in the latter case so as to not touch the building or ground below. If the US Flag is displayed at night, there should be illumination. Again, this is a guideline in displaying proper courtesy to our country's flags.

4.8 Outdoor Lighting

(1) All outdoor lighting shall be installed in accordance with the following standards:

A Sodium vapor lights are prohibited.

B All lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.

C The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture. The height shall be the minimum necessary to illuminate the project area, and in no case shall exceed sixteen (16') feet for parking lot lighting.

(2) When reviewing lighting plans pursuant to this section, including proposed gas station canopy or apron lighting, proposed illumination of building façades or parking area lighting, the DRB shall consider appropriate levels and distribution of illumination. In determining appropriate levels of illumination, the Board will consider the following guidelines.

A Parking lot and security lighting should be designed and installed with a minimum illumination level of not less than 0.2-foot candles and not greater than 1.0-foot candles, and with a uniformity ratio of not more than 4:1.

B Light fixtures mounted under canopies shall be recessed so that the lens cover does not extend beyond the bottom surface (ceiling) of the canopy; lights should not be mounted on the top or sides of the

canopy, and the sides (fascias) of the canopy should not be illuminated.

C Areas around the pump island(s) and under canopies should be illuminated so that the maximum horizontal luminance is no greater than 2.0-foot candles and the uniformity ratio is no greater than 4:1. Areas used for parking or vehicle storage should be illuminated in conformance with standards for parking areas.

D The maximum illumination on any vertical surface of a building, or angular roof surface, should not exceed 2.5-foot candles and lighting should be carefully located, aimed and shielded so that light is directed only on the building façade.

E Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

F Exterior lighting shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Exceptions to this standard to accommodate a particular "period" or architectural style, providing the maximum initial lumens generated by each fixture not exceed 2,000 (equivalent to a 150 watt incandescent bulb) may be permitted.

(3) Holiday lights and decorations with no commercial message may be installed without requiring a permit, but only between November 15 and April 1. Decorative, non-blinking white lights may be installed during the balance of the year, also without requiring a permit.

(4) No back-lighted signs or back-lighted murals (similar to a Duratrans) inside a building and within ten (10') feet of any window that are visible from any public way, or outside a building, shall be permitted.

(5) No television or computer screens inside a building and within ten (10) feet of any window or outside a building, and clearly intended for use as a display to be seen from a public way, shall be permitted.

4.9 Mobile Home Parks

(1) Mobile home parks may be permitted in the RR-2, RR-3 and RR-5 districts subject to review under Section 12 – Planned Unit Development, conditional use review under Section 3.7 and under the Stowe Subdivision Regulations. Mobile home parks are prohibited within the Ridgeline and Hillside Overlay District, the Flood Hazard District and the Stowe Historic Overlay District.

4.10 Pond Construction

(1) The construction of a pond may be allowed as a permitted use in any district according to the following provisions:

A. Ponds shall be set back at least ten (10') feet from all property lines, unless the abutting property owner agrees to less. A pond that crosses a property line may be permitted as a joint application signed by each property owner.

B. Any pond that will impound, or be capable of impounding in excess of 500,000 cubic feet of water must receive a permit from the Vermont Department of Environmental Conservation in accordance with the requirements of 10 V.S.A., Chapter 41.

C. Any pond involving the alteration of a stream may require a stream alteration permit from the Vermont Department of Environmental Conservation in accordance with the requirements of 10 V.S.A., Chapter 41.

D. Any pond located within the RHOD that requires site clearing shall require review by the DRB under Section 9 of these regulations.

4.11 Private Residential Cemeteries

(1) Private residential cemeteries ("PRC") are allowed in the Town of Stowe in accordance with the statutes of the State of Vermont. The following policies and rules will apply to all PRCs located in the Town of Stowe.

A. PRCs require a conditional use permit issued by the Town of Stowe Development Review Board. The board will consider the following in evaluating each permit application.

1. Building setback requirements for the lot will apply to the cemetery location;

2. Compliance with applicable Vermont Health Regulations;

3. Compliance with the access easement requirement stated below;

4. The permit will not be assignable. Should the permitted individuals not use their burial rights, the permit will expire and the easement cease to exist;

5. The permit will be entered into the Town records.

B. PRCs will comply in all respects with the published Stowe Cemeteries Rules and Regulations.

C. At the time the PRC is approved by the DRB, the Town of Stowe will be granted a recorded ten (10') foot wide easement to the PRC with a grade that permits vehicle access.

D. Should the Town of Stowe, pursuant to State Statute, Title 18, Chapter 121, Section 5321, take over the responsibility of an abandoned cemetery, the burial and/or urn vaults, any other containers and any human remains, to the extent possible, within that PRC, will, at the discretion of the Stowe Cemetery Commission, be exhumed at the convenience of Stowe Cemeteries, moved to the cemetery then currently used by the town for burials and marked with a flush marker. The PRC and related easement will then cease to exist. Neither the Town of Stowe nor Stowe Cemeteries will be responsible for the fate of memorials, foundations or any other structures in that previously PRC. Should the Town or Commission so choose, pursuant to the above State Statute, it may maintain the PRC as a public cemetery.

E. At the time the PRC is approved by the town, the property owner will pay fees to the Town of Stowe Cemetery Commission, as established from time to time by the commission, to cover the cost of:

1. Cemetery plots in the town cemetery

2. Corner posts

F. At the time the Town takes responsibility of an abandoned PRC, pursuant to State Statute, Title 18, Chapter 121, Section 5321, the property owner will pay fees to the Town of Stowe Cemetery Commission, as established from time to time by the commission, to cover the cost of:

1. Disinterment, relocation, and re-interment of burial and/or urn vaults, other containers and/or human remains

2. A flush marker for each grave.

G. Should the Town of Stowe, in its sole discretion, decide not to remove the deceased remains from a PRC, the funds collected above will be used to provide maintenance to that PRC pursuant to the above statute.

4.12 Protected Public Uses

(1) 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 these 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 Churches and other places of worship, convents, and parish houses;

D Public and private hospitals;

E Regional solid waste management facilities certified under 10 V.S.A., Chapter 159; and

F Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606(a).

4.13 Recreational Vehicles

Travel trailers, campers, motor homes and other recreational vehicles shall not be occupied for more than four (4) continuous weeks in any one (1) year on a lot unless situated in an approved campground.

4.14 Removal of Earth Products

(1) Removal Permitted. Surplus material resulting from a bona fide construction or landscape operation being executed on the premises may be removed from the premises without a permit being required.

(2) Permit for Removal or Processing of Earth Products. The DRB, after a public hearing, may grant a permit for the removal or processing of earth, sand, gravel, clay, stone or minerals, under the following conditions:

A. The applicant shall submit a plan of the proposed operation.

B. The operator shall provide for proper drainage of the area of the operation during and after completion. No removal or processing shall take place within twenty (20') feet of a property line except that where the grade from a property line rises towards the lot where

removal is to take place. Material lying above the grade at the property line may be removed.

C. At the conclusion of the operation, or of any substantial portion thereof, topsoil shall be replaced and a suitable cover crop established, except where ledge rock is exposed.

D. If removal or fill takes place within any streambed or its banks, a permit shall first be obtained from the Vermont Department of Environmental Conservation, if required.

(3) Earth Resources

A. A permit may be granted whenever it is demonstrated by the applicant, in addition to all other applicable criteria, that the development or subdivision of lands with high potential for extraction of mineral or earth resources, will not prevent or significantly interfere with the subsequent extraction or processing of the mineral or earth resources.

B. Extraction of earth resources. A permit may be granted for the extraction or processing of mineral and earth resources:

1. When it is demonstrated by the applicant that, in addition to all other applicable criteria, the extraction or processing operation and the disposal of waste will not have an unduly harmful impact upon the environment or surrounding land uses and development; and

2. Upon approval of site rehabilitation plan, which insures that upon completion of the extracting or processing operation the site will be left by the applicant in a condition, suited for an approved alternative use or development. A permit will not be granted for the recovery or extraction of mineral or earth resources from beneath natural water bodies or impoundments except that gravel, silt and sediment may be removed pursuant to the regulations of the Vermont Agency of Natural Resources.

4.15 <u>Temporary Structures</u>

(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.

(3) A permit for a temporary structure may be issued for a specified period of time not to exceed six (6) months.

(4) A temporary structure that is to be used as an extension or expansion of a conditional use will require conditional use approval from the DRB, unless the Zoning Administrator determines that the structure is a minor alteration to a conditional use and can be administratively approved.

(5) A temporary structure shall be dismantled or removed upon expiration of the permit, unless the applicant applies for a new permit.

4.16 Setback Waiver For Gas Station Canopies

Canopy structures accessory to a gasoline service station in existence as of January 1, 2012 may be permitted to extend into a required yard setback when the following conditions are met:

(1) Such canopies shall remain unenclosed.

(2) Canopies shall be no closer than 10 feet to a lot line or highway right-of-way.

(3) The canopy is designed in a manner that promotes a high quality of design and construction; incorporates traditional building materials, when possible; and should generally be designed with a pitched roof and of a mass and scale compatible with neighboring properties.

(4) The DRB receives a recommendation from the Stowe Historic Preservation Commission after review of a submitted application.

Section 5 ZONING DISTRICTS

5.1 Establishment of Zoning Districts

For the purpose of these regulations, the Town of Stowe is divided into the following primary zoning districts to be designated by the abbreviations set forth below:

- Agricultural and Rural Residential District ..... RR
- Highway Tourist District ..... HT
- Village Residential District..... VR
- Village Commercial District VC
- Lower Village Commercial and Moscow Commercial District ....LVC and MC
- Village PUD.....V PUD
- West Branch Community Service District..... WBCS
- Upper Mountain Road..... UMR
- Mountain Road Village and Mountain Road Crossroads .....MRV and MRC
- Forest Reserve District……..…..FR

In addition, the Town of Stowe is divided into the following overlay districts:

- Flood Hazard District.....FHD
- Meadowland Overlay District..... MOD
- Ridgeline and Hillside Overlay District..... RHOD
- Stowe Historic Overlay District.....SHOD
- Fluvial Erosion Hazard Overlay District .....FEH
- Source Protection Overlay District……...SPO

5.2 Zoning Map

The boundaries of these districts are hereby established, as shown on the Zoning Maps of the Town of Stowe, dated June 23, 2008 filed in the Town Clerk's office and hereby declared to be part of these regulations.

5.3 Zoning of Streets

Zoning Districts shall include the beds of streets or roads lying within them. Where opposite sides of a street or road lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

5.4 Land Under Water

Zoning Districts shall include any land under rivers, streams, lakes or ponds lying within them. Where opposite sides of a river or stream lie in different districts, the boundary shall be the thread of the river or stream. Where opposite sides of a

lake, pond, swamp or water body lie in different districts, the boundary shall be deemed to be the center thereof.

5.5 Interpretation of Map

(1) District boundaries shown on the zoning map approximately within the lines of roads, streams, and transportation and utility rights-of-way shall be deemed to follow the centerlines. Where a district boundary is approximately on a lot line, such line shall be considered as the district boundary.

(2) Uncertainty as to the location of a district boundary line shall be resolved by the DRB following an appeal from the decision of the Zoning Administrator.

5.6 Agricultural and Rural Residential Districts

(1) General Purposes:

A. To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.

B. To promote the preservation of adequate open space through carefully planned cluster types of development.

C. To encourage agricultural productivity of good farmlands and of forest resources.

D. To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment.

(2) Specific Purposes in RR 1 and RR 2:

A. To allow a higher density closer to available municipal services while maintaining the quality of the neighborhoods.

(3) Specific Purposes in RR 3 and RR 5:

A. To eliminate undue demand for new or extended municipal services in outlying areas which would cause a burden on the town.

B. To maintain the rural character and beauty of the existing neighborhoods.

C. To discourage intensive development in areas where slopes or soil conditions dictate otherwise.

5.7 Village Residential Districts

(1) Purpose of VR 20:

To provide for compact residential development in suitable areas which are served by municipal water supply and municipal sanitary sewer system.

(2) Purpose of VR 40:

To provide an adequate site when municipal water and/or sewer cannot serve it, or when dictated by severe slope or soil conditions.

5.8 Village Commercial Districts

(1) General Purpose:

The purpose of Village Commercial Districts is to promote the sound economic development of Stowe, to carry out the objectives of the Municipal Plan, to maintain Stowe Village as the center of community activity and to encourage the best use of land in central sections for general business.

(2) Specific Purposes"

VC 10: to maintain a denser pattern of development in the immediate center of the Village.

VC 30: adjacent to the central core of the Village, to allow a more uncongested development pattern and, in appropriate areas, to allow for density bonuses to encourage compact settlement patterns.

5.9 Lower Village and Moscow Commercial Districts

(1) Purpose:
The purpose of Lower Village Commercial District is to promote the sound economic development of Stowe, to carry out the objective of the Stowe Town Plan, to maintain some of the areas adjacent to Stowe Village as centers of community activity and to encourage the best use of land.

(2) The purpose of Moscow Commercial District is to provide for commerce and its expansion for the convenience and economy of the area.

5.10 Highway Tourist District

(1) Purpose:

To control development along the portion of the "lower" Mountain Road between designated growths centers in a manner that encourages continued moderate-density commercial and residential land uses while maintaining high quality development and site design.

5.11 Mountain Road Village/Crossroads Districts

(1) Purpose:

To foster a development pattern along the Mountain Road (Route 108) corridor comprised of compact, mixed-use settlements separated by rural countryside. The MRC district is intended to serve as a relatively small, concentrated mixed-use settlement with good pedestrian circulation between uses and properties and a village streetscape; the MRV District is intended to serve as a larger commercial village characterized by an integration between land uses, pedestrian accessibility, a mix of uses compatible with a four-season resort community and a village streetscape defined by narrow streets, street-trees, curbing and sidewalks.

5.12 Upper Mountain Road District

(1) Purpose:

To control development along the "upper" Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses.

5.13 West Branch Community Service District

(1) Purpose:

The purpose of the West Branch Community Service (WBCS) District is to designate a centrally located area suitable to accommodate a variety of businesses, professions and civic facilities and activities important to the community in a manner that does not result in adverse environmental or aesthetic impacts on the surrounding area.

5.14 Forest Reserve District

(1) 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.

(2) Permitted Uses

- Agriculture
- Forestry

(3) 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

(4) Minimum lot size Minimum lot size = 50 acres.

Section 6 USES, DIMENSIONAL REQUIREMENTS AND DENSITY STANDARDS

6.1 Prohibited Uses

The following uses are prohibited in all zoning districts:

(1) Drive-up windows except for banks and financial institutions.

(2) Junkyards

(3) Retail establishments with a gross interior square footage greater than 15,000 sq. ft.

(4) Medical marijuana dispensaries as permitted and defined by 18 V.S.A. Chapter 86 and regulated by the Vermont Department of Public Safety

6.2 Permitted and Conditional Uses

In addition to the permitted and conditional uses listed on Table 6.1, the DRB may approve any use which it finds to be similar to a use permitted in the district in its effect upon the character of the vicinity, traffic patterns and flows and in its effect on the value of neighboring properties.

Table 6.1 Permitted and Conditional Uses

Note: See Section 12.8 for Village-PUD uses.

USE	RR-1	RR-2, 3,5	UMR	HT	MRV MRC	VR	VC	LVC MC	WBCSD
Commercial, General				C	C			C	C
Automobile, Car Wash									
Automobile, Gas Station				C	C		C	C	
Automobile, Repair and Service				C	C		C	C	C
Automobile, Sales					C	C		C	C
Automobile Sales, Accessory				C	C		C	C	C
Bar (Tavern)				C	C		C	C	
Bar (Tavern), Accessory	C		C	C	C		C	C	
Bank			C	C	C		C	C	
Nightclub				C	C		C	C	
Nightclub, Accessory	C		C	C	C		C	C	
Offices, Professional and Business	C		C	C	C	C	C	C	C
Restaurant	C		C	C	C		C	C	
Restaurant, Accessory	C	C	C	C	C	C	C	C	
Retail Display, Outdoor	C		C	C	C	C	C	C	C
Retail Sales, up to 5,000 sq. ft.				C	C		C	C	C
Retail Sales, up to 15,000 sq. ft.									C
Retail Sales, Accessory	C		C	C	C		C	C	C
Commercial Services									
Campground, Commercial	C	C							
Club, Private / Seasonal	C	C	C	C	C	C	C	C	
Construction Businesses and Trades									C
Daycare Center			C	C	C		C	C	C
Daycare, Home, Over Six (6) Children			C	C	C		C	C	C
Daycare, Home, Six (6) Children Maximum	P	P	P	P	P	P	P	P	P
Funeral Home				C	C		C	C	
Golf Course, Commercial	C	C	C	C	C	C	C	C	C
Kennel	C	C	C	C	C			C	C
Laundromat/Dry Cleaning			C	C	C		C	C	C
Service Establishment	C		C	C	C		C	C	
Summer Camp	C	C							
Veterinary Hospital	C	C	C	C	C		C	C	C

USE	RR-1	RR-2, 3,5	UMR	HT	MRV MRC	VR	VC	LVC MC	WBCSD
Health Care									
Assisted Living Facility	C	C	C	C	C	C	C	C	
Clinic			C	C	C	C	C	C	
Extended Care Facility	C	C	C	C	C	C	C	C	
Health Care Facility			C	C	C	C	C	C	
Health Services			C	C	C	C	C	C	
Hospital			C	C	C	C	C	C	
Intermediate Care Facility	C	C	C	C	C	C	C	C	
Long Term Care Facility	C	C	C	C	C	C	C	C	
Nursing Home	C	C	C	C	C	C	C	C	
Retirement Home	C	C	C	C	C	C	C	C	
Institutional / Government									
Cemetery	C	C	C	C	C	C	C	C	
Church, Place of Worship	C	C	C	C	C	C	C	C	C
Convent, Parish House	C	C	C	C	C	C	C	C	C
Cultural Art Center				C	C	C	C	C	C
Ice Skating Rink				C	C	C		C	C
Library	C	C	C	C	C	C	C	C	
Museum	C	C	C	C	C	C	C	C	C
Recreation Facility, Indoor			C	C	C	C	C	C	C
Recreation Facility, Outdoor	C	C	C	C	C	C		C	C
School, Private or Public	C	C	C	C	C	C	C	C	C
Solid Waste Facility	C	C					C		
State or Municipal Use	C	C	C	C	C	C	C	C	C
Telephone Exchange	C	C	C	C	C	C	C	C	C
Lodging / Resort									
Bed and Breakfast, Five (5) Rooms or less	P	P	P	P	P	P	P	P	P
Bed and Breakfast, Over Five (5) Rooms	C	C	C	C	C	C	C	C	C
Conference Center				C	C	C	C	C	C
Convention Facility				C	C	C	C	C	C
Hotel, Lodging Facility, Motel	C		C	C	C		C	C	
Resort			C	C	C		C	C	
Resort PUD	C	C	C	C	C		C		
Ski Area, Commercial	C	C	C	C	C	C	C	C	C
Time Share/Interval Ownership Units			C	C	C		C	C	

USE	RR-1	RR-2, 3,5	UMR	HT	MRV MRC	VR	VC	LVC MC	WBCSD
Residential									
Boarding House, 2 – 5 Rooms	P	P	P	P	P	P	P	P	P
Boarding House, Over 5 Rooms	C	C	C	C	C	C	C	C	C
Camp, Private	P	P							
Dwelling Unit, Accessory (Accessory Apartment)	P	P	P	P	P	P	P	P	P
Dwelling Unit, Multi-family	C	C	C	C	C	C	C	C	C
Dwelling Unit, Single-family	P	P	P	P	P	P	P	P	P
Dwelling Unit, Two-family (Not more than one two-family building/lot)	P	P	P	P	P	P	P	P	P
Dwelling Unit, Two-family (More than one two-family building/lot)	C	C	C	C	C	C	C	C	C
Group Home, Eight (8) Persons Maximum	P	P	P	P	P	P	P	P	P
Group Home, Over Eight (8) Persons				C	C	C	C	C	
Home Occupation	P	P	P	P	P	P	P	P	P
Mobile Home Park		C							
Miscellaneous									
Accessory Use, Permitted Use	P	P	P	P	P	P	P	P	P
Accessory Use, Conditional Use	C	C	C	C	C	C	C	C	C
Agriculture/Farming	P	P	P	P	P	P	P	P	P
Communication Tower/Antenna									
Commercial	C	C	C	C	C	C	C	C	C
Residential	P	P	P	P	P	P	P	P	P
Gravel Pit	C	C							
Industrial PUD								C[1]	
Industry, Light			C	C	C		C	C	C
Planned Unit Development	C	C	C	C	C	C	C	C	C
Storage and Warehousing, Indoor								C	C
Storage and Warehousing, Outdoor									
Storage, Outdoor, Accessory								C	C

[1] MC only

Note: See Section 5.14 for Forest Reserve District Uses

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.)		
RR-1 Motel, Hotel, Lodging	1 acre 5 acres	150	50	30	40	8%[1]	28
RR-2	2 acres	200	60	50	50	N/A	28
RR-3	3 acres	250	70	60	60	N/A	28
RR-5	5 acres	300	70	75	75	N/A	28
VC-10	10,000	60	10	10	10	50%	28/35[3]
VC-30	30,000	125	10	20	20	30%	28/35[3]
VR-20	20,000	100	20	10	40	30%	28
VR-40	40,000	150	30	25	50	15%	28
HT	1 acre	180	50	50	50	10%	28
UMR Residential Motel, Hotel, Lodging Other uses	 1 acre 5 acres 2 acres	200	50	50	50	8%	28
MRV/MCR[2]	20,000	100	20	10	20	20%	28/35[3]
LVC	20,000	125	10	10	10	20%	28/35[3]
MC	20,000	125	20	20	50	20%	28
WBCSD	1 acre	125	60	35	35	20%	28

[1] For conditional uses only
[2] Minimum setback from Rural Residential District Boundary is 50 feet
[3] 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[1]	Lodging Units[2]
RR-1	1 per acre[3]	3 units per acre	3 units per acre	5 units per acre
RR-2	1 per 2 acres [3]	1 unit per 2 acres	1 unit per 2 acres	N/A
RR-3	1 per 3 acres[3]	1 unit per 3 acres	1 unit per 3 acres	N/A
RR- 5	1 per 5 acres [3]	1 unit per 5 acres	1unit per 5 acres	N/A
VC-10	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.
VC-30	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.
VR-20	1 unit/ 20,000 sq. ft. [3]	1 unit per 10,000 sq. ft.	1 unit per 10,000 sq. ft.	N/A
VR-40	1 unit/ 40,000 sq. ft. [3]	1 unit per 20,000 sq. ft.	1 unit per 20,000 sq. ft.	N/A
HT	1 per acre	3 units per acre	3 units per acre	1 unit per 5,000 sq. ft.
UMR	1 per acre	3 units per acre	3 units per acre	1 unit per 7,500 sq. ft.
MRV	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 sq. ft.[4]	1 unit per 3,500 sq. ft.
MCR	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 sq. ft. [4]	1 unit per 3,500 sq. ft.
LVC	1 per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 3,500 sq. ft.
MC	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.
WBCSD	1 per acre	2 units per acre	3 units per acre	N/A

[1] For the purpose of density calculations, multi-family includes all multi-family units as well as all residential units within a mixed-use building

[2] Density calculations are to exclude the portion of the lot occupied by other uses and their associated densities.

[3] 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.

[4] 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.

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

Section 7 FLOOD HAZARD DISTRICT

7.1 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 Stowe, Vermont.

7.2 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.

7.3 Lands to Which These Regulations Apply

These regulations shall apply to all areas in the Town of Stowe, Vermont identified as areas of special flood hazard 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.

7.4 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 DRB is required for:

(1) New buildings;

(2) Substantial improvement of existing buildings; and

(3) Development in a floodway.

prior to being permitted by the Zoning Administrator. 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.

7.5 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 thirty (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 thirty (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) Proposed development shall be reviewed by the Zoning Administrator or the DRB to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

7.6 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 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, 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 shall be permitted 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 (1') foot at any point within the community.

7.7 Development Standards

(1) Floodway Areas

A. Development within the regulatory floodway is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a 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.

(2) Floodway Fringe Areas (i.e., special flood hazard areas outside of the floodway)

A All Development - All development shall be reasonably safe from flooding and:

1. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;

2. Constructed with materials resistant to flood damage;

3. Constructed by methods and practices that minimize flood damage; and

4. 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.

B. Residential Development:

1. New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction and existing buildings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two (2') feet if no depth number is specified.

2. 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 (1') 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.

   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.

C. Residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

(3) Commercial Development:

A New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two (2') feet if no depth number is specified.

B Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or 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. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two (2') feet if no depth number is specified 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.

C A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

D Commercial construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

(4) Subdivisions:

A New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.

B Subdivisions (including manufactured home parks) shall be designed to assure:

1. Such proposals minimize flood damage within the flood-prone area;

2. Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards.

(5) Enclosed Areas Below the Lowest Floor:

A Enclosed areas below the lowest floor that are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

B 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.

C 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 (2) openings having a total net area of not less than one (1) 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 (1') 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.

(4) Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:

A Be on the site for fewer than 180 consecutive days,

B Be fully licensed and ready for highway use, or

C Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Section 7.7(2)B.

(5) Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:

A Shall not be used for human habitation;

B Be designed to have low flood damage potential;

C Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

D Shall be firmly anchored to prevent flotation; and

E Shall have service facilities such as electrical and heating equipment elevated or flood proofed.

(8) Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

(9) Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(10) On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least one (1') foot above the base flood elevation. Wastewater disposal systems shall not be located in a floodway area.

(11) Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

7.8 Duties and Responsibilities of the Zoning Administrator

The Zoning Administrator shall maintain a record of:

(1) All permits issued for development in areas of special flood hazard;

(2) 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;

(3) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;

(4) All flood proofing certifications required under this regulation; and

(5) All variance actions, including justification for their issuance.

7.9 Variances to the Development Standards

Variances shall be granted by the DRB 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.

7.10 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 Stowe or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

7.11 Validity and Severability

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

7.12 Precedence of Regulations

The provisions of these regulations shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where these regulations impose a greater restriction, the provisions of these regulations shall take precedence.

7.13 Enforcement and Penalties

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator, 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 (7) day warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days.
If the structure is still noncompliant after the opportunity to cure has passed, the Zoning Administrator 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: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

7.14 Definitions

Base Flood means the flood having a one (1%) percent 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 means any area of the building having its floor elevation (below ground level) on all sides.

Cumulative Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, *during any five (5) year period, the cumulative* cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that 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.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means 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).

Flood means (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 Insurance Rate Map (FIRM) means 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 means 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 means any land area susceptible to being inundated by water from any source. (See definition of "flood".)

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of

the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Legislative Body means 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.

Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *Provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

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

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction means, 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 the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means 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.

Recreational vehicle means a 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 not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area is the land in the floodplain within a community subject to a one (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, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (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.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) A building with two (2) or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

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

Substantial improvement (See "Cumulative" substantial improvement above.)

Violation means 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.

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 shall avoid the placement of buildings, structures and/or parking areas in highly visible, prominent locations within the area designated as meadowland. Development 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; 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.

8.5 Transferable Development Rights

(1) Development rights on meadowland within designated underlying zoning districts may, with the approval of the DRB, be transferred in accordance with Section 3.13 of these regulations. In approving the transfer of development rights from designated meadowland, the Commission shall determine that the parcel(s) or portion of parcel(s) to be restricted is of a size, location and general configuration as to significantly further the purposes of the MOD.

(2) Development rights on all meadowland may be transferred to contiguous property owned or controlled by the applicant through a Planned Unit Development approved in accordance with Section 12 of these regulations.

Section 9 RIDGELINE AND HILLSIDE OVERLAY DISTRICT

9.1 Purpose

The purpose of the Ridgeline/Hillside Overlay District (RHOD) is to protect the scenic and ecological resources associated with lands characterized by high elevations, steep slopes and visual sensitivity in a manner that allows for carefully designed, low-impact development.

9.2 Authority and Effect on Existing Regulations

The RHOD is adopted pursuant to "the Act" [4405 and 4407]. The adoption of the RHOD shall not repeal or alter any existing ordinances, regulations or bylaws of the Town of Stowe. These regulations establish standards and procedures that are in addition to those contained in the Town of Stowe Zoning and Subdivision Regulations.

9.3 District Boundaries

The RHOD shall apply to all lands in the Town of Stowe designated by the "Ridgelines/Hillsides Overlay District" Map dated September 1997.

9.4 General Submission Requirements and Procedures

(1) No zoning permit for any development within the RHOD boundary, except for those activities exempt under Section 9.4(2), shall be issued and no pre-development site preparation shall be commenced without the prior approval of the DRB, in accordance with the following procedures and standards.

(2) The following activities are exempt from review under this section:

A. Uncovered decks with a footprint no greater than 200 sq. ft. and an above grade height no greater than ten (10') feet.

B. Residential accessory structures having a footprint no greater than 100 sq. ft. and a height no greater than ten (10') feet.

C. Any land development, which in the judgment of the Zoning Administrator, cannot be seen from any vantage points as defined in Section 9.5(2), because the proposed development is completely screened from view by either an existing structure or a clearing limit previously approved by the DRB (or Planning Commission).

D. Minor modifications to land development previously approved by the DRB that involve no change in color, no increase in reflective surfaces or in building height or additional site clearing.

E. Ponds and swimming pools that require no site clearing.

(3) Review Procedures: All land development in the RHOD, except for those activities exempt under Section 9.4(2), shall comply with a hillside development plan reviewed and approved by the DRB in accordance with the following procedures.

A Preliminary Review: The applicant shall schedule a meeting with the DRB to review the Site Development Plan as required by this section. The DRB may authorize a committee that includes the Zoning Administrator, Planning Director or any member of the DRB to conduct a preliminary review. The purpose of the preliminary review is to evaluate the conceptual development plans, including the location and general character of the site; to consider whether the proposed development should be classified as minor; and to provide the applicant with clear direction regarding the submission materials needed for review under these regulations. The committee or individual shall recommend to the full Board whether the proposed development should be classified as minor.

B Project Classification and Notification of Submission Requirements: The DRB shall determine whether the application is to be classified as "minor" or "significant", in accordance with the standards included in the Project Classification Criteria, below. In the event the application is determined to be "significant", the DRB shall notify the applicant of this determination in writing, and in so doing shall indicate what supplemental submission requirements shall be required for review by the DRB. Projects classified as "minor" may be issued a zoning permit, providing the development is in compliance with all other applicable regulations.

C Project Classification Criteria: The DRB shall classify a development project as minor upon finding that the project meets the standards of Section 9.5 and that the following conditions are met:

1. The small scale and limited scope of the development project involves a minimal amount of construction, excavation and/or lot clearing and, poses minimal threat to aesthetic or environmental resources. Examples of projects that are small in scale or limited in scope may include outdoor decks and small accessory buildings and additions, and/or;

2. The location and character of the development site is such that the proposed development can take place without adverse aesthetic or environmental impacts. Examples of such sites might include those characterized by gentle slopes, proximity to areas

characterized by existing moderate to high development densities, or areas that are not visible from important vantage points because of surrounding terrain, and/or;

3. The proposed project involves the renovation or expansion of a building constructed prior to August 3, 1998, providing said renovation or expansion does not result in an increase in the total aggregate floor area of the building in excess of one hundred twenty-five (125%) percent of the total floor space in existence as of August 3, 1998, or:

4. The proposed project is sited within a previously approved building zone as part of an approved subdivision. A building zone is an area that has been specified on the approved subdivision plans for the placement of a dwelling and lies well within the standard setback requirements.

5. The proposed project is sited on a building lot subject to DRB subdivision approval, dated August 3, 1998 or later, which includes specific findings and conditions regarding compliance with the RHOD development standards and guidelines, and the applicant has clearly demonstrated that the development project meets all of the relevant conditions and related standards.

In classifying a project as minor, the DRB may place appropriate conditions on the scope, scale and general character of the development to ensure compliance with the development standards and guidelines set forth below. Projects classified as significant shall be subject to further review by the DRB, in accordance with the process and standards set forth below.

A project classified as minor may be issued a zoning permit only for the development, landscaping, clearing and related site improvements set forth in the Site Development Plan submitted. Any deviation from the activities described in the Site Development Plan, including forest management shall require a new zoning permit. Projects re-classified as significant shall be subject to further review by the DRB, in accordance with the process and standards set forth below.

D. Reconsideration of District Boundaries: In the event an applicant questions the determination that a proposed development falls in the RHOD, upon request and following notice and public hearing, the DRB shall determine whether or not such planned development is located within the RHOD. The landowner requesting such determination shall have the burden of proof.

E. Review of Significant Projects: Upon submittal of the development plan, the DRB shall schedule a public hearing in accordance with 24 V.S.A. Chapter 117 [Section 4447]. The Board shall review the materials submitted, together with other relevant plans and resources, and may elect to visit the proposed development site. The Board shall act to approve, approve with conditions or disapprove any such site development plan within forty-five (45) days after the date of the final public hearing, and failure to so act within the forty-five (45) day period shall be deemed approval. Upon approval of the site development plan, the Zoning Administrator may issue a zoning permit pursuant to all applicable provisions of this ordinance.

F. Coordination with Subdivision Review: In addition to the provisions of the Stowe Subdivision Regulations, all land to be subdivided within the RHOD shall satisfy the following standards:

1. Density Analysis. Prior to submitting an application for preliminary layout or final subdivision approval, the applicant shall complete a slope-density analysis to determine the allowable density for the subject parcel(s). Such analysis shall include a parcel map showing the average slope and an indication of the total area (in acres or square footage) of the parcel with an average slope steeper than twenty (20%) percent. Density will be calculated based on the minimum lot area for the underlying zoning district, with the minimum lot area for the portion of the parcel having an average slope of twenty (20%) percent being four (4) times that of the underlying zoning district. For example, a one hundred (100) acre parcel in the RR5 district with sixty (60) acres having an average slope of less than twenty (20%) percent and forty (40) acres in excess of twenty (20%) percent shall have a total allowable density of fourteen (14) lots (i.e. 100 acres = (60 acres < 20%/5 acres = 12 lots) + (40 acres >20%/5 acres x 4 = 2 lots) = 14 units/lots). The applicant may submit an independent density/slope analysis prepared by a registered Vermont surveyor or a registered Vermont Engineer.

2. Coordination with Section 5.2 of the Stowe Subdivision Regulations. In addition to the density standards set forth above, the DRB may grant subdivision approval with conditions related to lot clearing, landscaping, house siting, architectural design or other relevant issues necessary to ensure compliance with these regulations. In instances where conditional subdivision approval has been granted within the RHOD, applications for review under these regulations may be classified as a minor application if the DRB or its designee determines that the applicant has complied

with all of the conditions of subdivision approval and standards and guidelines of these regulations.

(4) Submission Requirements: In accordance with the standards of the overlay district, any of the following plans and materials may be required. Upon determination by the DRB that a project is to be classified as significant, the applicant will receive a checklist of required documents, plans and information necessary for the Board to conduct a complete and proper review of the application.

A. Basic Requirements: The following information and materials are required for all applications for review under Section 9.4(3)A: Preliminary Review.

1. Site Development Plan: Two (2) complete sets of site development plans, drawn in an appropriate scale on paper not smaller than 18" x 24". Such plans shall provide adequate information necessary to review the proposed project, including a general indication of the location and design of proposed development; an indication of the physical characteristics of the development site, including areas characterized by steep slopes, existing and proposed drainage patterns and forested and open areas; proposed landscaping, clearing and forest management; road access and driveway location, and any other information relevant to the proposed development and development site.

B. Supplemental Requirements: Upon determination that the project is significant; the DRB may require one or more of the following:

1. Grading Plan: Existing and proposed contours at a maximum of five (5') foot intervals for the area surrounding the proposed development, such area to be of sufficient size to show the relationship of the development to the surrounding terrain.

2. Lighting Plan: Location, type and height of all exterior lighting (including security lighting) are to be shown on the site development plan. Lighting studies may be required and would include photometric analyses of exterior lighting as well as a review of any impacts interior lighting may have on nighttime visibility through windows, such as the visibility of light through building fenestration.

3. Visibility Studies: Viewshed analyses, line of site sections, site photography and other means to assess the visual impact of the proposed application. On site measures such as plywood and pole mock-ups, and survey tape layout of site elements may be also be

required in the event the site is deemed to be sensitive by the DRB or its designee.

4. Stormwater Management/Erosion Control Plan: An adequate stormwater drainage and erosion control plan, prepared by a registered Vermont engineer, shall be requested when the average slope of the site is steep/severely steep or there are major headwater streams and/or major drainage areas and waterways located on the site.

5. Architectural Plans and Renderings: Building design drawings clearly depicting all proposed structures to scale and their location on the site in relation to the physical and natural features of the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design; building materials, exterior colors and window fenestration. All structures proposed, including outbuildings and garages are to be shown.

6. Landscape Plan: Existing vegetation and proposed landscaping and clearing plans showing proposed type, size and location of all vegetation to be preserved and/or installed, along with other landscaping elements such as gazebos, berms, fences, walls, etc. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes (within at least thirty (30') feet. A species list of existing vegetation and a plan for the maintenance of the existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after the construction and/or installation of all site improvements.

7. Access Plan: A plan including existing roads, ROWs and trails; proposed roads, trails, walks, paths, parking areas, etc. Such a plan would include proposed paving materials, slopes of proposed access routes and erosion control measures. This plan might be combined with the Stormwater Management/Erosion Control Plan and should include road profiles as well.

8. Density Analysis: Prepared pursuant to Section 9.4(3)F.

C. Technical Assistance: The DRB may seek the assistance of technical experts, such as engineering or architectural professionals, to provide independent analysis related to specific applications. Such experts will be compensated in accordance with the Town of Stowe Planning and Zoning Fee Schedule.

9.5 Standards/Guidelines

(1) General Requirements: To protect the unique visual and environmental character of those areas of Stowe within the RHOD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, all development shall be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

(2) Designation of Vantage Points: For the purposes of the RHOD, vantage points shall be defined as maintained (class 3 or higher) public roads, state highways and municipal properties. In reviewing projects to determine compliance with these standards, and to identity appropriate mitigation to ensure that a project does not result in an undue adverse impact on scenic resources, the DRB shall consider the relative importance of the vantage points from which the project is visible (affected vantage points). Such consideration shall include the number of affected vantage points; the volume of traffic using the affected roads or highways; the length of time that a project would be viewed by motorists traveling on the affected roads or highways; the project's distance from affected vantage points; and, the visibility of the project from vantage points typically used by pedestrians and/or serving as public observation points.

(3) Standards and Guidelines: The following list of Standards, Guidelines and accompanying illustrations are the basis for guiding development in a visually and environmentally sensible way within the overlay district without an undue adverse impact to scenic and environmental resources. "Adverse" indicates a negative impact on an identified resource. "Undue Adverse" indicates that the proposed development violates one or more of the Standards set forth in this ordinance and that the impacts cannot be mitigated.

Standards are statements that express the development and design intentions of this overlay district. All development within this district must comply with these Standards. The Standards reflect the visual and environmental concerns of the community in terms of the Town's hillsides and ridgelines.

Guidelines are instructive in nature. They suggest a variety of means by which the applicant might comply with the Standards. The options for compliance are not limited to the guidelines listed, but the applicant can use the list to aid in the design process.

Illustrations graphically portray the prescriptions and concepts conveyed in both the Standards and Guidelines.

A. Site Development and Environmental Protection

Standard 1.1
All development, including grading, clearing and construction of driveways, shall provide for the retention of native topsoil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause an adverse impact on neighboring properties, town highways or surface waters.

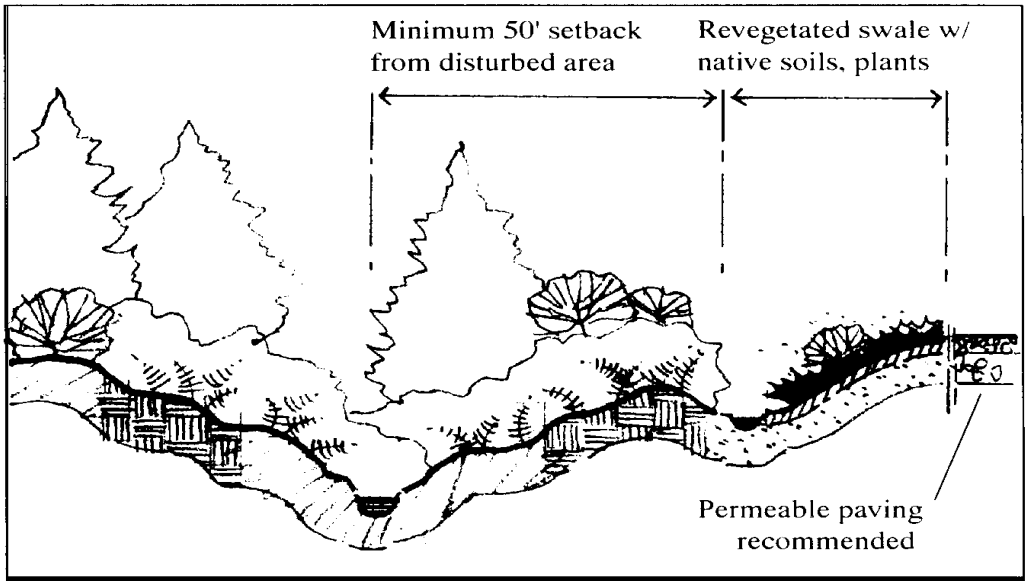


Illustration A1: Section

Use biodegradable erosion control blankets where more intensive stabilization is required

Guideline 1.1
The Vermont Erosion Control Manual for acceptable practices in site hydrology and soil conservation should be followed; where roads or driveways are proposed, culverts should be used at frequent intervals to avoid long, uninterrupted ditches and to disperse stormwater.

Guideline 1.2
On steep slopes, clearing should be avoided to prevent erosion resulting from stormwater runoff, and in areas where streams and intermittent watercourses are found, a buffer(s) area should be established to limit sedimentation or other adverse impacts on water quality.

Guideline 1.3

The flattest portion of the site should be used for locating house sites, subsurface sewage disposal systems and parking areas. (See illus. A1 and A2.)

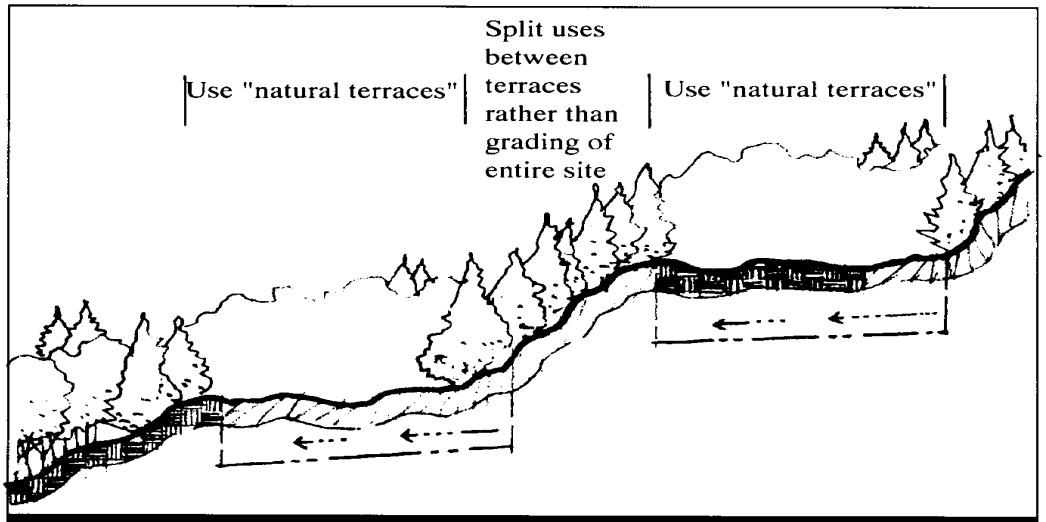


Illustration A2: Section

Maintain filter/buffer strip between terraces for runoff and visual screening. Terraced areas can be regraded w/ proper pitch and curtain/ interceptor drains as necessary

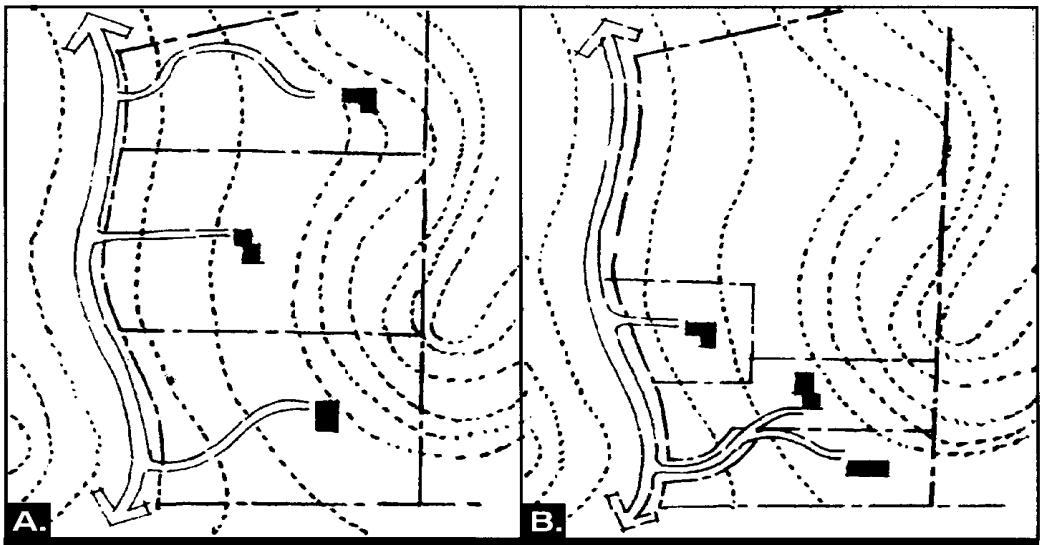


Illustration A3: Plan

Option B uses less road, provides for more open space, uses 33% less land than Option A. Option B concentrates the road cuts in one area and sites structures below the base of the ridge.

Guideline 1.4
Existing vegetative buffers should be employed as filter strips or employ vegetative stabilization methods where necessary.

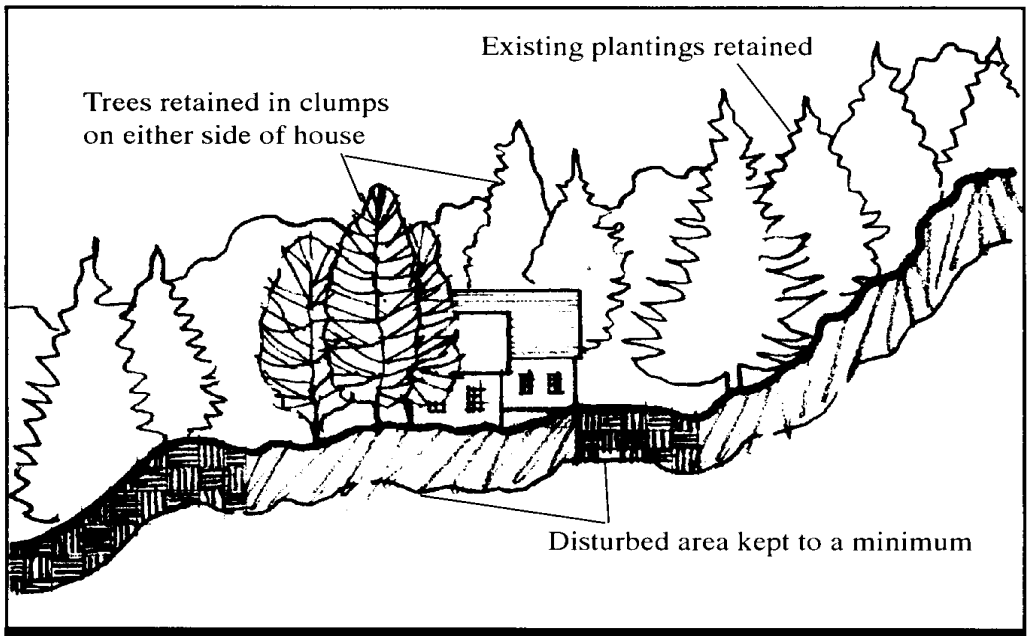


Illustration A4: Section

House is sited on natural terrace and stepped down with grade.
Lawn area is reduced in size along with maintenance requirements.

Guideline 1.5
Where appropriate, long driveways and large parking areas should be avoided. Lot coverage and building footprints should be minimized and development clustered, all to minimize site disturbance and preserve large areas of undisturbed space. (See illus. A3.)

Standard 2
Subsequent to the application for a zoning permit within the RHOD, forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks and Recreation in 1987.

Guideline 2.1
Forest management should maintain the appearance of an unbroken forested canopy as viewed from off-site, should protect aesthetic resources and wildlife habitat, and provide for the sustainable, ongoing management of forest resources.

Standard 3
Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic systems or related work, shall be reviewed by the DRB under these regulations. Where a landowner fails to submit pre-development site preparation plans to the DRB for review, the Board may limit development to the non-impacted portion of the property and/or require the site to be restored or revegetated prior to development.

Guideline 3.1
Prior to implementing a forest management plan, the landowner should review the plan with Town Planning and Zoning staff to ensure that forest management activities and future development plans are consistent with the standards set forth in this ordinance.

Standard 4
Development shall not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts will be made to protect/preserve such areas and promote suitable buffers.

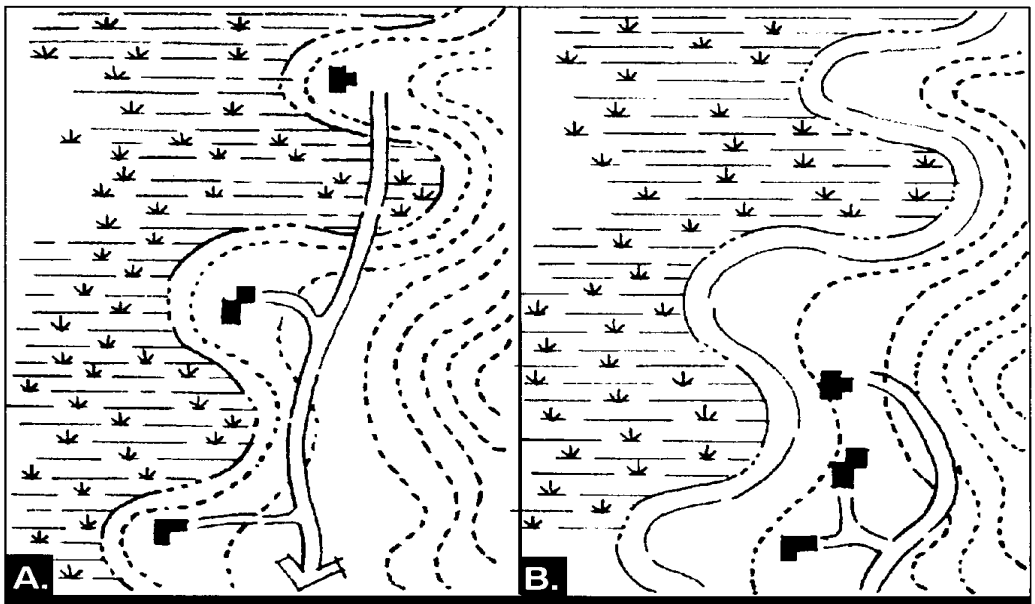


Illustration A5: Plan

Option B avoids crossing the wetlands, clusters the structures on the most suitable land, and avoids construction and road impact on the wetland

Guideline 4.1
Development should be clustered away from all fragile environments.

Guideline 4.2
If roads and bridges must be put in wetlands, they should intersect the wetland at the narrowest part. (See illus. A6.)

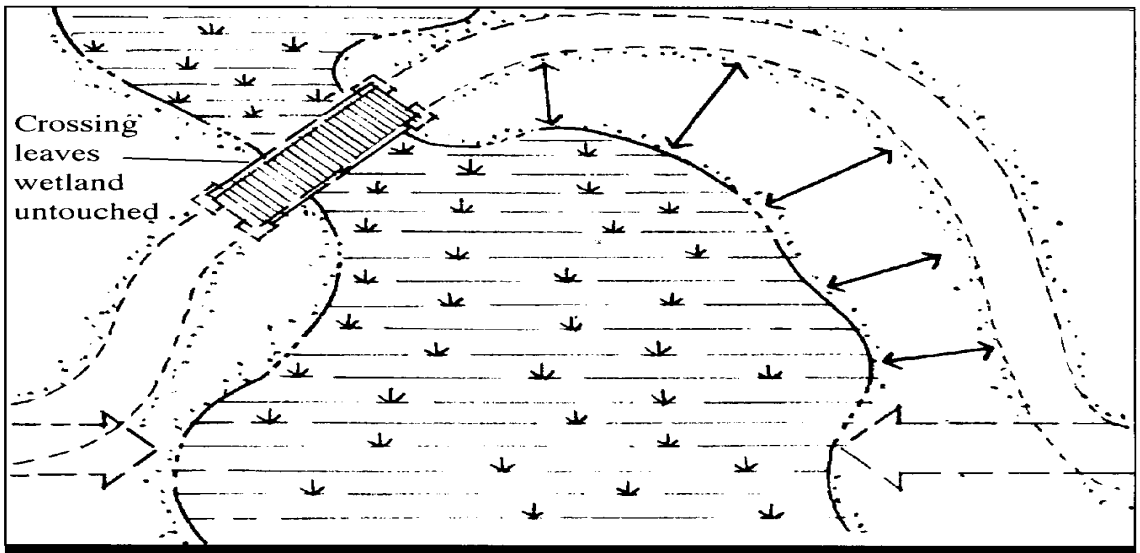


Illustration A6: Plan

Road is re-routed to avoid fill/environmental impact to wetland. A proper setback is maintained between the road and the wetland and the road narrows for wetland crossing.

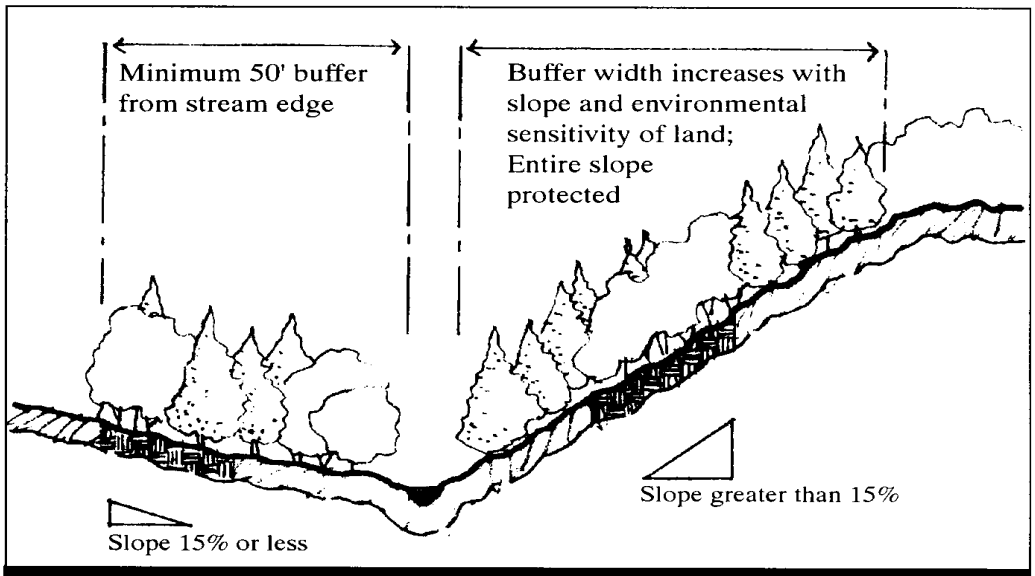


Illustration A7: Section

Guideline 4.3
Existing vegetation should be preserved and, as much as possible, parcels should remain with their undisturbed portions connected to one another.

Guideline 4.4
Buffer widths and setbacks from streams should be established, the width of which should increase with the steepness and length of slopes, and the width of the stream. A general rule is to keep a fifty (50') foot setback from streams on lands with less than fifteen (15%) percent slope, and on steeper slopes the buffer distance should be increased as the slope increases. (See illus. A7.)

B. Landscape and Scenic Character

Standard 5
If the project is on a forested hillside, there will be no significant exposure of buildings, and all development shall be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where such planting is needed to visually interrupt the portion of structures visible from defined vantage points.

Guideline 5.1
Clearing and forest management should be restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices that maintain a forested appearance adjacent to buildings. (See illus. A8.)

Guideline 5.2
Clearing of vegetation at the edge of the road should be minimal, clearing only as much as necessary to create a driveway entrance with adequate sight distance and proper drainage control. (See illus. B2.)

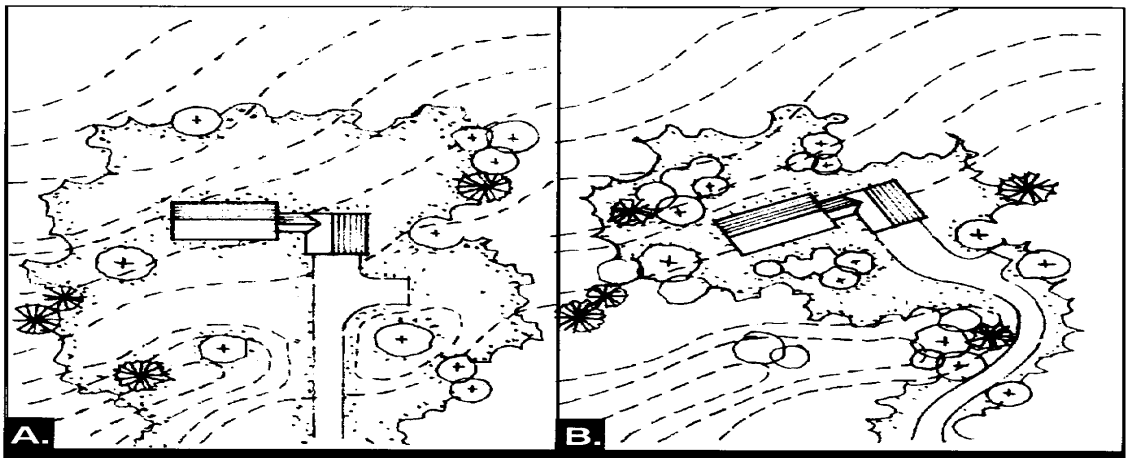


Illustration A8: Plan

In Option B trees are left in "islands" or extensions of the forest rather than as individual specimens. The driveway is routed to eliminate blasting and grading and to protect a section of woodland. The house is oriented with topography.

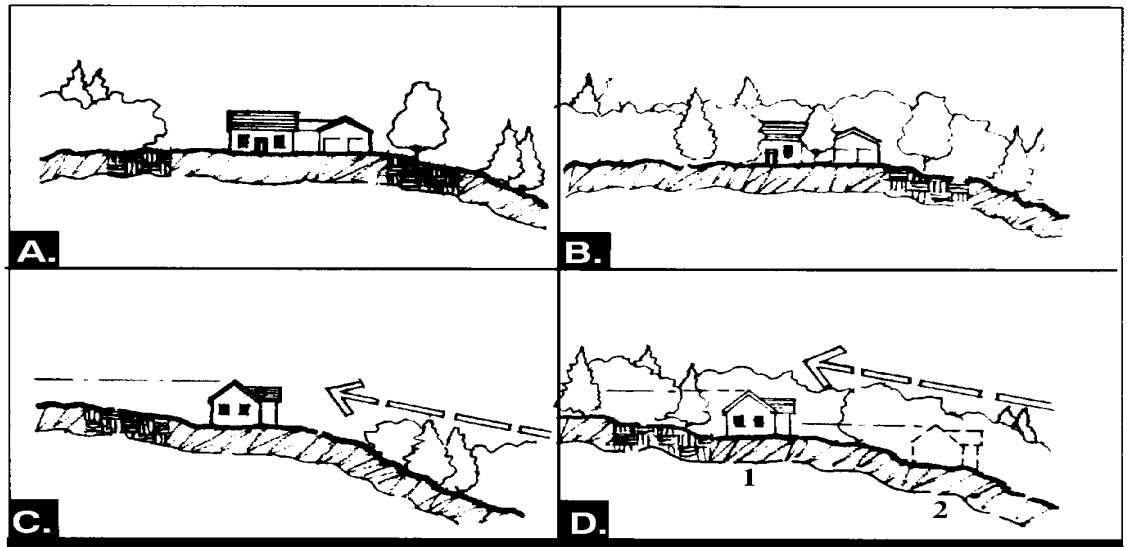


Illustration B1: Sections

In (A) the clearing for the house creates an unnatural pattern on the ridgeline and the interrupted treeline draws attention to the development, creating a visual impact. Drawing (B) shows the same house with existing vegetation retained to maintain the integrity of treeline behind and in front of the structure. In (C) the roofline of the house is visible above the height of land and he clearing has removed most of the screening/buffering trees. Drawing (D) illustrates the same house(1) with vegetation saved to mitigate visual impact, if no other siting alternatives exist. The recommended solution would be siting the house (2) below the height of land, with the treeline intact.

Guideline 5.3

Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades. View clearing should involve the selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.

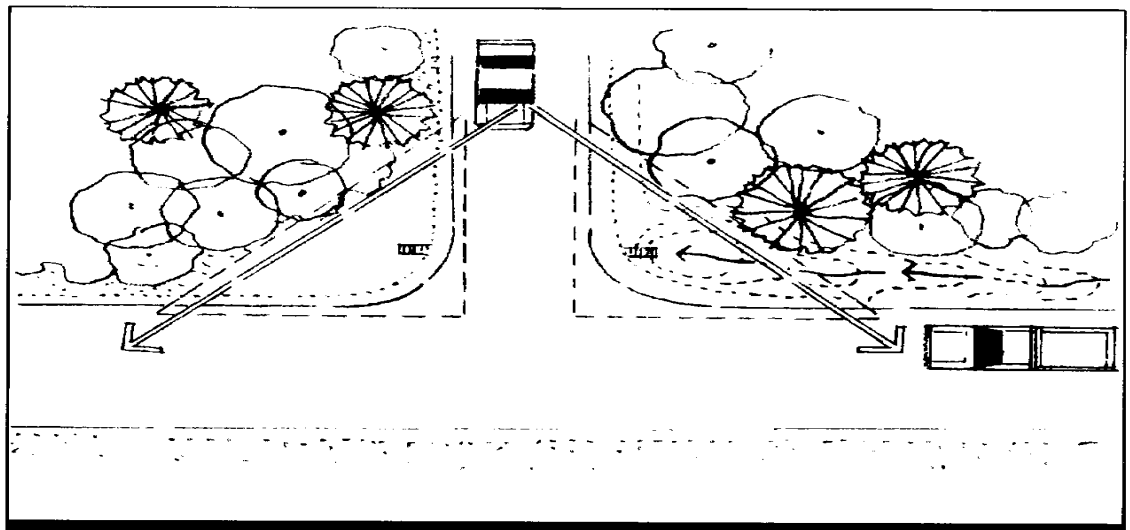


Illustration B2: Plan

It is important to maintain a cleared zone at driveway intersections with roads for safety (visibility) purposes. The clear zone also allows for snow storage and effective stormwater management measures such as small detention basins. Native groundcovers and low vegetation should be esablished in these areas

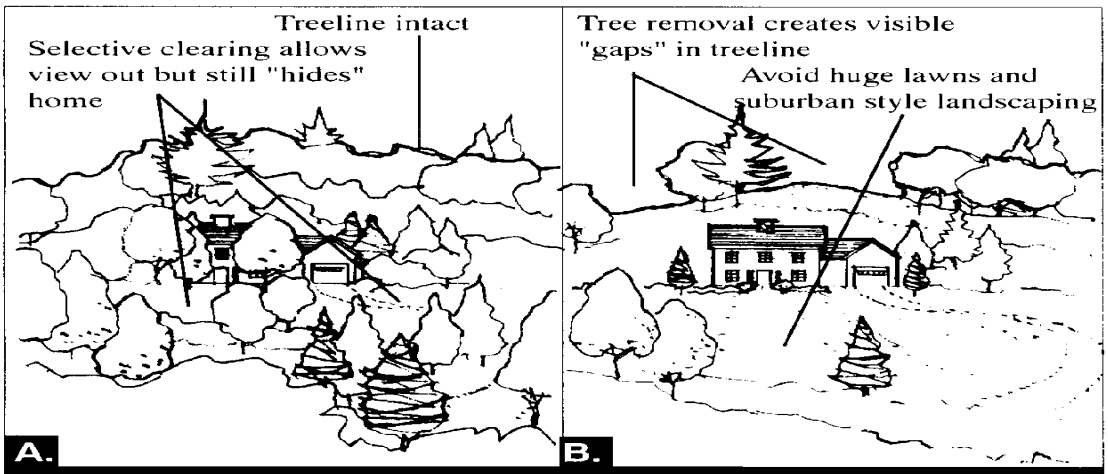


Illustration B3: Perspective

In Option A, the desired approach, existing vegetation is selectively removed and the hillside retains its natural, forested appearance. In Option B, extensive clearing, exposes the home as a visual focal point and undermines the integrity of the landscape pattern. A large lawn and suburban style landscape is not appropriate in this context.

Guideline 5.4

On wooded sites, existing forest cover should be maintained adjacent to proposed building sites to interrupt the façade of buildings, provide a forested backdrop to buildings and reduce or eliminate the visual impact of new development from vantage points. (See illus. B1.)

Standard 6
Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. (See illus. B3-B6.)

Guideline 6.1
On parcels characterized by meadows, additional landscaping and/or reforestation may be employed immediately adjacent to proposed structures to interrupt the façade of buildings, provide additional trees as backdrop to buildings and/or soften the visual impact of new development from vantage points.

Guideline 6.2
Trees should be preserved or planted close to structures to provide screening and better blend structures into the wooded perimeter surrounding meadows.

Guideline 6.3
Buildings should be located outside of cleared meadows.

Guideline 6.4
Cleared meadows, reminiscent of historic hillside pastures, may be created but buildings should not be located in them (i.e. clearings should not frame and thereby draw attention to houses located on hillsides and ridgelines).

Guideline 6.5
Using stonewalls and a hedgerow as property lines is recommended and existing stonewalls and hedgerows should be preserved wherever possible. Should additional landscaping be required, it should be consistent with existing patterns such as hedgerows.

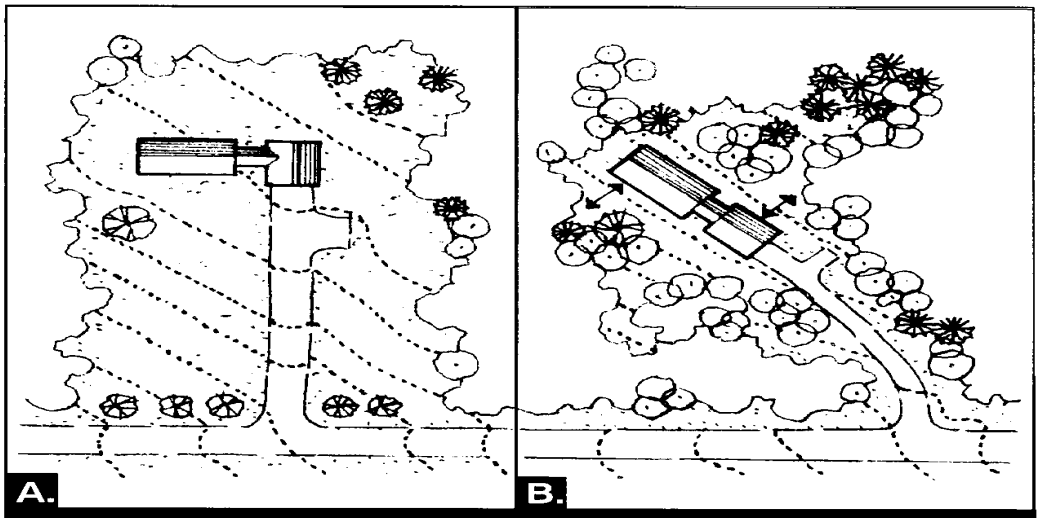


Illustration B4: Plans

Drawing (A) is plan of a typical suburban style house lot with a large lawn, wide driveway and orientation to the road. An occasional mature tree has been saved in isolated locations. The preferred plan (B) sites the house and a narrow driveway/parking area in relation to the contours and maintains existing vegetation in their native groupings, with understory intact as well. A 30 foot clearing limit from the sides of structures may be imposed on visually sensitive sites.

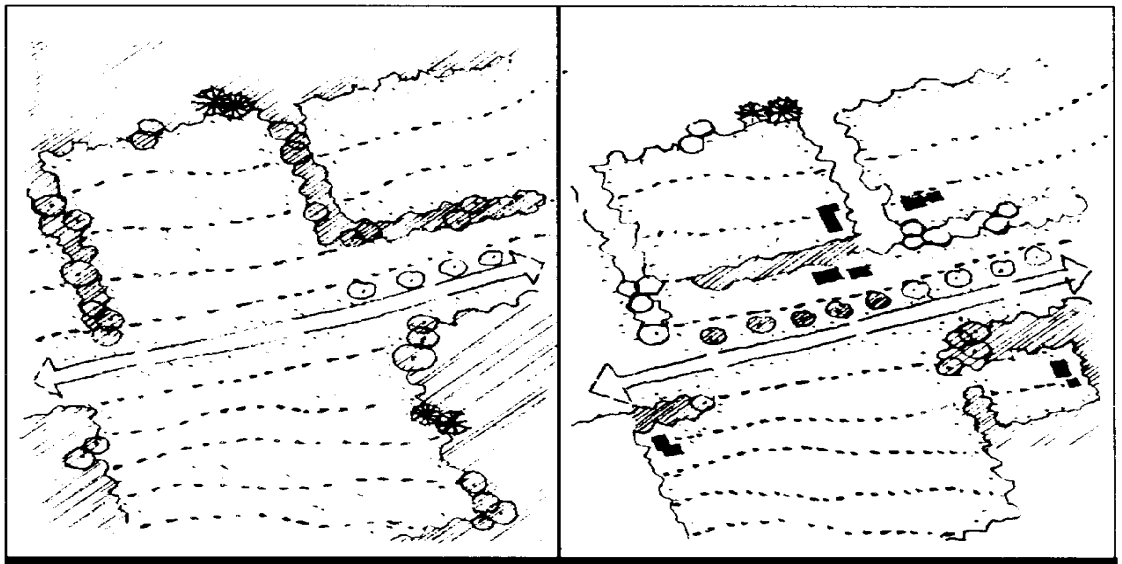


Illustration B5: Plans

These plans illustrate how reinforcing or relating to the existing vegetative conditions create siting possibilities for houses and mainatin the agricultural open space and character of an area. The extension of the treeline along the road and the hedgerow would create a potential site for a vernacular farmhouse and barn design.

Guideline 6.6
For both wooded and meadow sites, landscaping proposed for the project should be of native or naturalized hardy species consistent with vegetation types and patterns appropriate to the site and environs. Invasive, non-native species should always be avoided.

Guideline 6.7
Generally, the minimum caliper for trees is two (2") inches and the minimum shrub size is 1 gallon.

Standard 7
During construction, trees identified on the landscaping plan are to be protected.

Guideline 7.1
Tree protection measure taken during construction should include snow fencing five (5') feet outside of drip line or, with approval, trunk protection and hay bale covering when construction work has to be within canopy.

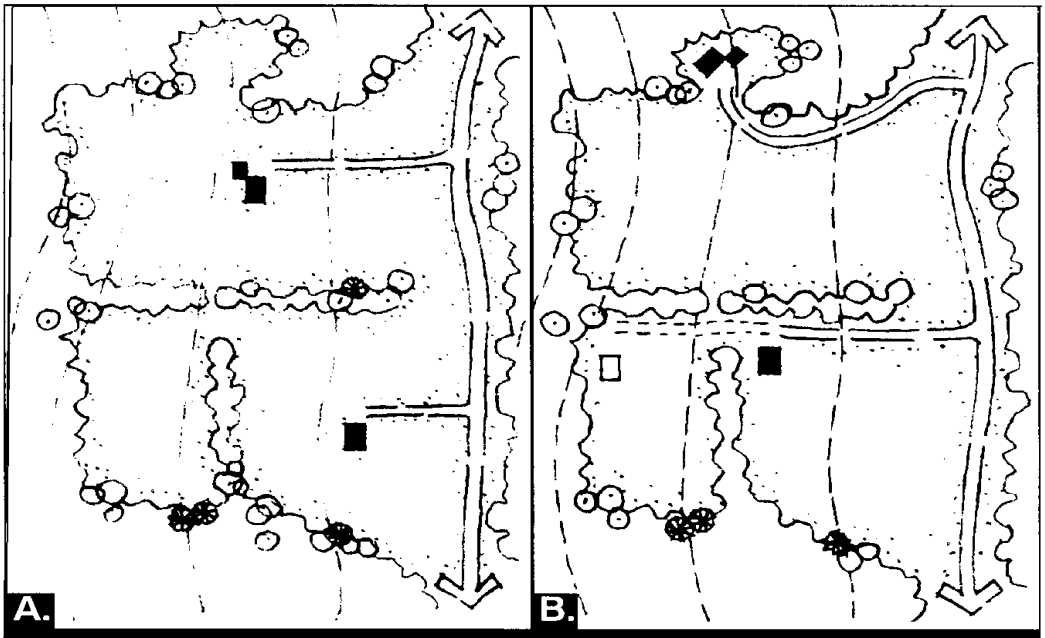


Illustration B6: Plan

In Option B, attention is given to the existing landscape patterns. Houses and driveways are sited along or within the treeline or follow existing hedgerows. Open meadows are not disrupted and future development potential exists without disturbing the open meadows.

Guideline 7.2
Trees should be saved undisturbed in groupings.

Guideline 7.3
Native excavated soils should be stockpiled. Where feasible, transplant existing vegetation, trees, shrubs and ground covers elsewhere on site or near to its original location.

C. Road and Driveway Access

Standard 8
Driveway grades shall not exceed fifteen (15%) percent and shall have an average grade that does not exceed twelve (12%) percent. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental/aesthetic impacts, provided adequate access is ensured for fire and rescue vehicles.

Guideline 8.1
Wherever feasible or appropriate, retain and reuse old farm roads, town roads and trails instead of constructing new roads or driveways to minimize clearing and disruption of the landscape and relate to traditional and historic land use patterns.

Guideline 8.2
Applicant should try to minimize crossing of steep slopes with roads and driveways and should avoid roads "against" the contours; follow contours.

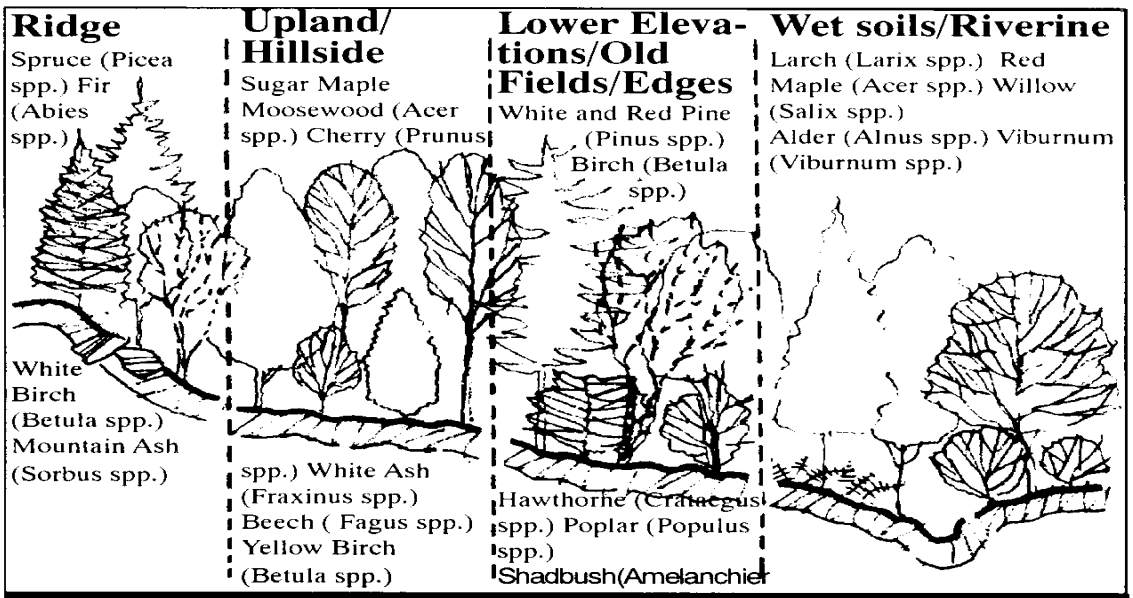


Illustration B7: Section

A site analysis will yield native vegetation patterns in any location. Typical species types and associations in relation to physiography are shown.

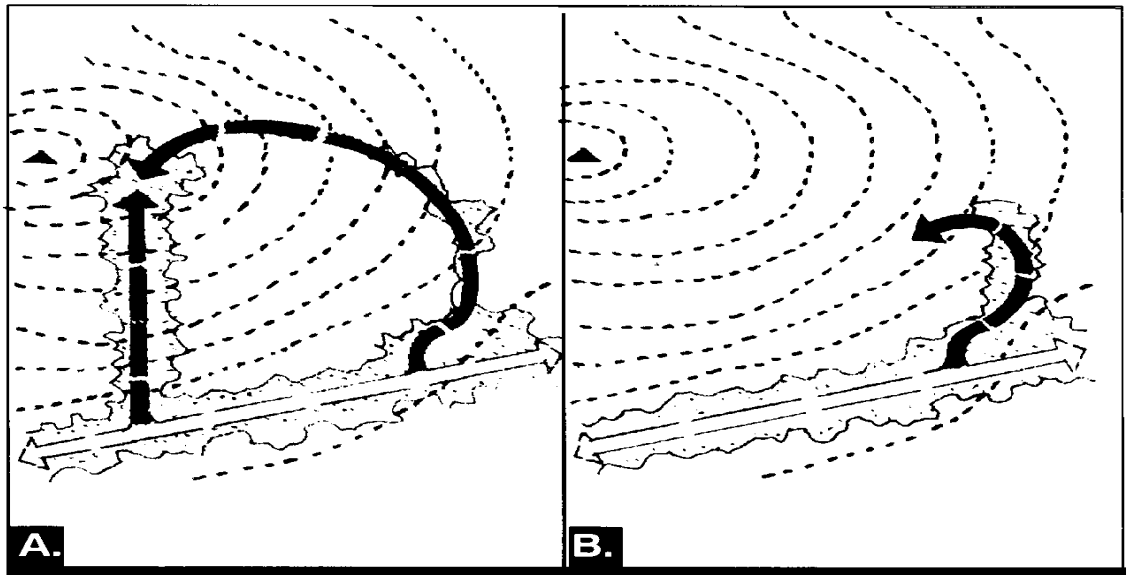


Illustration C2: Plans

If a higher site must be developed, driveways providing access should follow old woods trails/farm roads where available, and in every case, "wrap around" contours or follow a more gradual route, as shown in Road Alignment B, rather than a straight cut as shown in Alignment A. The straight cut makes the whole length of the road visible and results in more cut and fill. Option B, in all cases, is the best approach and minimizes road construction cost and removal of vegetation.

D. Building Design

Standard 9
Development will not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. (See illus. D2.)

Guideline 9.1
Buildings and structures should not be sited on high points, outcroppings or prominent knolls within the project site. (See illus. D1.)

Guideline 9.2
When building on slopes, the preference is to set buildings into topography using partial earth sheltering. Try taking advantage of the topography by building multi-level structures with entrances on more than one level (i.e. walk-out basements, garages under buildings).

Standard 10
The massing of a project (a single building or a group of buildings) shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape.

Guideline 10.1.
Building materials, exterior colors and fenestration that minimize year round visibility, reflectivity, and nighttime light impacts should be selected. Oversized picture windows and large expanses of glass should be avoided or the visual impacts mitigated by dividers or other architectural design elements.

Guideline 10.2
A variety of volumes, roof planes and wall planes should be incorporated within a building project.

Guideline 10.3
The main roofline (ridges and eaves) of individual buildings should be broken and varied to reduce the buildings' visual scale.

Guideline 10.4
The surface of vertical walls should be modulated to avoid a single monolithic shape and/or to reduce the visual scale of buildings.

Guideline 10.5
Building design should reflect the natural patterns of the site and should be well integrated with site design and landscaping.

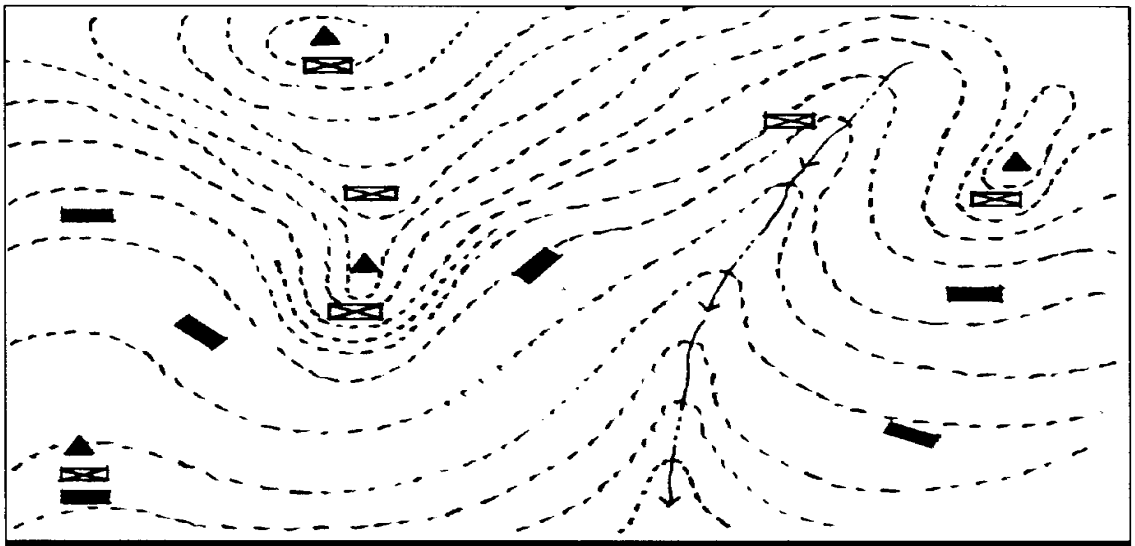


Illustration D1: Plan

Avoid siting in these locations
Indicates better siting option for buildings
High points

Guideline 10.6
Building design should be well integrated into the surrounding neighborhood and be in keeping with the character of the area.

Standard 11
Offsite light impacts shall be minimized. Outdoor lighting shall comply with the standards contained in Section 4.8 of these regulations.

Guideline 11.1
The use of reflective surfaces and outdoor lighting fixtures higher than fifteen (15') feet should be minimized to limit the visibility of the development from off-site. Bollard, low post lighting and low level, indirect lighting is recommended; spot or floodlights should be avoided. (See illus. D4.)

Guideline 11.2
Creative lot layout may also serve to limit off-site glare, visibility and night sky pollution by laying out buildings and structures that shield light fixtures from viewing areas.

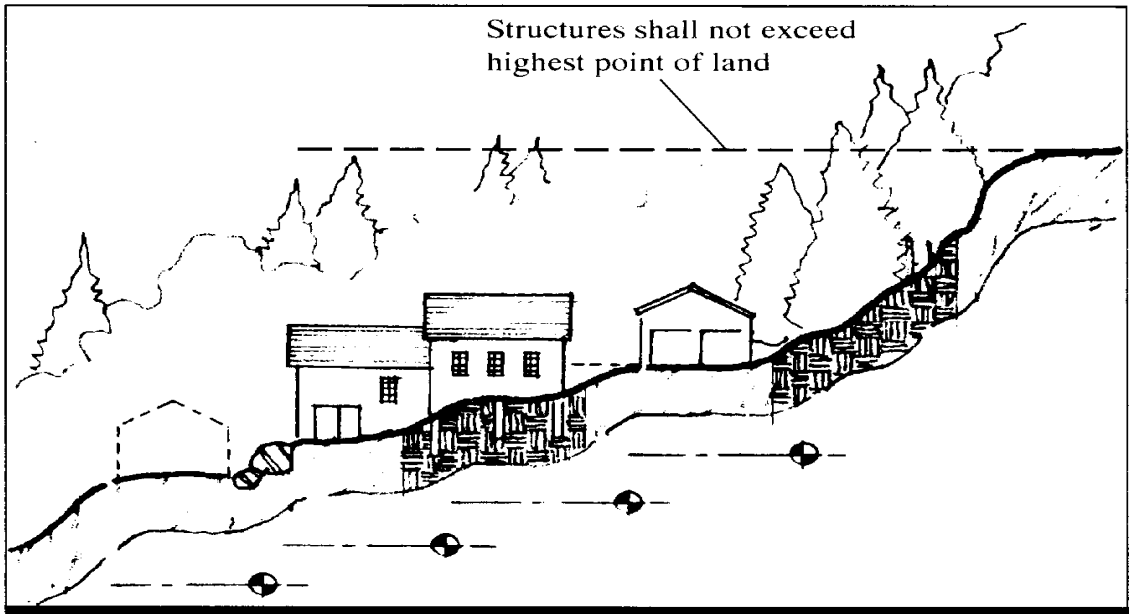


Illustration D2: Section

House is terraced down hillside and not sited on high points. This helps to reduce visual mass. It also takes advantage of the topography by having entrances at different levels. Existing bedrock is maintained as are tree groups.

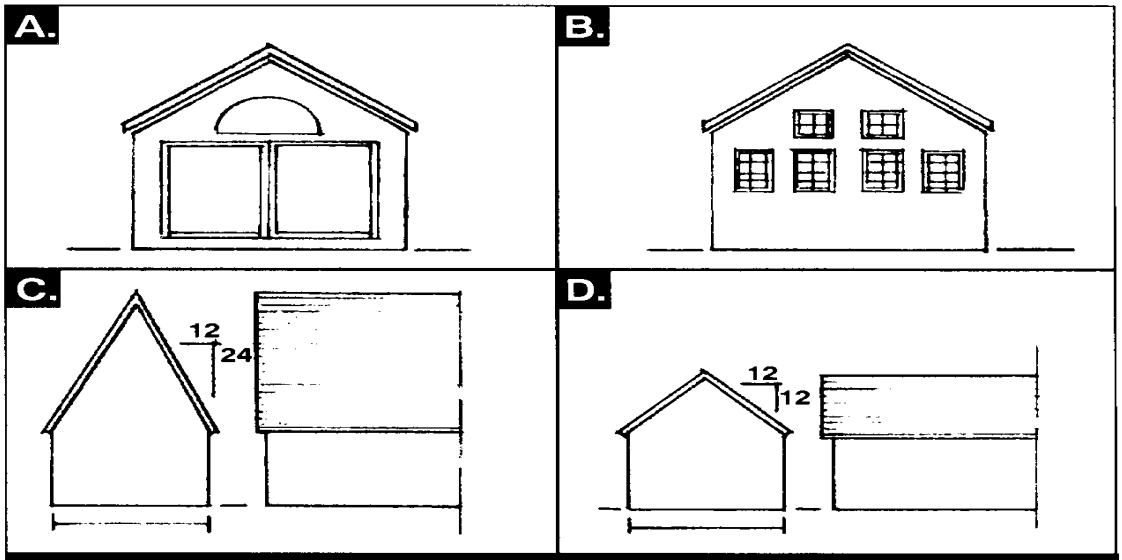


Illustration D3: Section

Options A and B show two different window treatments. Option B helps to reduce glare and reduces the impact of interior lighting or reflection when viewed from the outside. Single pane windows and facades should be avoided. Options C and D show two different roofing types. The moderate pitch illustrateed in Option D avoids the roof becoming another "wall" and decreases the massing of the building in general.

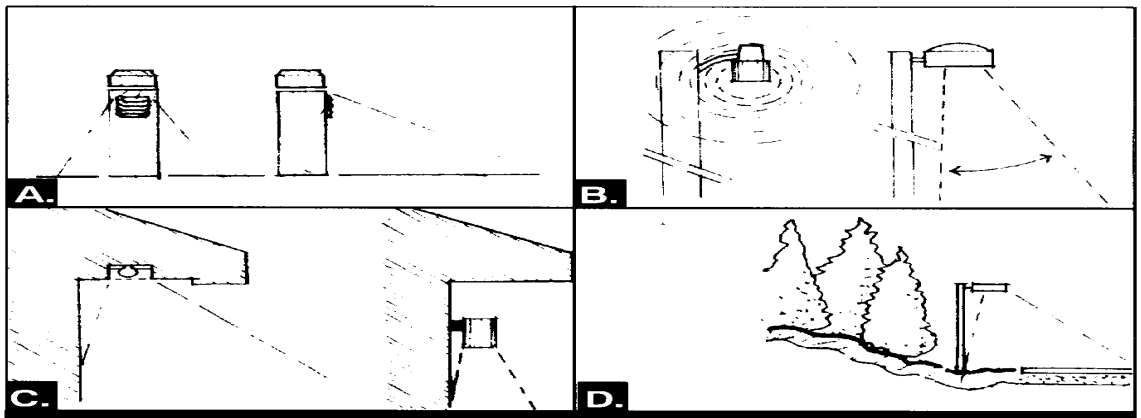


Illustration D4: Sections

Options A and C provide illustrations of low level and pedestrian lighting concepts that help reduce off-site lighting impacts. Option B illustrates a typical metal hallide light fixture that would not be ideal and a fixture with a shield to focus the light. Option D illustrates placing light fixtures using topography, plant material and structures to minimize impact.

E. Development Density

Standard 12

The minimum area for all lots in existence prior to August 3, 1998 shall be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the

lot with an average steepness (slope gradient) in excess of twenty (20%) percent, and shall have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel.

Guideline 12.1
Where possible, development should take place on the portions of a lot where the slopes are less than fifteen (15%) percent. No development should occur on land where the slope is greater than twenty (20%) percent.

(4) Pre-Existing Lots

In the case of lots created prior to August 3, 1998, compliance with the standards of Section 9.5 shall be achieved to the extent that it is possible while still allowing for reasonable use of the pre-existing lot.

(5) Exemptions from these Regulations

A. The DRB may waive the density standards set forth in Section 9.5(3)E Standard 12 thereby allowing a total density not to exceed the density established by the underlying district, in the event that the applicant can demonstrate that, through Section 12. Planned Unit Development, the proposed development can be clustered on the portion(s) of the property laying outside of the RHOD boundaries; and/or on the portion(s) of the property not characterized by steep slopes, other fragile environmental features or high visible locations in a manner that complies with all applicable standards of these regulations. In such a case, the portion of the property not used for the cluster development shall be maintained as open space consistent with Section 12.3(4)B of these regulations and Section 5 of the Stowe Subdivision Regulations.

B. Notwithstanding Section 9.4(3)F.1 of these regulations regarding density and minimum lot area, lands designated as Ski-PUD pursuant to Section 12 of these regulations shall have a development density calculated in accordance with Section 12.3(D), regardless of slope gradient.

C. Ski-lifts, ski-lift towers and trail improvements related to the operation of an alpine ski area shall be exempt from review under Section 9: RHOD.

D. Telecommunications facilities located within the 28.4-acre "Co-Location Area" on the summit of Mount Mansfield are exempt from review under Section 9.5. Such facilities must comply with all other applicable standards of the Stowe Zoning Regulations.

Section 10 STOWE HISTORIC OVERLAY DISTRICT AND HISTORIC BUILDINGS

10.1 Purpose

The purpose of these design review regulations is to promote development in Stowe Village and the Lower Village that is aesthetically compatible with the existing historic character of these significant village areas, while allowing for flexibility in design and evolution of architectural styles. Although not all buildings within this design review district are of equal historic and aesthetic significance, these regulations serve to promote Stowe's "Sense of Place" as identified in the Stowe Town Plan, by guiding the development of all properties within the district. In addition, these regulations are intended to guide alterations to existing historic buildings throughout the Town of Stowe in such manner as to preserve their historic and architectural integrity.

10.2 Authority

These regulations are enacted under the provisions of 24 V.S.A. Sections 4414(1)(E) and (F).

10.3 Applicability and Scope

(1) These regulations shall apply to all lands and structures in the Town of Stowe designated by the map entitled "Stowe Historic Overlay District 2005". They shall also apply to any Historic Building in the Town of Stowe located outside the overlay district. The overlay district includes the Stowe Village Historic District, listed in the National Register, and the Lower Village State Historic District.

(2) Within the Stowe Historic Overlay District and for Historic Buildings outside the district, no structure may be erected, reconstructed, substantially altered as indicated in Section 10.5, moved, or demolished without review of the plans by the Stowe Historic Preservation Commission (SHPC) and approval of the application by the DRB (or the Zoning Administrator in accordance with Section 10.6). The SHPC shall serve as the Design Review Commission in accordance with 24 V.S.A. Section 4433(4).

10.4 Activities That Do Not Require Design Review

Design Review is not required for:

(1) Changes in use that do not cause any exterior changes in appearance of the building or lot; (Conditional use review may be required for a change in use.)

(2) The maintenance, repair or replacement of architectural features using materials of similar composition, type and appearance as the prevailing historic style of the structure (including doors, windows and siding);

(3) Replacement of roofing keeping the same roofline.

(4) Painting of exterior walls and trim.

(5) Interior renovations.

(6) Signs.

10.5 Activities That Require Design Review

Design Review is required for:

(1) Addition to or alteration of the exterior of a building which increases or decreases the square footage of the building, whether enclosed or not.

(2) The alteration of an exterior wall of a building by tearing down or removing any portion thereof.

(3) Filling in, boarding up, closing or enclosing any portion of an existing window, door space, porch, or breezeway.

(4) Changing the dimensions of an existing window or door opening or adding a new window or door;

(5) The addition or removal of materials to or from the exterior of a building where materials so added or exposed are of a different composition from those existing (does not apply to roofing)

(6) The alteration of the roof line;

(7) The construction of a building or structure in the historic overlay district;

(8) The construction of a building or structure located within two hundred (200) feet of a historic building on the same property;

(9) The alteration of a building or structure located within two hundred (200') feet of a historic building on the same property;

(10) The demolition or relocation of a building or structure.

(11) New or replacement fences, retaining walls and landscaping walls.

(12) The construction of a building located within 200 feet of a public road, on a property outside the SHOD and within 200 feet of where a historic building has previously been approved to be demolished on the same property, unless it was determined that the structure did not have historical or architectural significance.

(13) The construction of a building located within 200 feet of a public road, on a property outside the SHOD, and within 200 feet of where a historic building has been destroyed within the last two years by other means than demolition, unless it was determined that the structure did not have historical or architectural significance.

(14) Replacement of doors and windows (regardless if the existing opening size is changing).

(15) All permanent exterior mechanical and electrical structures in the SHOD or within 200 feet of a historic building on the same property.

10.6 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 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 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.

10.7 Review Process

(1) Prior to applying for a permit, the applicant should contact the Stowe Zoning Administrator to initiate the review process. This initial meeting will review the project location and scope, identify applicable guidelines, and

determine the need for a meeting with the Stowe Historic Preservation Commission. If a meeting with the SHPC is required, the Zoning Administrator will discuss with the applicant the materials to be prepared and schedule a date for the review meeting.

(2) The applicant will meet with the SHPC to present the proposed project. Documentation to be presented at the meeting will be determined in advance by the Zoning Administrator depending on the scope of the project including:

A A site plan drawn to scale (preferably 1" = 20'), which may include:

1. Existing and adjacent buildings
2. Proposed structures
3. Sidewalks, driveways and parking lots
4. Other site features

B. Building elevations, including:

1. Façades, materials, color of roof and sidings
2. Existing and proposed new construction
3. Entrances, stairways and ramps
4. All significant external building elements, including but not limited to walls, windows, doorways
5. 3" X 5" or larger color photographs, or color copies of photographs, of the existing structure, showing all areas to be affected.
6. 3" X 5" or larger color photographs of adjacent buildings.

C. Additional drawings or materials as may be necessary to conduct the review. If the project involves an historic building, applicants must provide available background materials on the history of the structure, including historic photographs, if available. Applicants should contact the Stowe Historical Society and the Zoning Office for documentation on the building and the property description from the Historic Registers and include these in the presentation.

(3) After meeting with the applicant, the SHPC will make a recommendation in writing to the DRB or to the Zoning Administrator within fifteen (15) days of the completed presentation. A copy will be sent to the applicant. The

DRB or Zoning Administrator shall consider this recommendation in making a decision.

10.8 Demolition and Partial Demolition of Structures

(1) Within the overlay district and for Historic Buildings outside the district, the SHPC first shall review each application for the demolition or partial demolition of a building or structure and make a written recommendation to the DRB within fifteen (15) days of the completed presentation except when demolition is requested under items C. D and E. below, which go directly to the DRB. Demolition shall mean the act of deliberately destroying all or a portion of a building. The DRB then will conduct a public hearing to review the application and may approve the demolition if they find:

A. The SHPC has determined that the structure does not have historical or architectural significance or does not make a positive contribution to the district's streetscape; or

B. The condition of the structure has deteriorated to such a degree that rehabilitation and use of the building is not feasible due to structural or building code issues. The structural or building code issues shall be significant enough to make rehabilitation not possible. For example, a building foundation cannot be repaired because it is not possible to jack up the building or interior ceiling heights are too low to meet code requirements and cannot be modified. It is the responsibility of the property owner to demonstrate to the SHPC and DRB's satisfaction that rehabilitation is not feasible; or

C. The condition of the structure has deteriorated to such a degree that it poses a threat to the public safety as determined by town or state officials and cannot be restored or repaired without causing undue financial hardship to the owner. The burden of proving this hardship is on the owner; or

D. The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the community. This determination of substantial benefit will be made by the DRB.

E. The cost of rehabilitation is significant enough that it would be an undue financial hardship to the property owner. A determination of undue financial hardship may be granted only if the project complies with one of the following requirements:

(1) For income-producing properties- the building or site cannot be used or rented at a reasonable rate of return in its present

condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property.

(2) For non-income-producing properties- the building or site has no beneficial use as a residential dwelling or as a non-commercial use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property. The applicant shall present evidence to demonstrate economic hardship. This could include such items as:

i. A report comparing the economic return with the current configuration, return with rehabilitation, and return with demolition of the structure

ii. A report prepared by an appraiser on the fair market value of the property with and without approval of the demolition

(2) If the demolition of a historic building is approved, the SHPC may recommend that the DRB require documentation of the building before it is demolished, including but not limited to photos, site plans and floor plans.

(3) Demolition Delay. If the DRB finds that the proposed demolition does not meet any of the above criteria, it may deny the application or impose up to a six (6) month delay period. The DRB shall direct the applicant to participate in an investigation of alternatives to demolition during the six (6) month delay period. The Demolition Delay decision shall be publicly posted.

(4) After the six (6) month delay period, one more public hearing will be held to review the proposed demolition. If the DRB is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to find or accept alternatives to preserve, rehabilitate, relocate or restore the building or structure, the DRB may approve the demolition of the structure. If the applicant has not demonstrated that a reasonable effort has been made, the DRB shall deny the demolition.

(5) If a demolition or partial demolition of a structure is approved within the SHOD, any future construction may be required to replicate the style and massing of the building or portion of the building that was demolished.

(6) If a demolition or partial demolition of a structure is approved outside the SHOD and is required to have continued SHOD review under section 10.5(12) or 10.5(13), any future construction may be required to replicate the style and massing of the building or portion of the building that was demolished.

10.9 Relocation of Buildings

(1) A historic building may be moved from one site to another:

A. If the integrity of the building in its original location is seriously threatened; or

B. If the building has lost architectural integrity due to deterioration and neglect; or

C. If the new location will be similar in setting and siting; and

1. The building will be compatible with the buildings adjacent to the new location in style, height, scale, materials and setback; and

2. The relocation will not result in a negative visual impact on the site from which the building is removed, including the impact on surrounding buildings; and

3. The relocation will not compromise the structural or historic integrity of the building.

(2) Moving a non-historic building within the overlay district is appropriate if its removal or the proposed replacement will result in a more positive visual effect on the district.

10.10 Dimensional Waivers for Historic Buildings and All Buildings Within the Overlay District

The DRB may grant a waiver from the dimensional requirements of the underlying zoning district or from the 50' setback from watercourses if it finds that granting the waiver will result in the preservation and renovation of the historic building, or the preservation of the historic pattern of land use of the surrounding area. A watercourse setback waiver must also conform to the conditional use standards in Section 3.7(2)(B)(1), 3.7(2)(B)(2) and 3.7(2)(B)(8).Waivers may be granted for such uses including but not limited to small additions, accessory buildings, porches, dormers, windows and changes to the roofline. The DRB may grant a waiver from the maximum building height up to a maximum limit of thirty-three (33') feet for 2-story buildings and forty (40') feet for 3-story buildings.

10.11 Site Guidelines

(1) Setbacks, building orientation and "build to" line

A A consistent "build to" line is preferred for buildings along village streets. In general, commercial and retail buildings are sited close to the sidewalk, whereas residential (current or former) buildings are setback from the sidewalk with landscaping in between

B Buildings shall be sited to conform to the street line and create a front entrance that is oriented to the main street or road on which the building is located regardless of the required district setbacks. Buildings placed at odd angles to the street or pattern of adjacent buildings shall be avoided. Exceptions can be made for sites with challenging topography or viewscapes.

10.12 General Guidelines for Alterations, Additions and New Construction

(1) Alterations to Buildings. The emphasis of the guidelines for alterations is on façades. The most significant views of a building are those immediately visible from a public street or road (primary façade). Therefore, primary façades are most important and shall be carefully reviewed for adherence to the guidelines. Façades that are not in the public view (secondary façades) may not have to conform as closely to the guidelines. It is recognized that some alterations may be required in order to meet applicable building codes. These guidelines are not meant to prevent code renovations. The restoration of buildings should coordinate the goal of retaining original elements of the structure with the necessity of bringing the structure into compliance with current building code requirements. When feasible, non-historic code renovations should be located on secondary facades.

A Alterations of primary façades shall and alterations of secondary façades should:

1. Preserve the proportion of a building and its original elements, massing and roofline.

2. Retain and repair historic features, when possible.

3. Remove non-historic materials, when possible.

4. Locate changes (such as a new window, handicap ramp, etc.) on the secondary façades, as much as possible.

5. In the case of storefronts, upper floors should have progressively smaller and/or fewer windows than the first floor.

B. Alterations of primary façades shall not and alterations of secondary façades should not:

1. Extend or cut back roof overhangs.

2. Block primary façades from the street or road.

3. Include or result in oversize dormers and windows.

4. Change the location of principal entranceways, unless to restore the original historic entrance location or unless the new location would not diminish the building's historic integrity.

(2) Additions to Buildings. These guidelines generally recommend that additions be compatible with the original structure. Insensitive additions can diminish a building's historic and architectural integrity. At the same time, exact matching of new and old materials is not required. "Change over time" presents many creative opportunities that are appropriate for new uses. The guidelines seek to define an appropriate balance between these two extremes.

A. Additions to buildings should:

1. Respect the scale of the original building and neighboring historic structures.

2. Be compatible in roof form, window heights and door opening sizes and proportions.

3. Minimize the removal of original materials at an addition's connection to the original structure.

4. Be constructed with similar or compatible material types.

5. Use trim compatible with the original trim.

6. Be located behind the primary structure, if possible. New walls should be set back from the face of the original building.

7. Ensure that new dormers are modest in size and set back from the roof eave. Dormer form and detailing should be compatible with the building's architectural style.

B. Additions to buildings should not introduce style and features that are incompatible with the original structure.

10.13 New Buildings Requiring Design Review

The purpose of these guidelines is not to dictate the style of new buildings, but instead to ensure that new buildings are designed to fit into the context of the surrounding buildings and streetscapes.

(1) New buildings should:

A Have a principal façade that is compatible with the precedence of nearby historic structures in terms of scale, massing, and alignments. New buildings requiring design review outside the SHOD should be of a style similar to historic buildings found in Stowe.

B Use architectural types appropriate to the scale and intended use of the building, rather than super-sizing or downsizing a building type for an inappropriate use.

C Place ancillary structures in less visible locations to the side and rear of the primary building.

(2) New buildings should not borrow from multiple historic styles and combine those into one design.

10.14 Guidelines for Specific Building Details for Activities Requiring Design Review

(1) Rooflines and Materials

A The original form of rooflines, overhangs and materials should be preserved to the extent possible. New dormers on existing buildings should be modest in size and set back from the roof eave. Dormer form and detailing should be compatible with the building's architectural style.

B The decorative features of roofs, including trim and ornamentation of roof materials, should be preserved. Should the cost of detailing roof elements be prohibitive, the proportions should be preserved with simplified detailing.

C Roof elements that add to the building's interest and diversity should be preserved.

D On historic buildings, skylights shall not be placed on roofs immediately visible from a public street or road.

(2) Windows

A. The preservation of window patterns, sizes and proportions, as well as original window features such as trim, sash and moldings, is encouraged, particularly on primary façades.

B. The repair of historic windows is preferred to replacement. This is particularly important on primary façades.

C. "Snap-in" grilles, muntins and mullions are discouraged.

D. Windows in additions should be compatible with the original windows in the historic building.

E. Shutters should be sized to fit the windows they frame.

(3) Doors and Entrances

A Door placement, appearance, materials and size should be preserved on primary facades. Variations are allowed on secondary façades, but should be coordinated as much as possible with the primary façade.

(4) Porches

A. The original form and decorative features of porches should be preserved or repaired.

B. Replacement porches should match historical locations or use appropriate historical precedents.

(5) Trim

Detailing of trim elements shall, in order of preference:

A. Repair existing trim.

B. Replicate original trim, if possible.

C. The standard of 4(c) may apply to employing simpler but compatible trim detailing.

(6) Railings

A. Railings should respect traditional materials, design and scale of the porch or entrance area.

(7) Lighting

A. Exterior light fixtures shall be compatible with the building architectural style and design.

(8) Exterior Materials

A. Wood Alternatives: The use of synthetic products is allowed, but not at the expense of compatibility with the original structure. Synthetic products will be considered on a case-by-case basis. The applicant shall provide samples of any such materials to be used.

B. Masonry:

1. Preserving the original appearance of stone foundations is encouraged, even when replacing with poured concrete.

2. When re-pointing stone or brick, the original appearance of the mortar joints should be duplicated. Hard mortars that could lead to cracks developing in the stone or brick should be avoided.

(7) Exterior HVAC

Exterior heating, ventilation, and air conditioning (HVAC) equipment (not including window-mounted air conditioning units) should be placed to the rear, side or top of the building and screened from public view.

(8) Replicating Historic Details

The SHPC and the DRB may take into account the cost of replicating historic details in determining whether a simplified form, which retains the proportions and overall character of the original details, may be employed.

10.15 <u>Fences, Landscaping Walls and Retaining Walls in the SHOD</u>

(1) A new fence or wall should respect traditional materials, design and scale and should be compatible with those traditionally found in the surrounding neighborhood.

(2) A new fence or wall should be compatible with the character of the primary building located on the property.

(3) Solid or "stockade" fences are prohibited in all yards along a public street.

(4) Chain link, concrete block, un-faced concrete, plastic, fiberglass, plywood, aluminum, slatted "snow" fences and mesh "construction" fences are prohibited in front yards. Vinyl and other synthetic materials are discouraged in front yards, but may be allowed on a case-by-case basis.

10.16 Non-Historic Accessory Structures and Building Elements

It is recognized that non-historic accessory structures and building elements such as antennas, poles and towers for communication, and solar hot water panels may be needed or desired within the SHOD or in association with historic buildings. When feasible, they should be placed in a location with the least visibility from public vantage points and least visual impact on historic buildings in the vicinity. Solar hot water panels may be required to be ground-mounted instead of roof-mounted in order to reduce visibility. Landscaping or other screening, may be required to lessen the visual impact of such structures.

Section 11 FLUVIAL EROSION HAZARD OVERLAY DISTRICT

11.1 Purpose

The purpose of the Fluvial Erosion Hazard (FEH) Overlay District is to prevent increases in fluvial erosion resulting from uncontrolled development in identified fluvial erosion hazard areas; minimize property loss and damage due to fluvial erosion; prohibit land uses and development in fluvial erosion hazards areas that pose a danger to health and safety; and discourage the acquisition of property that is unsuited for the intended purposes due to fluvial erosion hazards.

11.2 Applicability

The Fluvial Erosion Hazard District shall be superimposed over any other zoning districts. All lands to which the FEH District applies must meet the requirements of the underlying zoning districts and the FEH District. Where there is a conflict between the underlying zoning district and the FEH District, the more restrictive regulation shall apply.

11.3 Fluvial Erosion Hazard District Boundaries

These regulations shall apply in all areas in the Town of Stowe that are identified as Fluvial Erosion Hazard Areas on the current Fluvial Erosion Hazard Area zoning map, on file at the Town Office.

11.4 Definitions

For the purposes of this overlay district, the following definitions shall apply:

Fluvial Erosion Hazard Area: The land area adjacent to stream channels subject to fluvial erosion processes or other channel adjustments as delineated on the current Fluvial Erosion Hazards Area Map.

Minor Improvement: Any repairs, reconstruction, or improvement of a structure, the cost of which is less than fifty (50%) percent of the market value of the structure.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either: (a) before the improvement or repair is started; or (b) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

11.5 Permitted Uses

(1) Silvicultural activities not involving the use of structures, and conducted in accordance with Vermont Department of Forest and Parks Acceptable Management Practices.

(2) Agricultural activities, not involving the use of structures, and conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices.

(3) Minor residential building improvements to existing structures located within the FEH Area or residential accessory structures that do not result in a decrease of the existing primary structure setback from any stream.

(4) Outside events and associated temporary structures.

11.6 Conditional Uses

(1) Substantial improvements to existing structures located within a FEH Area that do not result in a decrease of the existing primary structure setback from any stream.

(2) Construction of driveways and/or access roads, parking areas and recreation paths.

(3) Buried utility lines, including power, telephone, cable, sewer, and water.

(4) Excavation and grading of land associated with any other use or development activity.

11.7 Prohibited Uses

The following activities and uses are prohibited in the FEH District:

(1) Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the FEH District.

(2) All development within the FEH Area not specifically allowed by subsections 11.5 and 11.6.

11.8 District Standards

The following standards and procedures apply to all conditional uses within the overlay district.

(1) Application Submission Requirements

Application for land development listed in Subsection 11.6 shall be reviewed and approved by the Development Review Board as a conditional use prior to the issuance of a zoning permit. In addition to the application requirements set forth in Section 2.7, applications for conditional use approval shall include:

A. A statement of purpose and need of the proposed development.

B. A description of alternatives considered to proposed development, including alternate locations on site, especially outside of the Fluvial Erosion Hazard Area.

C. General location map including the relative locations of the existing development, the proposed development, the FEH District, and the nearest public road.

D. Identification of the shortest horizontal distance from the proposed development to the centerline (or top of nearest bank if not possible to measure to the center line) of any stream.

E. Identification of the horizontal distance from the centerline of the nearest public road to the centerline (or top of nearest bank if not possible to measure to the center line) of any stream.

F. Such other information deemed necessary by the Development Review Board for determining the suitability of the site for the proposed development.

(2) Application Review Procedures

A. Referral to Vermont Department of Environmental Conservation (DEC): In reviewing an application for a Conditional Use Permit, the Zoning Administrator will forward application materials to the River Management Program (RMP) of the Vermont DEC for review and comment. The Development Review Board will schedule a hearing in accordance with Section 2.14, although such hearing shall be scheduled for a date not less than thirty (30) days from the submission of the application materials to the RMP. Failure of the RMP to provide comments within thirty (30) days of submission of the application materials by the Zoning Administrator shall not be cause for the Board to delay the hearing.

B. Development Standards: The Development Review Board will consider the application and any comments provided by the RMP to

ensure that all development within the FEH Overlay District meets the following standards:

1. No reasonable alternative location for the proposed development outside of the FEH area is available on the site.

2. The proposed development will not increase the susceptibility of the property, including existing and proposed, to fluvial erosion damage.

3. The proposed development will not increase the potential for damage to other properties due to fluvial erosion.

4. The proposed development will not increase the potential of materials being swept onto other lands or into the stream and causing damage to others from fluvial erosion.

5. The proposed development will not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.

6. New development may be allowed within the FEH District if based on a review by the RMP it is determined that the proposed development is not located or should not be located within the FEH area and that the new development complies with all other standards in i. through v. above.

11.9 Warning and Disclaimer of Liability

The provisions of this section do not imply that land outside the designated FEH Overlay District is free from fluvial erosion hazards. Further, these provisions shall not create any liability on the part of the town, or any employee thereof, for damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

Section 12 SOURCE PROTECTION OVERLAY DISTRICT

12.1 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.

12.2 Scope 0f 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.

12.3 Establishment and Delineation 0f 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 June 12, 2017.

12.4 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.

12.5 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.

12.6 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.

Section 13 PLANNED UNIT DEVELOPMENT

13.1 Purpose

The purpose of Planned Unit Development is:

(1) To facilitate and encourage flexibility of development of large parcels of land;

(2) To preserve a maximum of open space while permitting multiple uses thereof;

(3) To integrate productive uses related to tourism and recreation; and

(4) To add to business and employment opportunities and to the economic base of the community.

(5) To provide for efficient use of public facilities and infrastructure.

(6) To encourage and preserve opportunities for energy-efficient development.

13.2 General Requirements

To achieve the objectives set forth in this section, the DRB may modify applicable area and dimensional requirements of the underlying zoning districts. In addition to the submission requirements of the Stowe Subdivision Regulations, an application for a PUD, or an amendment to an existing PUD, shall be reviewed as a conditional use. An application for a PUD shall include a statement of all proposed modifications of the zoning regulations of the underlying zoning district(s). Such modifications may be permitted simultaneously with the approval of a subdivision plat. At the time of PUD approval, the DRB shall include in its decision a clear indication of all approved modifications of the zoning regulations. A final plat shall be recorded in the land records upon proof of such approvals. Individual conditional uses within the PUD must secure approval from the DRB.

For projects with an anticipated construction period longer than five (5) years, the DRB shall require a phasing plan outlining the construction timeline for each phase of the project, including at a minimum, an indication of when each phase will be started and completed. The schedule shall be updated annually and submitted to the Zoning Administrator. Should the phasing schedule need to be altered at any time, the applicant shall notify the Zoning Administrator for a determination if DRB review is required.

13.3 General PUD Standards

(1) Permitted Land Uses in PUD.

A. Single-family dwellings

B. Two-family dwellings (duplexes)

(2) Conditional Land Uses Permitted in PUD

A. Multi-family dwellings.

B. Any other use or conditional use permitted in the district in which the project is located, including affordable housing projects and the fifty (50%) percent density bonus provisions established in of these Regulations.

C. Time shared or interval ownership dwelling and/or lodging units.

(3) Development Standards

A. Along the outside boundary of the project, the structure setback shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. In HT, VC, LVC, MRV, MRC, or MC zones, regular setbacks shall apply, except on that line which abuts RR zones. The DRB may grant a waiver from the double setback requirement when all of the following criteria are found to be met:

i. 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.
ii. 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
iii. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

B. The minimum setback for permitted uses on individual lots shall be ten (10) feet from all interior property lines. One and two-family dwellings shall be located at least twenty (20') feet from each other.

C. The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety.

D. The minimum lot size for a PUD is three (3) acres.

E. For PUD's that include both residential and nonresidential uses, the overall allowable density of residential development shall be the same as the density permitted by the underlying zoning district(s), with the exception of the affordable housing density bonus permitted under these Regulations. The remainder of the PUD may be developed for nonresidential uses in accordance with the applicable lot coverage, parking requirements and building height.

F. In a PUD that spans more than one zoning district, the DRB has the authority to assign the allowed density anywhere within the project area. However, with the exception of Ski-PUDs and Resort PUDs, only residential uses shall be permitted in residential districts.

(4) Open Space

G. The plan for the entire project area shall take fullest advantage of all natural features, such as natural watercourses and drainage, topography, existing trees, overlooks, trails and other features.

H. Land which is not included in building lots, streets, rights-of-way, or utility easements, shall be reserved as open space for recreation, conservation, agriculture or the enhancement of the natural environment.

I. Open Space shall contain no building or development, except one primarily devoted to a purpose for which the open space is intended, including swimming pools, tennis and other recreation facilities and minor incidental buildings connected therewith, including agriculture.

J. The plat shall identify all areas of open space, and shall contain the following statement relating to those lands so designated: *"The lands designated as open space on this plat shall remain in open space. The open space shall run with the land and shall apply to future conveyances of all or parts of the herein open space, unless otherwise specifically approved by the DRB".*

13.4 <u>Planned Residential Development (Known as Residential Planned Unit Development in "the Act".)</u>

(1) General Purpose

The purpose of Planned Residential Development (PRD) is to enable and encourage flexibility of development of land to preserve open space, to integrate housing of various types into a harmonious grouping and to facilitate adequate and economical provision for streets and utilities.

(2) Specific Purpose of AG-PRD

The purpose of AG-PRD is to conserve agricultural land by clustering residential development and leaving the remainder of the land in agriculture or available for agriculture.

(3) General Requirements

A PRD and AG-PRD project may be approved as a conditional use by the DRB in any district. Such approval shall be concurrent with approval required under the subdivision regulations. A final plat plan will be filed in the land records within one hundred eighty (180) days of such approvals.

To achieve the objectives set forth in this section, the DRB may modify applicable dimensional requirements of the underlying zoning districts. An application for a PRD shall include a statement of all proposed modifications of the zoning regulations. At the time of PRD approval, the DRB shall include in its decision a clear indication of all approved modifications of the zoning regulations.

(4) Density of Residential Development

In a PRD, the overall allowable density of development shall be the same as the density permitted by the underlying zoning district(s) with the exception of the affordable housing density bonus permitted under these Regulations. In a PRD that spans more than one zoning district, the DRB has the authority to approve the allowed density anywhere within the project area. With DRB approval, dwelling units in a PRD may include one family, two family, multi-family dwellings, including apartment buildings, or any combination thereof. No time-sharing or interval ownership is allowed unless in Ski-PUD and Resort-PUD.

(5) Standards for Development

A. A parcel of land must be a minimum of three (3) acres in size to be eligible for consideration as a PRD. In addition, the project must consist of a minimum of three (3) dwelling units.

B. Along the outside boundary of the project, the structure setback shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. In HT, VC, LVC, MRV, MRC or MC zones, regular setbacks shall apply, except on that line which abuts RR zones. The DRB may grant a waiver from the double setback requirement when all of the following criteria are found to be met:

i. 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.
ii. 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
iii. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

C. The minimum setback for one and two-family dwellings on individual interior lots shall be ten (10') feet. One and two-family dwellings shall be located at least twenty (20') feet from each other. The distance between multi-family dwellings shall not be less than permitted by the Vermont Department of Fire Safety.

D. Any lots approved in a PRD that are less than the minimum lot size of the underlying zoning district, may not be subdivided further in the future. This does not apply to lot-line adjustments.

(6) Specific Requirements for AG-PRD

A. Minimum of twenty-five (25) contiguous acres, of which a portion shall remain available for agriculture, depending on the topography, and subject to DRB review. Each project will be evaluated on its own merits.

B. Both the plat and the deed shall state the allowable density, if any, remaining for future development of the agricultural land.

C. The plat shall identify all agricultural and development lands, and shall contain the following statement relating to those lands designated agricultural: *"The lands designated agricultural on this plat shall remain in agriculture or remain available for agriculture. The agricultural restriction shall run with the land and shall apply to future conveyances of all or parts of the hereon designated agricultural land, unless otherwise specifically approved by the DRB".*

D. As a condition of approval, the DRB shall impose appropriate restrictions on those lands dedicated to continued agricultural use to keep said lands available for agricultural use.

(7) For the purposes of this section, "agriculture" shall mean: "farming" and "accepted agricultural practices" as defined by the Agency of Agriculture. To "remain available for agriculture" shall mean: nothing shall be done that

would prevent or restrict future farming or accepted agricultural practices on those lands.

(8) Required PRD Open Space, excluding land retained for agricultural use

A. The plan for the entire project area shall take fullest advantage of all natural features, such as natural watercourses and drainage, topography, existing trees, outlook and other features.

D. Land that is not included in building lots, streets, rights-of-way, or utility easements, shall be reserved as open space for recreation, conservation, agriculture or the enhancement of the natural environment.

E. Open Space shall contain no building or development, except one primarily devoted to a purpose for which the open space is intended, including swimming pools, tennis and other recreation facilities and minor incidental buildings connected therewith, including agriculture.

F. The plat shall identify all areas of open space, and shall contain the following statement relating to those lands so designated*: "The lands designated as open space on this plat shall remain in open space. The open space shall run with the land and shall apply to future conveyances of all or parts of the hereon open space, unless otherwise specifically approved by the DRB"*.

13.5 <u>Resort PUD</u>

Purpose

To allow a large resort, being a self-contained complex insulated from and not intruding on surrounding areas, to be developed for the purpose of providing housing, recreation and services for its transient guests and other allowed uses. Where the purposes, allowance or requirements of the specific Resort PUD provisions conflict with the more general provisions of other PUD provisions of these regulations, the more specific Resort PUD provision shall control.

(1) Specific Requirements

A. Minimum of one hundred (100) contiguous acres.

B. Upon submission of an application for a Resort PUD, the owner shall submit a density affidavit stating the acreage available for density.

C. Upon issuance of required local permits, the owner shall amend the affidavit to confirm and maintain a current record of the total acreage,

including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavits shall be approved by the DRB and recorded in the land records in accordance with this section. Deeding of all or any portion of acreage to part of a condominium or other common ownership regime; owners' subsidiaries, affiliates or related entities; or to public authorities or other qualified holders of conservation rights and interests for the purpose of utility, open space, environmental conservation or other forms of easements or rights of way shall not result in a decrease in acreage within the designated Resort-PUD to be used as a basis for determining conformance to density.

D. Roads in the Resort PUD are to remain private. Fire protection must be supported by ponds, hydrants, etc., and security maintained with surveillance supplemental to the town police.

E. Density of development: 2 ½ In RR districts, total building coverage of a site shall be no more than five (5%) percent, of which two and one-half (2 ½%) percent is maximum for transient dwellings, and two and one-half (2 ½%) percent is maximum for support facilities (shops, offices, restaurant, meeting rooms, recreation facilities, etc.). In HT, UMR MRC and MRV districts, development density and standards shall be as provided by the specific district.

F. A lodging unit is a rentable accommodation whose maximum design capacity is four (4) people. In RR districts, the allowable two and one-half (2 ½%) percent building coverage of dwelling units may not exceed one (1) lodging unit per acre. In the HT, UMR and MRC and MRV districts, building coverage and development density shall be as provided by the specific district.

G. In calculating the allowable density of a development, residential dwelling units shall follow the same density standards as the district(s) in which the Resort PUD is located.

H. The DRB may approve a building height greater than the maximum established by the zoning district within which the Resort-PUD is located. In approving a building height greater than the height established by the zoning district within which the Resort-PUD is located, the Board may impose modifications to the project design to reduce the visual mass or scale of a building; ensure the preservation of open space; require that adequate screening or landscaping is established; and/or place other conditions on the building's height, massing, design and/or location. The Board shall determine that the building complies with the following:

1. A maximum building height of thirty-five (35') feet. However, a greater building height may be permitted where buildings are not visible from public roads or from the perimeter of the property, provided evidence is shown that such additional height will enable the concentration of development density, thereby resulting in the preservation of open space;

2. The building does not result in an adverse impact on the scenic landscape by appearing unusually prominent, massive and/or out of scale in relation to the surrounding area; and

3. The building complies with all applicable standards set forth in these regulations.

(2) Conditional Uses Permitted

A. Those listed in Section 13.3.

B. Public and private recreational facilities.

C. Meeting and conference facilities.

D. Restaurants, retail shops, offices and comparable support services serving as on-site guest amenities that are ancillary to the operation of the resort.

(3) Standards for Development

A. Along the outside boundary of the project, there shall be a green belt perimeter of at least two hundred (200') feet. The greenbelt shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. Nothing in this section or 13.5(3)(B) shall reduce the amount of land available for development and building coverage otherwise allowed under Section 13.5(4), or impose setback standards more restrictive than those set forth in permits issued for projects within lands of the Resort-PUD approved prior to the effective date of this section of these regulations. The DRB may grant a waiver from 200-foot setback requirement when all of the following criteria are found to be met:

i. 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;

ii. 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;

iii. 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.

B. Standards established under Planned Residential Development, in 12.3(3)E shall apply to PUD projects.

C. Where commercial or multi-family uses within the UMR District are to be located within one hundred (100') feet of the floodway of the West Branch of the Little River, parking may be located in the front of buildings provided the visibility of such parking from public roads is minimized by landscaping and screening as per Section 4.6 of these regulations.

(4) Open Space

A. In conjunction with DRB approval of development within a designated Resort-PUD, the applicant shall provide an open space plan in accordance with the requirements of Section 13.3(4) of this ordinance and Section 5.1 of the Stowe Subdivision Regulations. The open space plan shall include a comprehensive site analysis of the entire parcel including natural features and any development constraints along with the probable location of future development.

B. Notwithstanding anything to the contrary in Section 8 Meadowland Overlay District (MOD) of these regulations, the development of designated meadowlands within a designated Resort-PUD may take place subject to review and approval of an open space plan. The open space plan shall be reviewed under the standards set forth above. The applicant shall document: a) areas within and without the meadowlands that shall be restricted from building coverage; and b) areas within the meadowlands where building coverage is proposed through the identification of "building envelopes:" within which a typical building footprint could be located. The location of building footprints may be adjusted upon submittal of specific site plans provided the total building coverage does not exceed the maximum allowed in the meadowlands as approved in the open space plan.

13.6 Ski - PUD

(1) Specific Requirements

A. Minimum of one thousand (1,000) contiguous acres. For purposes of density requirements, all land lying within the contiguous owned property, including all slopes, trails, parking areas, buildings, and the like, regardless of elevation, shall be considered. Such land shall be allocated with respect to quantity or acreage, but not as to location, in order to comply with the density requirements for specific projects.

B. The owner of the property now or hereafter designated Ski-PUD shall file with the Town Clerk a recordable map plan designating all contiguous owned land. The map plan shall be accompanied by an affidavit of the owner, affirming the accuracy of the map plan filed and acreage within the contiguous owned land. The map plan shall be filed in the map records of the Town. Upon submission of an application for a Ski PUD, or an amendment to an existing Ski PUD, the owner shall submit a density affidavit stating the acreage available for density.

Upon issuance of required local permits, the owner shall amend the affidavit to confirm and maintain a current record of the total acreage, including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavit shall be approved by the DRB and recorded in the land records in accordance with this section.

C. Private internal road system.

D. Supplementary fire and police protection.

E. Density of development as in Section 13.5, Resort PUD.

F. Maximum building height by review of each individual building.

(2) Standards for Development on Land Leased from Public Entities

Development on public lease-land, including state or municipal forest, contiguous to land designated as Ski-PUD per Section 13.6 and controlled by the owner of the SKI-PUD property through a long term (ten (10) or more years) lease for the operation of recreation and resort facilities and services, shall be subject to the following standards:

A. Acreage included in the lease agreement shall not be used to allocate total density for the Ski-PUD, unless such land was included in the

1,000+ acres of contiguous owner property and density was allocated per Section 13.6 and said land was reserved as open space per Section 13.6 prior to state or municipal ownership.

B. Conditional uses permitted on lease lands shall include ski lifts, snow-making equipment, trail improvements, base facilities and other commercial amenities associated with the operation and enhancement of a four-season resort.

C. Maximum building height shall be by review of each individual building.

D. Facilities and structures associated with the operation of an alpine ski area, including ski-lifts, maintenance and snow-making facilities, and base facilities, shall not be subject to side and rear yard setback standards from lot lines involving a boundary between public lease-land and property included within a designated Ski-PUD.

(3) Conditional Land Uses Permitted

A. Those listed in Section 13.3.

B. Resort Planned Unit Development, as stipulated in Section 13.5.

C. Uses allowed in Highway-Tourist district, (except for residential and transient density).

D. Uses allowed in Village Commercial district (except for residential and transient density).

E. Ski lifts, snow-making equipment, trail and all other necessary maintenance and management uses.

F. Places of assembly and convention use.

G. Time shared or interval ownership dwelling and/or lodging units.

(4) Standards of Development

A. All proposed conditional uses shall comply with the conditional use requirements of these regulations.

B. Setbacks.

1. Outside Boundary. Along the outside boundary of the project, setbacks for individual lots shall be twice the dimensions as established for the district in which it is located. The DRB may

grant a waiver from the double setback requirement when all of the following criteria are found to be met:

i. 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.
ii. 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
iii. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

2. Permitted Uses. The minimum setback for permitted uses on individual lots shall be ten (10') feet from all interior property lines;

3. Conditional uses. The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety.

A. Development should be concentrated in one or more identified areas suitable for moderate or high density, concentrated development which will result in a compact development pattern, enhance pedestrian circulation, avoid adverse impacts on natural resources and reserve a maximum amount of open space.

B. With the exception of facilities and site improvements associated with the development and operation of a ski area, development should not occur on areas characterized by slopes of twenty (20%) percent or greater.

(5) Open Space

In conjunction with DRB approval of development within a designated Ski-PUD, the applicant shall provide an open space plan in accordance with the requirements of Section 13.3(4) of this ordinance and the Stowe Subdivision Regulations. The open space plan shall include a comprehensive site analysis of the entire parcel including natural features and any development constraints along with probable locations of future development.

13.7 Industrial PUD

Purpose: To provide an area for industrial development which will promote sound economic development and opportunity for employment while protecting adjacent residential areas.

(1) Conditional Land Uses Permitted:

A. Manufacturing; warehousing and enclosed storage; exterior storage; truck terminal; printing; publishing; research and development laboratories; public utilities; small retail stores; private community water and sewer facilities.

B. One-family, two-family and multiple family dwellings in conformance with RR1 District and standards. With off-site municipal sewage, one family, two-family and multiple family dwellings in conformance with VR-20 District and standards.

(2) Specific Requirements:

A. Minimum of ten (10) contiguous acres.

B. Maximum building height by review of each individual building.

C. Distance between primary buildings at least fifty (50') feet.
D. Maximum building coverage of PUD twenty (20 %) percent.

E. Location limited to area designated on zoning map, and Moscow Commercial.

F. Fifty (50') foot minimum building setback from property line.

(3) Standards of Development:

A. Along outside boundary of project, a green belt perimeter, landscaped at least twenty (25') feet in width.
B. 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.

C. Conformance with the conditional use criteria of these regulations.

13.8 Stowe Village PUD

(1) General Purposes

The purpose of the Stowe Village PUD is to enable and encourage flexibility of development of this land. Also:

A. To promote the sound economic development of Stowe and to carry out the objectives of the Stowe Town Plan.

B. To maintain Stowe Village as the center of community activity.

C. To encourage the best use of land in central sections for general business.

D. To maintain a more dense pattern of development in the immediate center of the Village.

E. To allow more uncongested development in the outlying or undeveloped areas of the Village.

F. To provide for compact residential development in suitable areas which are served by municipal water supply and municipal sanitary sewer system.

G. To integrate housing of various types into a harmonious grouping.

H. To facilitate adequate and economical provisions for streets and utilities.

I. To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.

J. To promote the preservation of adequate open space through carefully planned cluster types of development.

K. To encourage agricultural productivity of good farmlands and of forest resources.

L. To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment.

M. To provide an area for industrial development which will promote sound economic development and opportunity for employment while protecting adjacent residential areas.

(2) Location and size

A. The Stowe Village PUD is a district comprised of approximately ninety-two (92) acres generally south of Main Street, including the Green Mountain Inn, the former Red, Inc., industrial PUD property

and the former Savela lot of approximately .39 acres. This district is entered as such on the Zoning Map of the Town of Stowe.

(3) Zones within the PUD

A. Residential Zone.

B. Residential/Industrial/Business Zone.

C. Residential/Business Zone.

(4) Land Uses Permitted in the Stowe Village PUD

The following uses are permitted in the Stowe Village PUD, provided that each dwelling unit has a minimum lot of ten thousand (10,000) sq. ft. per family:

A. One family and two family dwellings.

B. The renting of rooms to not more than six (6) persons in a Family Dwelling Unit by the resident thereof.

C. Customary home occupations.

D. Farming, including dairying, orchards, gardening, keeping of livestock, poultry, boiling maple sap, making apple cider, jams and jellies or other customary agricultural-related operations; and the sale of products raised on the premises.

There shall be no more than three hundred (300) Dwelling Units in the Stowe Village PUD, and this density shall only be permitted if no business or industrial units are built.

(5) Conditional Land Uses Permitted

A. In the Residential Zone:

1. One family, two-family, and multiple family dwellings, with no minimum lot size per dwelling unit.

2. The renting of rooms to not more than six (6) persons in a family Dwelling Unit by the residents thereof. From time to time and on an occasional basis throughout the year, these rooms may also be rented to hotels and motels located within the Stowe Village PUD, by the residents thereof.

B. In the Residential/Industrial/Business Zone

1. All of the uses in the Residential Zone.

2. Industrial Unit: an Industrial Unit is any building or locale where the following work or activities take place: Manufacturing; warehousing and enclosed storage; truck storage and shipping; printing; publishing; research and development laboratories; public utilities. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat shall not be generated that is detectable at the boundaries of each industrial building. Each Industrial Unit shall consist of a total of two thousand one hundred seventy-eight (2,178) sq. ft. of interior building space, whether on one (1) floor or more than one (1) floor regardless of the number of industrial users occupying the said space. Exterior storage and accessory buildings or uses shall not be included in calculating the two thousand one hundred seventy-eight (2,178) sq. ft., but the exterior storage and accessory buildings shall not exceed one thousand (1,000) sq. ft. per each Industrial Unit.

3. All of the uses in the residential/business zone.

C. In the Residential/Business Zone:

1. All of the uses in the Residential Zone.
2. Business Units: a Business Unit is any building or part of a building or locale where an individual commercial operation, profession or trade is carried on, including stores, service establishments and offices of all kinds and types.

   Without limiting the generality of the foregoing, "Business Units" shall include: Theaters, bowling alleys, tennis courts, ice rinks, billiard parlors, convention or art centers, and similar places of commercial amusements; professional and business offices and financial institutions; licensed and unlicensed restaurants, provided that all food and beverages are served to customers while seated at tables or counters inside the building or while seated at tables outside the building, but this shall not prohibit salad bars, buffets, ice cream shops or a catering business for the sale of food to be consumed elsewhere, (take-out windows or drive-up windows are specifically prohibited); public parks and playgrounds, community recreation buildings or centers, libraries, museums, municipal fire or police stations, telephone exchanges or maintenance buildings, clinics, convalescent homes or homes for the aged, private clubs, the principal activity of which is not carried on as a business; hospitals, schools, small shops making

and selling crafts, commercial kennels or veterinary hospitals, places for making cider, syrup, jams and jellies, hotels and motels.

A hotel or motel consists of Lodging Units. A Lodging Unit is a rentable accommodation whose maximum design capacity is four (4) people. A room with two (2) double beds equals one (1) Transient Unit; a suite with two (2) twin single beds plus sofa bed equals one (1) Lodging Unit; a suite with two (2) double beds plus sofa bed equals one and one-half (1-½) units. One (1) Lodging Unit equals one-half (½) Business Unit.

Convalescent homes, homes for the aged, hospitals, and school dormitories shall consist of Lodging Units, and every eight (8) persons housed in these places shall constitute one (1) Business Unit. For example, a Convalescent Home with beds for twenty four (24) patients shall constitute three (3) Business Units.

3. Time shared or Interval Ownership Dwelling and/or Lodging Units.

4. Any use that the DRB finds to be similar to a use permitted under this Section in its effect upon the character of the vicinity, traffic patterns and flows and its effect on the value of neighboring properties.

5. Individual Business Units may be merged and/or divided after they are constructed, but the total number may never exceed the total number for which permits have been issued, and which are specified in the affidavit referred to in Section 13.7 of the Stowe Village PUD.

D. These conditional uses shall be subject to the conditional use standards of these regulations

E. The total number of Business Units, not including Lodging Units, may not exceed two hundred twenty-seven thousand, eight hundred (227,800) sq. ft. of interior space.

(6) Accessory Uses Permitted in the Stowe Village PUD

A. Accessory uses incidental to a permitted use on the same lot, including buildings used for farming or industry; allowed home occupations; or recreational facilities such as swimming pools, tennis courts, and like structures. Accessory buildings shall not be used for dwelling purposes.

B. Uses accessory to a conditional use shall be applied for and approved under the same procedure as a conditional use as stated in Section 3.7.

(7) Density of Development and Exchanges

Two hundred (200) Dwelling Units, with no minimum lot size per Dwelling Unit.

A. In addition, the Residential/ Industrial and Business Zone may contain four (4) Industrial Units.

B. In addition, the Residential/Business Zone and the Residential/Business/ Industrial zone may contain a total of ninety-six (96) business units.

Dwelling Units and Industrial Units may be exchanged, each for the other, provided they are located in the Residential/ Industrial/Business Zone. For the purposes of the exchange, one (1) Industrial Unit equals one (1) Dwelling Unit.

Business Units may be exchanged for Dwelling Units and the additional Dwelling Units may be located anywhere in the Stowe Village PUD. For purposes of the exchange, one (1) Dwelling Unit equals one (1) Business Unit.

(8) Standard of Development

A. Building Coverage: Total building coverage on the entire Stowe Village PUD shall not exceed fifteen (15%) percent overall.

B. A maximum building height of thirty-five (35') feet may be permitted where evidence is shown that this is more advantageous for a particular building lot.

C. Setbacks: To be the distance between any structure and the lot line. If there are no lot lines established, the distance between buildings will be double the stated side yard and rear yard setbacks of the applicable zone. See tables below.

<u>Residential Zone</u>

Front	30 feet
Side	10 feet
Rear	40 feet
*Perimeter Greenbelt	100 feet

* The Perimeter Greenbelt does not include that area of the zone contiguous to other zones within the Stowe Village PUD.

Residential/Industrial Zone

	DWELLING UNITS	INDUSTIAL UNITS
Front	30 feet	50 feet
Side	10 feet	50 feet
Rear	40 feet	50 feet
Perimeter Greenbelt	25 feet	25 feet

Residential/Business Zone

	DWELLING UNITS	BUSINESS UNITS
Front	10 feet	10 feet
Side	10 feet	10 feet
Rear	40 feet	10 feet

D. Exceptions to Setback Requirements:

1. Sills, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four (24") inches;

2. In the case of attached multiple housing units or Business Units, no side yard setbacks are required between attached units. Front and rear setbacks of the applicable zone remain the same;

3. Signs.

(9) Unit Density Bank

Upon issuance of the required local permits, the owner shall file with the DRB, an affidavit confirming the total number of units for which permits have been issued in each category; the number of units remaining to be permitted in each category; the cumulative floor space of the Industrial and Business Units (not including Transient Units), and the percentage building coverage of the PUD to date. As additional units are permitted, the affidavit shall be appropriately amended.

(10) Off-Street Parking

A. Parking Facilities Required: Parking facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered or enlarged, and all premises otherwise developed after the

adoption of these regulations. Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time.

B. Location of Required Parking Facilities: Required parking facilities shall be located on the same lot as the building or other use which they serve, except that upon the approval of the DRB required parking may be located else-where in common parking areas.

C. Required Area of Parking Facilities: Unless otherwise specifically approved by the DRB, required parking facilities shall contain not less than the minimum area set forth below, exclusive of driveways, ramps and turning area necessary for access. Parking facilities shall not be reduced in area to less than required, and no building or use of a building or premises shall be enlarged or extended unless the parking facilities comply with the following requirements: The minimum size of one (1) parking space is nine (9') x eighteen (18') feet.

1. In the Residential Zone: Two (2) parking spaces for each Dwelling Unit.

2. In the Residential/Industrial/Business Zone: Two (2) parking spaces for each Dwelling Unit. One (1) parking space for each employee of an Industrial Unit working at one (1) time. Business units: See Section 14.

3. In the Residential/Business Zone: Two (2) parking spaces for each Dwelling Unit. Lodging Units: One (1) space for each guest room or patient room, and one (1) space for each employee working at one time. Business Units: See Section 14.

D. In the Business/Residential Zone multiple-use parking lots may be constructed and, in such case and with the approval of the DRB, parking for the Business Units may be less than that required above. In granting such approval, the DRB shall consider the standards set forth above, the national standards for multiple-use commercial parking lots, the times of use, overlapping shifts of employees, and any other relevant data.

E. Surfacing and Landscaping of Parking Facilities: Required parking facilities shall have adequate all-weather surfacing, capable of allowing free and safe movement of all vehicles.

F. Truck Loading Space. In the case of Business and Industrial Units, adequate space shall be provided for loading and unloading trucks that will not interfere with other uses and needs, including fire lanes.

(11) Open Space

The requirements of Section 13.2 shall apply to the Stowe Village PUD: such open space may be dedicated to the Town or to a community association comprising all of the present and future owners in the project, or it may be retained by the present owner or its assignees or transferees.

(12) The Green Mountain Inn and all of the land and buildings located on the 2.27 acres acquired by Ampersand Properties Limited from Green Mountain Inn, Inc. on June 11, 1982, shall be considered a nonconforming building, as per Section 3.9 of the Zoning Regulations of the Town and Village of Stowe. Business Units to be constructed in the existing Green Mountain Inn, and Depot buildings shall be applied for under Section 3.9 of the Zoning Regulations. Any Business Units not so approved by the DRB under Section 3.9 will still be considered under Section 14.5 and any Business Units allowed will be debited against the Stowe Village PUD. New construction may be permitted as a Conditional Use on the 2.27 acres of land and shall be debited against the PUD.

Section 14 SIGNS

14.1 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.

14.2 General Guidelines

These regulations are to encourage the use of signs that:

1. Are compatible with the community character.
2. Are readable and clear.
3. Are not distracting for vehicular traffic.
4. 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.

14.3 Signs in Residential Districts (all RR and VR Districts)

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 in area, or three (3) feet in height 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 one (1) such sign is permitted per property for up to two (2) days in any calendar month.

3. One (1) neighborhood identification sign 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

14.4 Signs in Commercial Districts (Districts other than RR and VR Districts)

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 the6VC, 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, VIL-PUD, WBCSD and UMR districts.). These signs can be free-standing or mounted on the building. Overall the width, including the structure, is not to exceed twelve (12) ft., (ten (10) feet in VC, LVC, MC, VIL-PUD, WBCSD and UMR). The Zoning Administrator may approve a second sign if unique physical conditions make a second sign necessary in order to a 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 twelve (12) sq. ft.

(3) On premise permanent directional signs, such as entrance and exit signs, not to exceed six (6) sq. ft., are permitted. 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 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.

14.5 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.

(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.

14.6 Illumination and Movement of Signs

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 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. Balloons are exempt from this section.

14.7 Temporary and Portable Signs

(1) 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 up to twelve (12) square feet in lieu of a permanent sign.

14.8 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. 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.

14.9 Nonconforming Signs

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.

14.10 Planned Unit Development Signs

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.

14.11 Signs Exempt from These Regulations and Not Requiring a Permit

(1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

(2) Government signs

(3) Window signs, posters, banners, stencils or lettering on the inside of a window, except for neon signs or self-illuminated 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;

(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

(8) 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 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) 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.

(12) Menu boards no larger than four (4) sq. ft. permanently mounted to the building or a post.

(13) Political signs and signs exercising freedom of speech no larger than twelve (12) sq. ft.

(14) "No Trespassing" signs no larger than 24" x 18".

(15) Signs no larger than twelve (12) 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.

14.12 <u>Prohibited Signs</u>

(1) Signs that interfere with, imitate or resemble any official traffic control sign;

(2) Signage prohibited by state statutes

(3) Signs prohibited under Section 14.6;

(4) Portable signs except where specifically permitted in these regulations.

Section 15 PARKING REGULATIONS

15.1 Parking Facilities Required

(1) Parking Facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered or enlarged, and all premises otherwise developed after the adoption of this bylaw. Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time. The safe and adequate location of access points (entry and exit) shall be provided. Adequate and appropriate illumination for pedestrian and vehicular safety will be provided.

(2) In the MRV, MRC, VC, Village PUD, MC and LVC districts, new parking spaces should be designed to re-enforce an internal street network by maximizing the use of parallel parking or angle parking on streets, but not on numbered State highways. In these districts, required parking may be constructed in the street or highway right-of-way with approval by the DRB and the Director of Public Works. With such approval, these new spaces will be counted toward any spaces required under these regulations. These spaces shall be considered public parking and may not be reserved for private use.

(3) In the HT and UMR districts, parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided elsewhere in these regulations. Projects involving the upgrade and expansion of pre-existing conditional uses built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue parking within front yards.

(4) Parking facilities shall be designed to minimize the visibility of parked vehicles from off-site through location, landscaping and screening. Parking shall generally be located to the rear of interior side (side not fronting on public road) of buildings and large, uninterrupted expanses of parking should be avoided. Driveway connections to parking areas on adjacent properties shall be required where feasible; in the event that such connections allow for shared parking between properties, the over-all parking requirements may be reduced pursuant to these regulations.

Table 15.1 Parking lot aisles shall meet the following minimum dimensional standards:

PARKING PATTERN	MINIMUM ONE-WAY AISLE WIDTH	MINIMUM TWO-WAY AISLE WIDTH
90° PERPENDICULAR	N/A	TWENTY-FOUR'
60° ANGLE	EIGHTEEN'	N/A
45° ANGLE	SIXTEEN'	N/A
30° ANGLE	FOURTEEN'	N/A
PARALLEL	TWELVE'	TWENTY FOUR'

15.2 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.

Table 15.2: Minimum Parking Requirements

RESIDENTIAL	# of Parking Spaces Per Dwelling Unit
Single detached or attached dwelling; including cooperative and condominium units	2
Duplex (Units larger than 400 sq. ft.)	2
Duplex (Units up to 400 sq. ft.)	1
Multi-family (Units larger than 400 sq. ft.)	2
Multi-family (Units up to 400 sq. ft.)	1
Housing for the Elderly	1
Home occupations	2 spaces per dwelling unit and 1 per additional employee
Boarding House, Bed and Breakfast	2 spaces per dwelling unit plus 1 per guest room

COMMERCIAL	
Nightclubs, Restaurants, Theaters	1 space for every 3 seats or participants plus 1 space for each person employed at peak times [1]
Motels, Hotels, Lodging Facility	1 space for every guest room plus 1 space for each person employed at peak times [2]
Retail Stores, Offices, Banks, Service Establishments	1 space for every 300 sq. ft. of gross floor excluding storage; no less than 3 spaces
Industrial plants, wholesale establishments	1 space for every person employed at peak times
INSTITUTIONAL/PUBLIC	
Assembly Halls, Outdoor places of assembly or public recreation, Houses of Worship	1 space for every 3 seats or participants plus 1 space for each person employed at peak times
Hospital	1 space for every patient room plus 1 space for each person employed at peak times

[1] For public restaurants operated in conjunction with a lodging facility, a percent reduction in required parking spaces equal to the percent of restaurant patrons attributable to "in-house" lodging guests may be granted. Such a reduction shall not exceed fifty (50%) percent of the total required for a restaurant. The burden of verification of the percentage of "in-house" patrons is with the applicant, and may be reviewed periodically by the DRB. Verification may include, but not be limited to, rooms and meals tax receipts and actual patron counts. Such space shall be held in reserve as green space.

[2]In the case of conference centers operated in conjunction with a lodging operation, up to fifty (50%) percent of the required parking for the center (an assembly hall) may be designated to properly designed, well drained and maintained grassed areas. No parking shall be permitted in the highway right-of-way.

15.3 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) Village Parking District

A. The VC-10 district is designated as the Village Parking District. In recognition of the historic character and relatively high density of the area, access to public transit and its "walking village" nature served by multiple use parking and public parking areas, the number of parking spaces required shall be fifty (50%) percent of the number required in Table 14.

B. In lieu of providing the amount of required parking on-site, an applicant within the Village Parking District, with the approval of the DRB, may pay to the municipality a Parking Impact Fee based on the project's parking shortfall. Each project shall provide enough on-site parking such that this shortfall shall not exceed fifty (50%) percent. The amount of the fee shall be equal to $10,000 per parking space times the number of spaces not provided on-site. An annual maintenance fee agreement will be made a part of the arrangements for off-site parking.

15.4 Surfacing and Landscaping of Parking Facilities

Required parking facilities shall have adequate all-weather surfacing, capable of allowing free and safe movement of all vehicles. Consideration should be given to permeable surfaces, such as grid pavers or porous pavement, to mitigate site surface run-off. Where an off-street parking facility is adjacent to a street line, there shall be a landscaped strip between such street line, and the balance of the lot, as required in the district. Landscaping should be sufficient to provide filtered screening of parking facilities from the public view. Parking facilities should provide filtered screening from all property lines and shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to improve the environment of the site and surrounding area.

Large parking lots (20 or more spaces) shall be broken down into sections as appropriate for the type and size of the development. Landscaped islands or peninsulas should be incorporated in the parking lot design.

There shall be a greenbelt a minimum of ten (10') ft. wide between all parking lots and all lot lines in the HT, MRV, MRC, UMR and MC. The DRB may lessen this requirement if it finds that there are unique site conditions that would prevent the establishment of the required greenbelt.

15.5 Location of Required Parking Facilities

All parking facilities shall be located on the parcel for which the parking requirement was generated unless specific alternatives are approved by the DRB.

(1) Except for on-street parking approved elsewhere in these Regulations, no parking shall be allowed in vehicular rights-of-way or designated fire lanes.

(2) Off street parking shall be designed to prevent the need for vehicles to back into a public highway. The DRB may approve the use of perpendicular or angled parking adjacent to a street (public or private) provided that:

A. The parking is not adjacent to a numbered state highway (perpendicular or angled parking may be permitted on Class 1 town highways);

B. The parking does not cross or interrupt a sidewalk and/or require a pedestrian to pass between a parked automobile and the street;

C. The parking is designed to include a permanent hard surface;

D. The proposed parking does not create an undue traffic hazard;

(3) No parking space shall be used for any purpose that interferes with its availability for required parking, including the location of trash or recycling dumpsters. Temporary construction dumpsters may be permitted for up to six (6) months. Required parking spaces shall be maintained (plowed) for winter use.

(4) All parking surfaces shall be constructed so as to eliminate standing water and the discharge of storm water onto adjacent property, sidewalks or streets.

(4) All paved parking areas are required to have painted lines designating parking spaces in accordance with the site plan approved by the DRB. Lines shall be applied within one (1) month of paving and shall be maintained so as to be visible.

(5) Handicapped provisions. Parking lots for all uses other than one and two-family dwellings, shall provide hard-surfaced handicapped spaces which are clearly designated, marked, and signed for handicapped use only. All

handicapped spaces shall conform to the American with Disabilities Act. The following number of spaces shall be provided:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

15.6 Driveways and Parking Facility Setbacks

Except for common driveways, driveway and parking facility setbacks shall be as follows, unless abutting property owners agree to less:

(1) HT, UMR, MRV, MRC, MC, RR1 and RR2: Ten (10') feet from property lines.

(2) RR3 and RR5: Twenty-five (25') feet from property lines.

15.7 Truck Loading Space

Commercial uses shall provide adequate space for loading and unloading trucks that will not interfere with other uses and needs, including fire lanes.

Section 16 DEFINITIONS

For the purpose of these Regulations, certain terms or words shall be defined as below. Words in the present tense include the future; the singular number includes the plural, and vice-versa. The word "person" includes a partnership, corporation, or other entity, including federal, state and local entities. The word "building" includes the word "structure". The word "shall" is mandatory. All definitions contained in the State Planning Act, Section 4303, are applicable to these Regulations.

16.1 Accessory Dwelling: A dwelling unit that has been added onto or created within, or is appurtenant to, a single-family home.

16.2 Accessory Building or Use: A building or use customarily incidental and subordinate to a principal building or use on the same lot, or on an adjoining lot under the same ownership.

16.3 Addition: A structure added to the original structure at some time after the completion of the original; or an extension or increase in floor area or height of a building or structure.

16.4 Administrative Officer: The person appointed as Zoning Administrator in accordance with Section 406(a)(4) of the Stowe Town Charter, (to include any Interim Zoning Administrator(s)), who shall administer these Regulations literally pursuant to the authority set forth in Title 24, Chapter 117 of the Vermont Statutes Annotated.

16.5 Adverse Impact: A condition that creates, imposes, aggravates, contributes to, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on an off-tract property, facilities or the community.

16.6 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.

16.7 Agriculture/Farming: Accepted Agricultural Practices as defined by the Vermont Department of Agriculture.

16.8 Alteration: Exterior structural change, rearrangement, change of location, or addition to a building, other than repairs and modification to building equipment

and general maintenance. Also includes interior alterations that result in the increase of the space devoted to a conditional use.

16.9 Alteration, Minor: Any change that is insignificant in its potential for impact under the conditional use review criteria of these Regulations. Examples may include, but are not limited to: minor expansions to building coverage through renovations or reconstruction, (as during the replacement of a porch, deck, or roof), small additions to existing buildings up to four hundred (400) sq. ft., or the construction or reconstruction of accessory buildings up to four hundred (400) sq. ft. for the storage of maintenance equipment, minor additions or alterations necessary for compliance with state fire safety and/or building code requirements, or the like. Also includes a change of use where no additional parking is required.

16.10 Assisted Living Facility: See Intermediate Care Facility.

16.11 Automobile, Car Wash: Any commercial building or premises or portions thereof used primarily for washing automobiles.

16.12 Automobile Repair and Service: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, repair or painting of vehicles is conducted or rendered.

16.13 Automobile Service Station (Gas Station): Any building, structure or area of land used for the retail sale of automobile fuels, oils and accessories, where repair service, if any, is incidental, where no more than two (2) abandoned vehicles or other motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as accessory uses.

16.14 Automobile Sales: The use of any building, land area or other premises for the display and sale of new or used automobiles, to include light trucks, vans, trailers or recreation vehicles; and including any vehicle preparation or repair work conducted as an accessory use.

16.15 Automobile Sales, Accessory: The sale and storage of up to nine vehicles for sale as an accessory use to an Automobile Repair and Service Facility.

16.16 Bar (Tavern): Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises, or portion thereof, as accessory to the principal use.

16.17 Bed and Breakfast: A single-family dwelling unit in which the resident owner or permanent dwelling occupant provides short-term lodging and meals to transient paying guests and/or staff.

16.18 Boarding House: A dwelling unit or part thereof in, which for compensation, lodging and meals are provided.

16.19 Boarder: An individual other than a member of the family, who occupies a dwelling unit for a consideration, is furnished sleeping accommodations, meals, and may be provided personal care, financial services, counseling or other such services.

16.20 Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, vehicles, machinery, materials or equipment goods. See definition of "structure".

16.21 Building Area: The ground area enclosed by the exterior surfaces of the walls of a building, together with the area of all covered porches and other roofed portions, including roofed or open patios and decks.

16.22 Building Coverage: That portion of a site, expressed as a percentage, occupied by all buildings or structures, (not including public utility structures), that are roofed or otherwise covered and that extend more than three (3') feet above the surface ground level. The building roof overhang up to 6 feet in length is not included as part of the building coverage area.

16.23 Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.

16.24 Businesses and Trades Allied to the Construction Industry: Activities necessary for the operation and support of building construction, including excavation services, trades and building materials and property maintenance.

16.25 Camp, Private/Seasonal: A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year, all–weather occupancy, such as running water.

16.26 Campground, Commercial: An area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, cabins or tents for dwelling, lodging or sleeping purposes and is advertised as such to the public for use in a temporary, seasonal manner.

16.27 Camping Unit: Any tent, trailer, cabin, lean-to, recreation vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

16.28 Cemetery: A burial park for the disposition of the remains of the deceased.

16.29 Certificate of Occupancy: A required approval allowing the use of a building or structure after it has been determined that all the requirements of these Regulations have been met.

16.30 Change of Use: Any use that substantially differs from the previous use of a building or land, as determined by Table 6.1 – Permitted and Conditional Uses

16.31 Church (Place of Worship): A building or structure or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

16.32 Club, Private: A premises owned or occupied by a membership-based organization that operates for social, recreational, cultural or educational purposes and is open only to members and their guests.

16.33 Cluster(ing): A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to remain undeveloped and available for recreation, open space and/or the preservation of natural features.

16.34 Communication Tower/Antenna, Commercial: Any device erected and designed to transmit or receive any type of radio, television, telephone or electromagnetic signals for commercial, industrial, or governmental purposes. Includes towers, accessory structures and equipment. Must be unlighted and less than two hundred (200') feet in height.

16.35 Communication Tower/Antenna, Residential: Any device erected and designed to transmit or receive any type of radio, television, telephone or electromagnetic signals as an accessory use to a primary residential use.

16.36 Community Uses: A use that happens in or on a publicly owned facility used as a museum, library, meeting hall, community recreation or sports building or centers, parks, playgrounds, or similar philanthropic uses.

16.37 Community-wide Special Event: 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.

16.38 Conditional Use: A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in these Regulations and authorized by the approving agency.

16.39 Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real Estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

16.40 Condominium Hotel: A building constructed, maintained and operated and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available to transients for rent and where the structure, common areas and facilities are owned by all the owners on a proportional, individual basis.

16.41 Conference Center: A facility used primarily for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities and meeting rooms.

16.42 Contiguous: 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.

16.43 Convent/Parish House: A residence for members of a religious order in connection with a church or place of worship, including priests, pastors, ministers and nuns.

16.44 Convention Facility: A building or portion thereof designed to accommodate two hundred or more people in assembly.

16.45 Cultural Art Center: A facility for the promotion of, or education in the arts.

16.46 Day Care Center: An establishment operated as a business or service on a regular or continual basis, whether for compensation or not, to provide care, protection, supervision and/or education for children under the age of 16 outside their home for periods of less than twenty-four (24) hours a day by a person other than the child's own parent, guardian or relative.

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

16.48 Driveway: A roadway used to access not more than three (3) dwelling units that is in private ownership.

16.49 Drive-Up Window: a commercial facility where a customer may drive a motor vehicle onto the premises and to a window or a mechanical device through or by which the customer is provided service without exiting the vehicle.

16.50 Dwelling Unit: (See Unit, Dwelling.)

16.51 Extended Care Facility: A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution. (See also Long-Term Care Facility.)

16.52 Family: Any number of individuals related by blood, marriage, civil union or adoption, living together as a single housekeeping unit. A group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, may be considered a family for purposes of establishing density of use.

16.53 Fence: An assemblage of materials (including metal, masonry, stone, wood or any combination) erected and placed on the ground for purposes of limiting visual or physical access.

16.54 Golf Course: A use of land for golfing facilities, including structures, equipment and buildings that may also include driving ranges.

16.55 Gravel Pit: An open land area where sand, clay, gravel and rock fragment are mined or excavated for sale or for off-tract use.

16.56 Group Home: A state-registered or licensed group home serving not more than eight (8) persons who have a handicap or disability as defined in 9 V.S.A. §4501.

16.57 Guest House: (See Rooming House.)

16.58 Hazardous Materials: Includes all solvents, acids, chemical and petroleum products, toxic substances, radioactive materials and any other substance that might pose a risk to human safety, air quality or water resources.

16.59 Health Care Facility: A public or private facility that provides services for health maintenance and the treatment of mental or physical conditions. (See Health Services.)

16.60 Health Services: Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks and miscellaneous types of medical supplies and services.

16.61 Historic Building: Any building or structure that is either a contributing structure in the Stowe Village National Register District, Moscow Village State Historic

District or Lower Village State Historic District, or individually listed in the Vermont Historic Sites Survey.

16.62 Historic District: A district or zone designated by a local authority or state or federal government, in which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form and architectural detail; or because of their being a part of or related to a square, park or area in which the design or general arrangement should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

16.63 Historic Preservation: The protection, rehabilitation and restoration of districts, sites, buildings, structures and artifacts significant in history, architecture, archeology or culture.

16.64 Home Occupation: A use or occupation that is customary in residential areas and is carried on in a minor portion of a dwelling or a building accessory thereto, provided that such use is clearly incidental and subordinate to the use of the premises as a residence and does not change the residential character of the area. (See Section 4.4. for Home Occupation standards.)

16.65 Homeowners Association: A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

16.66 Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

16.67 Hotel: See Lodging Facility.

16.68 IESNA: Illuminating Engineering Society of North America.

16.69 Illumination (Illuminance): The amount of light falling on a surface measured in foot-candles.

16.70 Industry, Heavy: The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

16.71 Industry, Light: The manufacturing, processing, fabrication, packaging or assembly of goods; technology-based or related research and development facilities, which activities are conducted wholly within an enclosed building; and the indoor storage and warehousing of goods and materials incidental to the principal use. Finished products may be temporarily stored outdoors pending shipment. Light Industry includes, but is not limited to, food processing, the manufacturing of value-added agricultural products, crafts, furniture and clothing, the fermentation or distillation of alcoholic beverages, broadcasting, photographic and motion picture studios, and machine shops. Light industry shall operate in such a manner as to minimize the external effects of the manufacturing process, including smoke, noise, soot, dirt, vibration, odor, chemical wastes, etc., and shall not result in undue adverse impacts on the environment or on other properties.

16.72 Infill Development: The construction of buildings on existing lots, including those already occupied by a building(s), especially in areas designated as growth centers.

16.73 Intermediate Care Facility: A facility that provides, on a regular basis, personal care, including health-related care and services, to individuals who require assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

16.74 Interval Ownership: See Time-Sharing.

16.75 Junk: Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or used for any other purpose. Examples might include, but are not limited to, unregistered or inoperable motor vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, scrap wood and lumber.

16.76 Junk Motor Vehicle: A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle.

16.77 Junk Yard: Any area, lot, land, parcel, building or structure or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of junk for business.

16.78 Kennel: A use of land for the commercial boarding, raising, grooming, or training of four (4) or more household pets that are not owned by the owner or occupant of the premises.

16.79 Land Development: The division of a parcel into two (2) or more parcels, the construction, reconstruction, conversion, alteration, relocation or enlargement of any building or other structure, the construction of any pond, or of any mining,

excavation or landfill, and any change in the use of any building or other structure, or land, or extension of the use of the land.

16.80 Landscape Plan: A component of a development plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

16.81 Laundromat/Dry Cleaning: A commercial facility for cleaning clothes that may include a dry cleaning service.

16.82 Library: A facility for the housing of books and media or related materials for public or private use.

16.83 Lodging Facility: A facility operating as a lodge, hotel, motel, conference center, resort or similar facility that offers short-term housing intended for use by paying transient guests.

16.84 Lodging Unit: A rentable accommodation whose maximum design capacity is four (4) people. A room with two (2) double beds equals one (1) unit; a suite with two (2) double beds equals one (1) unit; a suite with two (2) twin or single beds plus sofa bed equals one (1) unit: a suite with two (2) double beds plus sofa bed equals one and one-half (1 ½) units. A lodging unit may include provisions for a kitchen, provided that the facility in which the unit is located is designed for and operated as a short-term facility.

16.85 Long-Term Care Facility: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients who are not related to the governing authority or its members by marriage, civil union, blood or adoption.

16.86 Lot: A plot or parcel of land occupied or capable of being occupied by at least one (1) principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations.

16.87 Lot Area or Size: The area or size of a lot, not including the land lying on the street side of the street line.

16.88 Lot Depth: The mean distance between the street line of a lot and its opposite rear lot line.

16.89 Lot Frontage: The length of the street line, measured on the street.

16.90 Lot Width: The width of a lot measured at right angles to its lot depth at the minimum front yard setback.

16.91 Mixed-Use Building: A building containing residential and non-residential uses, excluding any accessory uses.

16.92 Mobile Home or Manufactured Home: A movable structure having no motor or engine, suitable for year-round human occupancy and containing a similar water supply, sanitary sewage disposal and major housekeeping facilities as immobile housing. A mobile home or a prefabricated building to be used for dwelling purposes, which is located on a permanent foundation, shall be considered to be a dwelling.

16.93 Mobile Home Park: The design, layout or establishment of a development or subdivision with spaces, infrastructure and/or amenities serving three (3) or more mobile homes; and/or the placement of three (3) or more mobile homes on a single parcel of land.

16.94 Motel: See Lodging Facility.

16.95 Museum: A facility for the display of exhibits open to the public, including accessory facilities such as offices, meeting rooms, conservation laboratories, theaters, classrooms, reenactment or educational facilities

16.96 Nightclub: Premises, or portion thereof, used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use, and which offers facilities for live entertainment and/or dancing.

16.97 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.

16.98 Nonconforming Structure: A structure or part of a structure that does not conform to the present regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, including a structure improperly authorized as a result of error by the administrative officer.

16.99 Nonconforming Use: A use of land that does not conform to the present regulations 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.

16.100 Nursing Home: See Extended Care Facility.

16.101 Office, Professional and Business: Office of any bank or financial institution, real estate, insurance, architectural, engineering, legal, medical or other recognized professions.

16.102 Outdoor Lighting: An illumination device located on the outside of a building or structure or used to illuminate a sign.

16.103 Outdoor (Exterior) Storage: See Storage and Warehousing, Outdoor.

16.104 Overlay District: A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required in the underlying zone.

16.105 Park, Public: A park, playground or other recreation or special events facility owned and/or maintained by the Town of Stowe or a non-profit corporation with federal 501 (c) (3) tax exempt status and available to the general public.

16.106 Parking Area: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

16.107 Parking Space: A space for the parking of a motor vehicle within a public or private parking area. One (1) parking space shall constitute an area at least nine (9') feet wide and eighteen (18') feet long, not including access driveway.

16.108 Parking Space, Handicap Accessible: A space in a garage or parking area not less than thirteen (13') feet wide and nineteen (19') feet long, reserved exclusively for an automobile registered with state–handicap license plates or displaying an official state issued handicap placard.

16.109 Permitted Use: Any use allowed in a zoning district under these Regulations and subject to the restrictions applicable to that zoning district for which the Administrative Officer may issue a permit without public hearing or notice unless otherwise subject to the approval of the DRB.

16.110 Planned Residential Development (PRD): A parcel of land controlled at the time of application by an individual, corporation, partnership or an association to be developed as a single entity for dwelling units. As such, the development plan may deviate from the standard lot sizes normally required under these Regulations in order to achieve cluster development and preserve open space. Also known as a Residential Planned Unit Development.

16.111 Planned Unit Development (PUD): A parcel of land controlled at the time of application by an individual, corporation, partnership or an association to be developed as a single entity. As such, the development plan may deviate from

the standard lot sizes, uses, lot coverage and open space requirements which these Regulations normally require in order to achieve cluster development and preserve open space.

16.112 Pond: Any inland body of water that in its natural state has a surface area of 1,000 sq. ft. or more, and any body of water artificially formed or increased that has a surface area of 1,000 sq. ft. or more.

16.113 Premises: A lot, as defined in this section.

16.114 Principal Building: A building on a lot containing the major permitted, conditional or non-conforming use or uses.

16.115 Public Sewer: A system of sanitary sewers owned and operated by a municipality or other government unit, or by a corporation authorized and regulated by the State of Vermont for purposes of sanitary sewage disposal.

16.116 Utility Structure: A structure used in conjunction with a publicly owned utility, including, but not limited to water, sewer, cable, telephone, electricity or similar utilities.

16.117 Public Water Supply: A system of water supply owned and operated by a municipality or other government unit, or by a corporation authorized and regulated by the State of Vermont for purposes of public water supply.

16.118 Receiving Area: Land to which development rights are transferred, from a sending area, which results in an increase in allowable density for the receiving area.

16.119 Recreational Vehicle: Includes any motor home, vehicle, or trailer, including travel trailers, campers, motor homes or similar, which are intended to be used as sleeping, or camping for a short period of time. Recreational Vehicle shall not mean a manufactured, prefabricated, modular or similar structure, which is intended for use as a dwelling unit.

16.120 Recreation Facility, Indoor: A building or portion thereof used for recreational purposes, including, but not limited to a bowling alley, theater, skating rink, billiards, video games, gymnasium, swimming pool, etc.

16.121 Recreation Facility, Outdoor: Fields, trails, bodies of water or other land used for recreational purposes including, but not limited to a golf course, golf driving range, miniature golf, shooting/archery range, swimming pool, skating rink, tennis court, riding stable, park, trails, etc.

16.122 Repair and Service Facility: Any building premises or land where a business, service or industry involving the maintenance, servicing repair or painting of

machinery is conducted or rendered. (A Repair and Service Facility is not a Gas Station.)

16.123 Residence: The general term implying a person's place of habitation, including permanent, part-time and seasonal, not including any other dwelling unit used on a temporary basis.

16.124 Resident: Any person whose legal residence is in the Town of Stowe and/or a person whose primary residence is in a dwelling unit that is the subject of an application under these Regulations.

16.125 Resort: A lodging facility for transient guests where the primary attraction is recreational features or activities.

16.126 Restaurant: A commercial establishment where food and drink are prepared, served and consumed by the general public, primarily within the principal building.

16.127 Restaurant, Accessory: A restaurant that is clearly subordinate to a primary conditional use located within the same building.

16.128 Restaurant Patio or Deck: An outside area used for the serving and consumption of food and/or beverage.

16.129 Restaurant Seat: A restaurant seat shall include, but is not limited to, all chairs, benches, deck/patio/porch chairs or seats, bar stools, couches or any other seating devices both inside and outside the establishment normally used for food and beverage services.

16.130 Retail Sales: The delivery of goods and services by any business concerned with the sale, lease or rental of produce, products, equipment to the general public for personal or household consumption and the rendering of services incidental to the sale, lease or rental of such goods.

16.131 Retail Sales, up to 5,000 sq. ft.: A retail establishment with a gross interior floor area less than 5,000 sq. ft., excluding any areas devoted exclusively to storage and/or office space.

16.132 Retail Sales, up to 15,000 sq. ft.: A retail establishment with a gross interior floor area less than 15,000 sq. ft., excluding any areas devoted exclusively to storage and/or office space.

16.133 Retail Sales, Accessory: Retail sales that are clearly subordinate to a primary conditional use located within the same building.

16.134 Retail Display, Outdoor: The display of goods offered for sale, lease or rental or a display(s) which is designed to promote the sale, lease or rental of retail goods, including produce, products, goods, equipment, or commodities, when said display is located outside of a building on a covered porch, sidewalk, patio, lawn area or other outside area associated with a retail store.

16.135 Retirement Home: A residential building or complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facility may include a congregate meals program in a common dining area but typically excludes institutional care such as medical or nursing services.

16.136 Roomer: One who occupies a rented room in another's house.

16.137 Rooming House: A house in which rooms without kitchen facilities are let.

16.138 Satellite Parking Area: A concentration of parking spaces serving multiple on and off-site uses and accessible to those uses via sidewalks and other pedestrian facilities and transit services.

16.139 School: A public or private facility for the training of students.

16.140 Sending Area: Land from which development rights are removed for the purpose of transferring those rights to a receiving area.

16.141 Service Establishment: A business that provides services to the general public, including, but not limited to barber, hairdresser, cosmetician, shoe repair, computer software service, shoe shine, financial, legal, insurance, real estate, family guidance and marriage counseling, medical, dental, psychological, psychiatric and optical services.

16.142 Setback: The shortest distance between the nearest portion of a structure on a lot and the edge of a road right-of-way, a shoreline, or a property line. This open space defined by the setback shall be referred to as the front yard, side yard, or rear yard.

16.143 Sidewalk: An improved pedestrian surface that is typically located adjacent to a roadway.

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

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

16.146 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.

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

16.148 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.

16.149 Street number identification sign: A sign that contains no more than the street number and name.

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

16.151 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.

16.152 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.

16.153 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.

16.154 Site Coverage: The total area of a property covered by structures, drives, parking areas, walkways, patios, decks, pools or any surface impervious to water, except for public utility structures.

16.155 Ski Area: An area developed for snow skiing, boarding, tubing or other non-motorized outdoor snow sports; with trails and lifts, and including equipment rentals and sales, instructions and eating facilities.

16.156 Ski Resort: A ski area that also includes sales, rental and service of related equipment and accessories, eating places, residences and hotels and motels and their support services.

16.157 Solid Waste Facility: A use of land for the collection, sorting and shipment of solid waste.

16.158 Special Event: Any activity requiring the prior approval of the Stowe Selectboard under the Town of Stowe Special Events Ordinance.

16.159 Special Event Facility: Any location in/on which special events take place.

16.160 Street: A town or state highway, a road of an incorporated village or a road shown on a subdivision plan approved by the DRB, to include the entire right-of-way thereof. If no such right-of-way has been surveyed and recorded and is not marked by a fence line or other physical boundary, the right-of-way shall be considered to be twenty-five (25') feet from either side of the center of the traveled way. The word "street" includes the word "road". A right-of-way serving more than three (3) lots or more than three (3) dwelling units shall be considered a street.

16.161 Street Line: The line dividing the street right-of-way and the lot.

16.162 Street Tree: A hardy, salt tolerant deciduous shade tree planted along a road or highway, either immediately inside or outside of the road right-of-way.

16.163 Strip Development: A linear development pattern along well-traveled roads and highways lacking depth, as measured from the highway; uses characterized by a high dependence on the automobile resulting in a succession of parking lots and curb cuts; a predominance of commercial land uses (rather than residences, especially single family homes); a preponderance of single story structures and limited pedestrian accessibility or over-all integration with neighboring properties.

16.164 Structure: An assembly of materials for occupancy or use, including but not limited to, a building, mobile home or trailer, swimming pools greater than 100 sq. ft. and their inflatable covers and related decks and appurtenances, tennis courts, etc., and microwave dish antenna.

16.165 Storage and Warehousing, Indoor: The keeping, in an enclosed building, of goods, equipment, materials or merchandise.

16.166 Storage and Warehousing, Outdoor: The keeping in an unroofed area, of goods, equipment, materials or merchandise in the same place for more than forty-eight (48) hours. Expressly excluded from this definition is the outdoor storage of unregistered or junk motor vehicles, construction debris and solid waste.

16.167 Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the Town's equalized listed value of the structure either: (a) before the improvement or

repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

16.168 Summer Camp: A location away from home, often in a rural or country setting, where campers spend all or part of the summer living in tents, barracks or dormitories, participating in organized activities, sports or arts and crafts, and usually eating together in a central dining facility.

16.169 Theater: Facility used for the viewing of dramatic or musical productions, performing arts or motion pictures.

16.170 Time-Sharing and Interval Ownership: Multiple time periods of ownership or of a right of occupancy of any lodging unit, each such period being subject to ownership by a different person or entity.

16.171 Transfer of Development Rights: The removal of the right to develop or build, expressed in units per acre or coverage per acre, from land in one zoning district to land in another zoning district where such transfer is permitted.

16.172 Transient: Any person staying for a short time only and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by such visitor or person.

16.173 Uniformity Ratio: The ratio of average illumination to minimum illumination.

16.174 Unit, Business: Any building or part of a building or locale where an individual commercial operation, profession or trade is carried on, including stores, service establishments and offices of all kinds and types.

16.175 Unit, Dwelling: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same building, and containing independent cooking and sleeping facilities and bath facilities. Does not include an accessory apartment to a single-family dwelling.

16.176 Unit, Multi-Family Dwelling: A building on a single lot containing more than two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units.

16.177 Unit, Single-Family Dwelling: A building containing a single dwelling unit, which may include an accessory apartment.

16.178 Unit, Timeshare: A dwelling unit or transient unit designed to be sold or operated as a timeshare as defined these Regulations. (See also Time Sharing and Interval Ownership.)

16.179 Unit, Two-Family Dwelling: A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

16.180 Use, Conditional: See Conditional Use.

16.181 Use, Permitted: See Permitted Use.

16.182 Veterinary Clinic: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to animal hospital use.

16.183 Watercourse: Any naturally flowing water, including rivers, streams and creeks as depicted on the Official Zoning Map.

16.184 Wetlands: Those areas indicated on the current National Wetland Inventory (NWI) maps as digitized on the Stowe Wetlands Map. Also those areas that are not on the NWI maps but 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, but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but do not include such areas upon which food or crops are grown in connection with farming activities.

16.185 Zoning District: A land area outlined and established by the provisions of Section 5 of these Regulations.

16.186 Zoning Permit: A document signed by the Administrative Officer, as required in these Regulations, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building, as proposed, will comply with the provisions of these Regulations or authorized variance there from.

Section 17 EFFECTIVE DATES OF AMENDMENTS TO ZONING REGULATIONS

April 26, 1971	Interim Zoning Regulations adopted by Selectboard.
November 8, 1971	Interim Zoning Regulations amended by Selectboard.
April 12, 1974	Interim Zoning Regulations extended.
July 15, 1975	Interim Zoning Regulation extended.
Dec. 9, 1975	Original Zoning Bylaw adopted.
June 26, 1978	Bylaw amended to include Communications, Transmitting, Receiving or Relaying Structures.
March 4, 1980	Bylaw amended to include National Flood Hazard Areas.
May 10, 1982	Village Zoning Map amended easterly side of Lower Main Street. Changed from VR-20 to VC-30.
July 5, 1983	Comprehensive Study and Revision of Bylaw adopted.
April 16, 1984	Dimensional Requirements in HT Districts, signs in Commercial Districts.
June 19, 1984	Corrected: Section 18.2 (3) and Village Map.
November 12, 1984	Add: Village Planned Unit Development.
September 16, 1985	Rezoned: Masonic Lodge (VR-20 to VC-30), Portion of Zuber property (VR-20 to VC-30). Amended: Sections 6.2 (2), 10.2 now 12(2), 14.5 now 18.5, 14.6 now 18.6, 18.2 (3) now 23.2(3), 18.2 (4) now 23.2(4).
October 21, 1985	Add Section 6.2 (1R) to allow for Commercial research library and/or computer software service facility; Section 2, Definition 66 Structure; Section 4.7.
November 19, 1985	Section 2, Definition 17 Dwelling Unit.
December 29, 1986	Section 4.8 Site Development Plan Review Procedure. DRB review procedures. Exterior Lighting Provisions: 4.6(2)(c) now 4.4, 17.1 now 21.1, 6.7 now 4.4.

March 16, 1987	Municipal Buildings, Sites and Facilities Section 4.9 (3) now 4.5(6). Rezoned: All land in the Conservation and Flood Plain Zone. Rewrote Section 11 (now 14) Flood Hazard District. Also amended Sections 3.1, 4.4, 4.9, 4.10, Contents.
February 8, 1988	Amended Section 4.8 Site development plan and 4.9 Site Development Plan Review Procedure. Comprehensive amendment of Section 16 (now 21) Off-street parking.
July 10, 1989	Section 14 (now 18). Amendments to Village PUD
October 3, 1989	General amendments throughout Bylaws.
June 8, 1992	General amendments throughout Bylaws.
August 15, 1994	Section 3.2 Adoption of new GIS Zoning Map. Amend zoning district boundaries to expand portions of Highway Tourist Zone: Springer-Miller, Town & Country, Grey Fox Inn, and Stowe Auto (portion of property from RR 2 to HT); Baumrind (entire parcel RR 2 to HT).
October 3, 1994	Section 5.2 (4) Enlargement of Non-Complying Buildings
Nov. 14, 1994	Amend zoning district boundary of the Highway Tourist Zone to correspond with specific property boundaries: Ampersand Properties Limited, Post (portion of property from RR 2 to HT); Mashaal, Bulk Storage Finance Company and Broyles (entire parcels RR 2).
July 3, 1995	Section 2. Additions and amendments to definitions; Section 3.2 Zoning Map - amended to reflect the WBCS District; Section 10.2 (now 12.2). Add storage and warehousing to the conditional uses allowed in the Moscow Commercial and Lower Village Commercial District; Section 10.3 (now 12.3). Amend to allow outdoor storage as an accessory use to other permitted conditional uses in the Moscow Commercial and Lower Village Commercial Districts; Section 11 (now 13). Establishment of the West Branch Community Service District.

March 2, 1998	Regulations re-numbered to insert new sections; Section 2 amended with new definitions; Section 3.2 Zoning Map - added UMR, MRV and MRC and MOD Districts; Section 4.4 amended to create new lighting standards; Section 4.9 amended to create new Site Plan Review standards; Section 4.12 Streams established; Section 4.13 Transfer of Development Rights established; Section 6 amended to revise commercial uses allowed in RR-1 District; Section 7 Upper Mountain Road (UMR) District established; Section 8 Highway Tourist District revised; Section 7 Mountain Road Village (MRV) and Mountain Road Crossroads (MRC) Districts established; Section 11 Village Commercial District revised; Section 14.2 Flood Hazard District revised to delete reference to stream setbacks; Section 15 Meadowland Overlay District established; Section 18 Planned Unit Development revised; Section 19 Sign Regulations amended to establish sign-lighting standards; Section 23 Landscaping Standards established.
August 3, 1998	Regulations re-adopted (7/13/98) with amendment to Section 18.3 (4) Planned Unit Development (PUD) Open Space. Section 16 Ridgeline and Hillside Overlay District (RHOD) and RHOD Map added.
December 6, 1999	Sections 4, 21 and 22 - transfer of review responsibility related to Site Plan Review, Parking and Landscaping from the Planning Commission to the Board of Adjustment. Section 21.3 - amended review of parking requirements and addition of handicap parking requirement. Section 8.2 and 9.3 amended retail square footage maximum. Page numbers were renumbered by Section.
July 26, 2000	Section 2 - added definitions of Retail, Retail Display and Retail Delivery of Goods and Services. Section 4 - Added 4.14 Outdoor Displays of Merchandise.
March 19, 2002	Section 2 - general revisions throughout the ordinance including major revision to definitions section, Section 4 Historic Buildings, add exemption for public buildings, add stormwater management and requirement, add VC and VR to TDR, remove HT from TDR, Section 5 - allowance for Historic Buildings, Section 7- add Timeshared and Interval Ownership Section 8- Section 9- Section 11 “Section 11”, reduce front yard in VC-30 to 10', Section 13- add Repair and Service and Vehicle Repair and Service Facility, Section 14- update and alter flood hazard regs, Section 17.3- alter language, Section 18.6 add Time Shared and Interval Ownership, Section 19- add MRV, MRC and UMR

	to sign regs, add regs., add exemptions. Section 23- added to site plan requirements, add minor category for conditional uses, add certificate of occupancy requirement for permitted uses, increase daily fines to $100.00.
June 13, 2002	Section 2 – Added definition of Affordable Housing, Section 3.2 – Amended Zoning Map (altered RR1/RR3 boundary line near Sylvan Park). Added Section 17.6 – Affordable Housing Density Bonus. Amended Section 18.2(2) – Affordable Housing Bonus.
July 1, 2004	Creation of the Development Review Board (DRB), consolidating the development review functions of the Planning Commission and Board of Adjustment into one board.
December 29, 2003	Section 18 Planned Unit Development – Added phasing schedule for longer projects; added permitted uses; added 10' setback requirement on interior lots for permitted uses.
January 31, 2005	Section 21 – Off-Street Parking – Changed Section title to Parking Regulations; allowed for the creation of on-street parking to count towards the parking total in certain districts; revised some minimum parking requirements; allowed for a fifty (50%) percent reduction in parking requirements in VC-10 district for all uses; and added handicap parking requirements.
September 19, 2005	Added new Section 17 – Stowe Historic Overlay District and Historic Buildings and renumbered following sections; changed definition of "Historic Building".
July 14, 2008	Comprehensive revision to zoning regulations, including bringing the regulations into conformance with 24 VSA Title 24, Chapter 117 and the 2003 Stowe Town Plan. Added or revised standards for: • Public hearing and notice requirements • Accessory Apartments • Group Homes • Childcare Homes • Home Occupations • Protected Public Uses • Appeals and Interested Parties • Access Management and Frontage Requirements • Lot and Yard Requirements • Lots Lying in More That One Zoning District • Mobile Home Parks • Maximum Building Height • Private Residential Cemeteries

- Pond Construction
- Planned Unit Development
- Certificate of Occupancy
- Standards for fences and walls within the SHOD

Adopted current State of Vermont recommended model ordinance for Flood Hazard Area.

Adopted the Fluvial Erosion Hazard Overlay District

Streamlined the permitting process by increasing the authority of ZA in order to reduce the number of applications requiring DRB review:

- Allow ZA to approve Change of Use from one conditional use to another when there are no external changes to building and dimensional and parking requirements are met.

- Allow for Administrative Approval of some activities within the Ridgeline and Hillside Overlay District (RHOD) and the Stowe Historic Overlay District (SHOD).

Provided for an additional zoning enforcement option that would authorize the ZA to write tickets for zoning violations, to be enforced by the Judicial Bureau.

Changes to Zoning District Boundaries:

1. Extended the boundary of the LVC to include the former Tubbs Factory building.

2. Changed area designated as VC-30 on South Main Street to VC-10.

3. Changed a portion of the area designated as VC-30 on Lower Mountain Road to VC-10, boundary to coincide with the boundary of the designated Village Center.

4. Included elementary school/library/Jackson Arena property in VC-10 boundary to coincide with the boundary of the designated Village Center.

5. Extended the VC-10 boundary along Sunset Street to include all of a commercial parcel that was half in the VC-10, half in the VR-20.

6. Extended western most boundary of the Upper Mountain Road District across Notchbrook Road to include a portion of the Inn at Turner Mill property.

May 9. 2011

Added light-industry uses to all non-residential districts and modified definition

Modified definition of retail to exclude storage and office areas from area calculations

Modified SHOD guidelines to require review of all accessory buildings in SHOD and within 200 feet of a historic building

Modified SHOD guidelines to continue design review after demolition or destruction of a historic building outside the SHOD in certain circumstances

Modified SHOD waivers to include waivers from the required watercourse setback

Modified SHOD guidelines by adding provisions regarding non-historic alterations required to meet building codes.

Modified SHOD guidelines to add review of railings and lighting

Modified SHOD guidelines to add provisions to recognize non-historic accessory structures such as antennas and solar water panels

Added "change of use" to list of items not requiring a Certificate of Occupancy

Added provisions regarding use of pre-existing adjacent conforming lots

Amended provisions regarding the expansion of nonconforming structures and added diagram

Amended watercourse setback provisions

Modified use chart to make two-family dwellings units on individual lots to be permitted uses and to make more than one two-family dwelling on a lot to be a conditional use

Modified signage requirements to prohibit self-illuminated signs inside a window.

	Modified signage exemptions of certain signs in commercial district to not include signs visible from public roads and public right-of-ways
	Amended signage provisions for signs along Recreation Path
	Amended VR-20 and VR-40 lot coverage
	Amended building coverage definition
	Amended business unit densities for VC districts
June 25, 2012	Eliminated the Industrial PUD zoning district and incorporating it into the Village PUD Residential/Business/Industrial District
	Clarified setback requirements for PUD's approved in the past
	Requirements for parcels split by town boundaries
	Added the "Stowe Club Test" to the regulations, in order to balance flexibility and finality of permit conditions
	Prohibit medical marijuana dispensaries
	Allow drive-up windows for banks and financial institutions
	Added a setback waiver provision for canopies for existing gas stations
	Increased the maximum allowed size of accessory dwellings
July 3, 2017	Added the Source Protection Overlay District
	Added the Forest Reserve District
	Added to 14.3 Modification of Parking Requirements
	Added a setback waiver provision for special circumstances
	Modified sign regulations to conform to Reed v. Town of Gilbert