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Colchester Selectboard
February 13, 2024

ACTION SHEET

Warn Public Hearing for Supplement 46 of the Colchester Development Regulations

RECOMMENDED ACTION: The Colchester Selectboard moves to warn a public hearing on March 12, 2024 for the proposed amendments to the Colchester Development Regulations, known as Supplement 46, and as reviewed and considered the evening of February 13, 2024.

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MEMORANDUM

TO:	Colchester Selectboard
FROM:	Rich Paquette, Chair, Colchester Planning Commission
	Cathyann LaRose, AICP, Director of Planning & Zoning
DATE:	February 6, 2024
RE:	Supplement 46 of the Colchester Development Regulations

On January 16, 2024, the Colchester Planning Commission held a warned public hearing and voted unanimously to submit proposed Supplement 46 of the Colchester Development Regulations to the Colchester Selectboard for consideration. The Commission is hopeful the Selectboard will review this set of amendments for their February 13th meeting and consider warning a public hearing for the full set to be heard on March 12, 2024.

This supplement reflects changes resulting from several different catalysts. Some changes are required because of state legislation mandating requirements related to density, parking, dimensional standards, housing and emergency shelters. The Vermont Housing Opportunities Made for Everyone (HOME) Act (S.100) was signed by the Governor on June 5, 2023 with many of its legislative requirements taking effect on July 1, 2023. The Commission worked quickly to incorporate language where required. Most modifications are very straight-forward, with one related to emergency shelters requiring the Commission to discuss and designate an intended zoning district.

Some proposed changes are smaller adjustments intended to provide for clarity within the regulations, either at time of development review or in-office permitting. Some are slightly more substantial policy changes which the Planning Commission advocates for as being supportive of Colchester property owners, particularly homeowners. These changes have a light touch of deregulation where the Commission found it made sense without risking adverse effects on neighboring property owners, neighborhoods, economic development, town wide resources, or town character.

When reviewing the changes, though it is not required to be warned, I hope you will notice the new text formatting. I worked with a previous summer intern to make this robust document more legible and reader-friendly. The use of color, spacing and number formatting makes this possible. The new document is also formatted in such a way as to build in efficiencies and reduce the risk of errors by using more auto-formatting in future updates, for example removing the need to manually add or reorder numbered or long list items.

This package represents the culmination of several meetings and outreach sessions from March through November of 2023.

Draft Development Regulations

The attached documents include the draft Supplement 46 of the Colchester Development Regulations. A list and brief description of each amendment is included below. The complete copy of draft Supplement 46 is also attached and should be consulted for full text and context.

Key to updates:
Within the text of the full supplement, and as shown below, text which is struck through (~~example text~~) is text which is deleted or moved. Text which is new is underlined and shown in red; text which has been relocated to another area within the document is shown in ~~green~~.

All proposed changes are DRAFT.

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a. Modify temporary uses and structures exempt from review [§2.07-E]

Draft changes in this section are intended to provide improved organization and alignment as well as enhanced clarity, codifying exemptions which have historically been treated as such in practice. Examples of the latter include smaller temporary swimming pools and ice rinks. It should be noted that the areas which appear to be crossed out here in green are not deleted but rather have been moved as they are not temporary structures. You will find that they reappear under accessory structures.

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b. Modify requirements for accessory buildings and add new section for accessory structures exempt from permitting [§2.09-A]

The changes to section 2.09 are intended to provide alignment with those from 2.07, providing a landing space for those items moved as they were not temporary. Changes here also include some which are substantive in nature and the result of hours of commission discussion and real-life modeling to understand space implications. For clarity, language was changed to be consistent between use of 'structure' and 'building'. Most notable of the substantive changes are:

- An increase in the allowance of the total square footage of accessory buildings to be up to 75% of the first floor of a principal structure, where currently it is 50%. Especially for smaller homes, this can be very limiting and easily exceeded by a detached garage and small garden shed. The limit of 50% remains for a single building.
- Exemptions are specifically defined. These include items which had been previously treated as such, but are not given clarity:
  - Ground mounted flag poles (with defined characteristics)
  - Generators, gas/liquid storage tanks, utility cabinets (all of defined size)
  - Firepit structures (with defined characteristics)
  - Garden arbors, hot tubs, spas, all with defined characteristics
- Newly added to the list of exempt structures includes patios and walkways at grade constructed of stone or similar materials, less than 300 square feet. See actual text in 2.09-A(8)(f) for additional limitations. The Commission discussed this at length before unanimously choosing 300 square feet. Commission members will be prepared to speak to the goals of this new exemption if asked.

c. Align requirements for Accessory Dwelling Units with state statute [§2.09-B(1)]

The summer's legislation (S1.00/HOME Act) directed that requirements for accessory dwelling units (ADUs) could not be more restrictive than for principal structures. The draft also works to align with previous changes in statute (S.237 passed in 2020) that were not made in the local regulations, which removed the restriction on bedroom number in favor of unit size.

d. Define permitting thresholds and requirements for heights of fences, delete duplicative language, modify exemptions, and update definition [§2.10, Article 12]

The Commission dedicated significant time in discussion of fence heights. After some visualization exercises and thoughtful debate, they unanimously agreed to propose the following (see draft for full detail):

- Fences 4 feet and under would not require a building and zoning permit
- Fences taller than 4 feet but which do not exceed 6 feet would require a simple building and zoning permit
- Fences taller than 6 feet but not taller than 8 feet, as defined in the regulations, would be permitted without special DRB review but must meet accessory structure setbacks. All fences taller than 6 feet currently require site plan review by the DRB.
- Fences taller than 8 feet would require site plan review by the DRB.
- Fences may not ever be taller than 14 feet in height.

e. Modify Sign Regulations to reduce situations where electronic message signs are allowed, remove reference to "nits" for internally illuminated signs, remove compatibility requirement, modify standards for sign bases, and modify signs for gasoline sales [§2.18]

Several changes are proposed within the sign section of the regulations.

- Electronic changeable message signs would now be limited to only government and school owned properties, approved theaters, and as part of gas station pricing signs. A new size restriction was added for gas station pricing signs. Previously, changeable message signs were allowed for all properties.
- Removal of references to 'nits' within non-opaque portions of internally illuminated signs. Multiple sign companies have conveyed that this is an outdated unit of measurement.
- Removal of requirement that design of sign shall be compatible with structures on site. Commission agreed that this language is overly vague and extremely challenging to enforce.
- Changes to dimensional requirements/allowances of the base of free-standing signs. Current language disfavors platform bases such that lollipop style support structures more easily meet the regulations. This has guided some design choices towards less attractive, less modern sign packages. The new language provides an allowance for more visually attractive sign bases by not counting them as part of allowed sign square footage under controlled circumstances.
- Removal of references to specific language allowed on gas station pump signs in light of known first amendment/ sign content law cases.

f. Update GD3/FBC Street Tables to accommodate required additional floor bonus for affordable housing development per S.100, and add definitions [§4.03 Tables 2, 3, and 4 and Article 12]

This change originates from a legislative requirement to permit an additional story for projects that meet the definition of affordable housing development in certain designated areas. As only the GD3 area currently meets this designation, the floor bonus provision was only added here.

g. Amend and restructure regulations pertaining to Congregate Housing Density Bonus [§9.07-D, Article 12]

The density bonuses currently provided for congregate housing were identified as being overly complex in execution and specificity within the regulation and would require significant levels of oversight and enforcement- the age of additional residents and how many days they can stay, as well as marketing materials and media communications, for example.. Ultimately, much of the text related to management of the bonus was removed. The general allowance and provision remain. Furthermore, this bonus is very unlikely to be used as it is only available in certain zoning districts, only one of which likely has the sewer capacity to serve the bonus units, with that district having no density maximums.

h. Add new section on Temporary Certificates of Occupancy, include and relocate allowance for a temporary certificate of occupancy under Article 10 to this section [§10.01-C, §11.04-B]

This draft change was identified by staff as a common sense approach to allowing occupancy of buildings when other factors beyond the control of the builder delay full compliance with every approved detail of a plan set. Currently, the only circumstance in which a temporary CO may be issued is when line striping cannot be completed. The draft proposal now includes other weather and seasonal related items, including landscaping.

i. Remove requirement for demonstrated RV parking for 18+ unit proposals [§10.01-J]

The current adopted regulations require that all multifamily residential developments greater than eighteen units provide for specific parking of recreation vehicles. A check of development projects in the past several decades have shown that such a requirement has not been required or implemented, nor have there been complaints of this as a problem. Should such a space be required, there is concern that it would be a paved, unused, untaxed, wasted area that could have a higher and better use. Changes were also made to specific requirements related to rv storage which were identified as difficult to monitor and enforce.

j. Decrease parking requirements for Duplex and Multi-Unit Dwellings per S.100 [§10.01-O, Table 10-2]

The summer legislation dictated a specific number of parking spaces per type of residential use. This table was amended accordingly.

k. Remove duplicative section for landscaping screening & buffering requirements [§10.04-B]

This is a minor amendment intended to remove language related to landscaping screening which is already identified in other sections of the bylaw more specific to those use types.

l. Add "Emergency Shelter" as a Use and add definition [Article 12 and Table A-1]

State legislation requires that an emergency shelter use be permitted in at least one district in every municipality. After discussion and a map exercise, the Commission unanimously agreed that the new use of "Emergency Shelter" be defined in chapter 12 and included as a permitted use in the GD2 district. The GD2 district is accessible via exit 15 and includes much of the area around the Fanny Allen medical campus and the area known as "the Fort."

m. Allow use 2.172, Large Equipment Sales" as a conditional use in the GD2 zoning district [Table A-1]

The Planning Commission held a meeting in October of 2023 to consider a request to allow for Large Equipment Sales as a conditional use in the GD2 zoning district. Equipment rental was already a conditional use. The Commission found that the uses were similar enough and the modification simple enough that it was appropriate to include in the current supplement. That is reflected in Table A-1.

n. Change single unit and duplex residential use from Conditional use to Permitted use in the LS1 zoning district [Table A-1]

The summer legislation (S.100/HOME Act) requires that dimensional standards be no more restrictive for duplex units than for single unit dwellings. It also requires that duplex units be allowed everywhere that single unit residential uses are allowed.

o. Modify Frontage Requirements to remove dwelling unit ratio and reduce frontage requirements for each District [Table A-2]

See note under 'n' above.

p. Amend definition of "Inn" [Article 12]

This represents a second amendment to this definition in the last 2 years. The first, as part of Supplement 44, significantly changed the definition to limit the number of units so as to differentiate from larger hotels- the previous maximum was 60 rooms- and to require amenities consistent with a typical inn. This amendment builds on the latter, with more specificity related to the required amenities.

q. Minor Amendments for Clarity and Consistency

i. Modify sections and definitions throughout to change references from "Single-Family Dwelling" to "Single-Unit Dwelling," "Two-Family Dwelling" to "Duplex," and "Multi-Family Dwelling" to "Multi-Unit Dwelling." Delete definitions of "Family" and "Household." [throughout]

ii. Clarify language regarding structure exempt from setback requirements [§2.05-G]

iii. Update title referencing "Fire Prevention Ordinance" [§2.16]

iv. Update language referencing "Sign Ordinance" [§10.13]

v. Clarify language allowing extensions of Zoning Permit approvals [§11.05-A]

vi. Remove Swimming Pools as an Accessory Use [Article 12]

This is a summary of the proposed changes. The full set of the draft Supplement 46 is attached. Thank you for your thoughtful consideration of these proposed amendments.

Recommended Action:

Members of the Planning Commission and Staff are prepared to present the proposed package of amendments at the Selectboard's meeting on February 13th. It is our hope that the Selectboard will, after receipt and discussion, warn a public hearing for March 12th. The motion for this would be:

"…warn for Selectboard public hearing on March 12, 2024 the proposed amendments to the Colchester Development Regulations, known as Supplement 46, and as reviewed and considered the evening of February 13, 2024."

DEVELOPMENT REGULATIONS

Colchester

VERMONT

First Adopted 1955

Last Amended TBD

Effective Date: XXXXX

Supplement 46

DRAFT for Selectboard PUBLIC HEARING

(tentative) March 12, 2024

Article 1: Purpose and Title

1.01 Purpose and Compliance

1.01–A The purpose of these Development Regulations is to implement the Municipal Plan of the Town of Colchester; to promote the health, safety, and general welfare of the community; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, utilities, schools, parks, and other public requirements; and to preserve the value of property, to encourage the most appropriate use of land throughout the Town of Colchester, with reasonable consideration for the character of each locality and its peculiar suitability for particular use, under and pursuant to the Vermont Planning and Development Act (Title 24 V.S.A., Chapter 117), as amended.

1.01–B Accordingly the following are hereby restricted and regulated as hereinafter provided:

(1) dimensions, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of buildings and other structures;

(2) density of population;

(3) intensity of use;

(4) areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures;

(5) percentage of lot area that may be occupied and the size of yards and setbacks;

(6) use of land for trade, industry, residence, or other purposes, and of watercourses and other bodies of water;

(7) subdivision of land.

1.01–C No provision in any such ordinance, law, restriction, covenant, or undertaking shall be deemed to justify noncompliance with any provision in this chapter.

1.02 Title

These provisions shall be known and may be cited as the Colchester Development Regulations.

1.03 Severability

Should any section, sub-section, paragraph, sentence, clause, provision, or phrase of these development regulations be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these land development regulations, except the section in question.

1.04 Repealer

This Article shall not be deemed to amend, repeal, or impair any requirement in any ordinance or law or in any deed restriction or covenant or in any other undertaking among private persons.

1.05 Relation to Other Ordinances of the Town of Colchester

If the provisions of these regulations conflict with the provisions of any other valid and enforceable ordinance(s), such as the Colchester Code of Ordinances Chapters Four, Seven, Eight, Ten or Fourteen, the stricter shall prevail.

1.06 Effective Date and Implementation

These regulations shall become effective twenty-one (21) days after the date of adoption by the Colchester Selectboard. On the date these regulations become effective, they will combine the Colchester Zoning Regulations and the Colchester Subdivision Regulations.

1.07 Applicability of Regulations

1.07–A Area, Density, and Dimensional Requirements. Except where the text of these Regulations provides otherwise, the size and dimension of lots and yards, lot coverage, and density for all districts, except overlay districts, shall be as shown in Table A-2, Dimensional Standards.

1.07–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

1.07–C Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

1.07–D Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

1.07–E Area, Density, and Dimensional Requirements. All requirements of Table A-2 shall apply unless specifically amended or superseded by the text within the applicable district.

1.07–F Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

1.07–G Primacy of Development Regulations. Where these regulations impose a greater restriction than imposed or required by other provisions of law or by other laws, rules, regulations, resolutions or ordinances, the provisions of these regulations shall control.

1.07–H Conflict with other Regulations or Private Restrictions. The provisions of these regulations shall not be construed to abrogate or annul the provisions of other ordinances or regulations or to impair private restrictions placed upon property. Where these regulations impose a greater restriction upon land, buildings, or structures than is imposed by any such provision, the restrictions of these regulations shall control.

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

1.07–J Measuring. Unless otherwise specified, all distances shall be measured horizontally. Required frontage shall be contiguous.

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Article 2: General Provisions

2.01 Establishment of District and Description of Certain Districts

2.01–A For the purpose of these regulations, the Town of Colchester is hereby divided into the districts shown on the Official Zoning Map. This Development Regulation also contains provisions for overlay districts.

(1) Residential Districts
- R-3 Residential Three District
- R-2 Residential Two District
- R-1 Residential One District
- R-5 Residential Five District
- R-10 Residential Ten District
- Lakeshore Three District
- Lakeshore Four District

(2) General Development Districts
- GD1 General Development One
- GD2 General Development Two
- GD3 General Development Three/Severance Corners Form Based
- GD4 General Development Four
- Lakeshore One District
- Lakeshore Two District

(3) Commercial & Industrial Districts
- COM Commercial District
- IND Industrial District
- BD Business District

(4) Other Districts
- AGR Agricultural District
- MHP Mobile Home Park District
- FP Flood Plain District
- AMU Agricultural Mixed-Use District

(5) Overlay Districts
- GD4C General Development Four Commercial District
- SD Shoreland District
- WPD Water Protection District
- HPD Historic Preservation District
- TDRD Transferable Development Rights District

2.01–B Description of Certain Districts.

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(1) Flood Plain District. The boundaries of the Floodplain District shall include those areas that are identified and defined 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. This regulation does not imply that the land outside of the Floodplain District is free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Colchester, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

(2) Water Protection District. The boundaries of the Water Protection District shall include: 1) those areas that are identified and defined as Class I and II wetlands as designated by the National Wetlands Inventory (NWI) maps published by the U.S. Fish and Wildlife Service as well as all lands within 50 feet horizontal distance of these wetlands, and 2) surface waters and associated buffers as described in Section 7.04 herein and as depicted on the Overlays Districts Map. Final determination of wetland and surface water location and associated boundaries shall be made by a professional wetland/aquatic biologist in case of conflict.

2.02 Official Maps and Other Maps

2.02–A Official Zoning Map. The Official Zoning Map describes the different and separate districts of the Town of Colchester set forth in Section 2.01. The Official Zoning Map is filed in the office of the Town Clerk and is incorporated herein by reference.

2.02–B Overlay Districts Map. The Overlay Districts Map describes the different and separate overlay districts of the Town of Colchester set forth in Section 2.01. The Overlay Districts Map is filed in the office of the Town Clerk and is incorporated herein by reference.

2.02–C Official Map. The Official Map of the Town of Colchester is adopted pursuant to Section 4421, Title 24 VSA Chapter 117, as amended, filed in the office of the Town Clerk, and incorporated herein by reference. No zoning permit or subdivision approval may be issued for any land development within the lines of any street, drainageway, park, school, or other public facility shown on the official map, except as specifically provided in 24 V.S.A Section 4421.

2.03 District Boundaries

2.03–A Interpretation of District Boundaries

(1) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Planning Commission shall determine the location, aided by the rules set forth in this section.

(2) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.

(3) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

(4) Boundaries indicated as following railroad lines shall be construed to follow the center line of the railroad right-of-way.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline such boundaries shall be construed as moving with the actual shoreline.

(6) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(7) Boundaries indicated as approximately following Town limits shall be construed to follow such Town limits.

(8) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map or described under each zone shall be determined by the scale of the map.

(9) Where uncertainty exists as to the boundaries of the Floodplain District, the most recent effective FEMA base flood elevation data, floodway data and Flood Insurance Study shall be reviewed and utilized to determine the base flood elevation.

2.03–B Interpretation by Planning Commission. Where physical or cultural features existing on the ground are inconsistent with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 8 above, the Planning Commission shall interpret the district boundaries.

2.03–C Split Lots. Where a district boundary line divides a lot which was in a single ownership at the time of passage of these regulations, the Development Review Board may permit, as a conditional use, the extension of the regulations for either portion of the lot but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot. This provision shall not apply to the boundary lines of any overlay district.

2.03–D Zone Change Requests. The Planning Commission may consider applications for zone change requests and requests to amend the Official Zoning Map. The process for such consideration shall follow the Colchester Planning Commission Adopted Policy (as amended from time to time) on *Public Requests for Amendments to the Colchester Development Regulations.*

2.04 Lots

2.04–A Frontage Calculation. All lots shall require frontage on a public street or way of a minimum specified in Table A-2. The Interstate and Circumferential Highway rights-of-way and public waters shall not be considered frontage. Required frontage shall be contiguous.

2.04–B Reduction of Frontage. No lot frontage shall be so reduced in frontage such that the coverage, setbacks, or other requirements of these regulations shall be smaller than herein prescribed for each district except as provided in Article Nine herein.

2.04–C Reduction of Lot Size. No lot shall be so reduced in area that the lot size, coverage, setbacks, or other requirements of these regulations shall be smaller than herein prescribed for each district except as provided in Article Nine herein.

2.04–D Corner Lots. In cases where a lot has frontage on two streets, the lot shall be deemed a corner lot and shall have two frontages. In cases where a lot has frontage on a public street and on a private right-of-way, the lot shall be deemed a corner lot and shall have two frontages.

2.04–E Pre-Existing Small Lots.

(1) Any lot that is legally subdivided, is in individual and separate and non-affiliated ownership from the surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, the enactment of which rendered the lot non-conforming because of the minimum lot size requirements of said bylaw, may be developed for the purposes permitted in the district in which the lot is located, provided:

(a) such lot is not less than one-eighth acre in area and not less than forty feet in width and depth; and

(b) such development complies with the State of Vermont Environmental Protection Rules Chapter 1; and

(c) such development meets all the dimensional requirements for the district in which it is located.

(2) The Development Review Board or Administrative Officer may require a survey for the lot in question. Notwithstanding the foregoing, in the event that an existing small lot has been at any time in common ownership with any contiguous lot, said existing small lot shall be deemed merged with said contiguous lot and may not be separately conveyed; provided, however such lot may be conveyed if:

(a) lots are conveyed in their preexisting, non-conforming configuration, and

(b) on the effective date of the bylaw causing the nonconformity, each lot was developed with a potable water supply and wastewater disposal system, and

(c) at the time of transfer, each water supply and wastewater system is functioning properly, and

(d) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water supply, or both if applicable, in the event of a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

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(3) For any lot shown on a plat approved by the Planning Commission and recorded in Colchester Land Records, the requirements of individual and separate and non-affiliated ownership shall not apply and the lots shall not be deemed merged.

2.04–F Footprint Lots. A Footprint Lot as defined herein is not considered a lot for the above lot standard purposes.

2.05 Setbacks and Buffer

2.05–A General Provisions. The size and dimensions of setbacks shall be as indicated in Table A-2, Dimensional Standards, unless otherwise provided in these Regulations.

2.05–B Arterial and Collector Streets.

(1) For the arterial and collector streets listed below, minimum front setbacks shall be forty-five (45) feet from the edge of the right- of-way or greater if so provided elsewhere in this Section 2.05.

ROAD / STREET

Route 2A *(a.k.a. Main Street)*

Route 2

Route 7 *(a.k.a. Ethan Allen Highway; South of Chimney Corners is Roosevelt Highway)* (outside of the GD3 District)

Route 15 *(a.k.a. College Parkway)*

East Road

Malletts Bay Avenue

Holy Cross Road

Severance Road (outside of the GD3 District)

Blakely Road (outside of the General Development Districts & Lakeshore Districts)

(2) For the arterial streets listed below, the minimum front setbacks shall be seventy-five (75) feet from the edge of the right-of-way or greater if so provided elsewhere in this Section 2.05.

ROAD / STREET

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(3) Planned Arterial and Collector Streets. Planned public arterial and collector streets, as designated by the Official Map, shall be subject to the provisions of this Section 2.05 and any lot frontage requirements.

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2.05–C Yards Abutting a Planned Right-of-Way, Sidewalk or Bike path. The dedication of public road rights-of-way, excluding Interstate 89, shall not reduce the area and property lines used to determine conformance of any pre-existing lot and/or structure's area and coverage, and setback requirements as stated in Section 2.05 and Table A-2 of this Regulation. Evidence of the pre-existing area and property line conditions must be recorded in the Town Land Records prior to the dedication of the public rights-of-way affecting the pre-existing lot and/or structure. All new lots or substantial redevelopment of a pre-existing lot shall have a minimum setback from a right-of-way designated for a planned public right-of-way, sidewalk or bike path equal to the front setback requirement for the district in which the lot exists, unless the yards abut any of those streets listed above in Section 2.05B, in which case the minimum setback of Section 2.05B shall apply from the edge of the planned right-of-way.

2.05–D Setback Calculation. The horizontal distance between a lot line, including lease lot lines, and the nearest line or point of a structure. The nearest line or point of a structure shall include but not be limited to: roof eaves, window bays, stairs, attached structures such as decks, foundations, slabs, and pillars. In the Mobile Home Park District where lease lot lines are not delineated, side yard setbacks shall be measured between structures by multiplying the setbacks of Table A-2 by two.

2.05–E Traffic Visibility Across Yards. No shrubbery, fences, walls, or other visual obstructions shall be erected, maintained, or planted on any lot that obstructs or interferes with traffic visibility or access for emergency vehicles as required in Chapter Seven of the Colchester Code of Ordinances. In the case of corner lots, such restricted area shall be the triangular area formed by the lot lines along the streets and a line connecting them at points thirty (30) feet from the intersection of the lot lines except in the GD3 District.

2.05–F Setback from Slopes. The minimum setback from a slope exceeding 45 degrees (See Appendix B) shall be fifty (50) feet.

2.05–G Structures Requiring Setbacks. Except as specifically provided elsewhere in these Regulations, the front, side, and rear setback provisions in Section 2.05 shall apply to all structures, except for fences ~~under~~ six (6) feet in height or less, sidewalks and other pedestrian ways, driveways, single- and two-~~family~~ unit ~~and residential~~ parking ~~lots~~areas.

2.05–H Front Setbacks.

(1) In the case of nonresidential uses:

(a) Not more than thirty percent (30%) of the area of the required front setback shall be used for driveways and parking and the balance shall be suitably landscaped and maintained in good appearance except in the GD3 District.

(b) No portion of the required front setback shall be used for storage or for any other purpose except as provided in this section. Front setbacks may be used for green infrastructure and outdoor seating.

(c) A continuous strip fifteen (15) feet in width traversed only by driveways and sidewalks shall be maintained between the street right-of-way line and the balance of the lot, which strip should be landscaped and maintained in good appearance. This provision shall apply also to yards that abut a right-of-way designated for a future street.

(d) Along Prim Road, Heineberg Drive, and Porter's Point Road between Heineberg Drive and Church Road, the width of the continuous strip shall be increased to twenty (20) feet for all new development.

(2) In the case of residential uses:

(a) not more than fifty percent (50%) of the area of the required front setback shall be used for driveways and parking and the balance shall be suitably landscaped and maintained in good appearance. No portion of the required front setback shall be used for storage or for any other purpose except as provided in this section.

2.05–I Buffer Strip for Non-Residential Uses Adjacent to Residential District Boundaries outside the General Development Districts.

(1) Where a new non-residential use is adjacent to or within fifty (50) feet of the boundary of a residential district, or where an existing non-residential use, structure or parking area that is adjacent to or within fifty (50) feet of the boundary of a residential district is proposed to be expanded, altered or enlarged, the required side or rear setback shall be increased to fifty (50) feet. A strip not less than fifteen (15) feet wide within the fifty (50) foot setback shall be landscaped with dense evergreens, fencing, and/or other plantings as a screen. New external light fixtures shall not ordinarily be permitted within the fifteen (15) foot wide buffer area.

(2) The Development Review Board may permit new or expanded nonresidential uses, structures and/or parking areas, and new external light fixtures, within the setback and/or buffer as set forth in (1) above, and may approve a modification of the width of the required setback and/or landscaped buffer as set forth in (1) above. In doing so the DRB shall find that the proposed lighting, landscaping and/or fencing to be provided adjacent to the boundary of the residential district will provide equivalent screening of the noise, light and visual impacts of the new non-residential use to that which would be provided by the standard setback and buffer requirements in (1) above. However, in no case may the required side or rear setback be reduced below the standard requirement for the zoning district in which the non-residential use is located.

2.05–J Exceptions to Setback Requirements for Lots Existing Prior to January 1, 1990. This provision is intended per 24 V.S.A. Section 4414(8) to provide relief to lots unduly burdened by zoning requirements adopted after the creation of said lots. The following exceptions to setbacks shall be permitted for lots that meet the following criteria: the lot was in existence prior to January 1, 1990, and the existing principal use on the lot is a single ~~family~~ unit dwelling or a ~~two-family~~duplex dwelling.

(1) Side and Rear Setbacks. A structure may encroach into the required side or rear setback up to a distance equal to 50% of the side or rear setback requirement of the district, but in no event shall a structure have a side setback of less than ten (10) feet unless a lawful existing encroachment exists. If there is a lawful existing encroachment a structure may be enlarged within the setback up to the existing point of encroachment. The applicant shall prove that the proposed structure cannot be reasonably constructed elsewhere on the lot so as not to encroach. The proposed structure shall be designed to minimize encroachment.

(2) Front Setbacks. A structure may encroach into a required front setback, but in no event shall a structure have a front setback of less than twenty (20) feet unless a lawful existing encroachment exists. If there is a lawful existing encroachment a structure may be enlarged within the setback up to the existing point of encroachment. The applicant shall prove that the proposed structure cannot be reasonably constructed elsewhere on the lot so as not to encroach. The proposed structure shall be designed to minimize encroachment.

(3) Processing of a Request. Any request under sections (1) - (3) above to expand an existing structure, or place a new structure may require the submission of survey data prepared by a licensed surveyor showing the location of affected property lines, existing and/or proposed structures, and any other information deemed necessary by the Administrative Officer.

2.05–K Compliance with the Americans with Disabilities Act or Building & Fire Codes. An application to construct an access that complies with the Americans with Disabilities Act shall be exempt from required setbacks provided the applicant can demonstrate to the Administrative Officer that such access cannot reasonably be constructed elsewhere on the lot to comply with setbacks. Access shall include, but not be limited to, ramps, elevators, lifts, grading and filling, impervious area, and other amenities required under the American with Disabilities Act. An application to construct a fire escape or other mean of emergency egress required by Chapters Four and Seven of the Colchester Code of Ordinances shall be exempt from required setbacks provided the applicant can demonstrate to the Administrative Officer that such access cannot reasonably be constructed elsewhere on the lot to comply with setbacks.

2.05–L Footprint Lots. A Footprint Lot as defined herein is not considered a lot for the above setback standard purposes.

2.06 Height of Structures

2.06–A General Provisions. Except as specifically provided elsewhere in these Regulations, the height provisions in Section 2.06 and Appendix A-2 shall apply to all structures except Telecommunication Facilities and Wind Turbines as defined herein. Maximum allowable building heights are illustrated in Appendix B, Height of Structures.

2.06–B Height. Unless otherwise specified, height of structures shall be measured from average preconstruction grade to the highest point of the structure, including rooftop apparatus as defined herein.

2.06–C Height Waiver for Structures in All Zoning Districts Except R3, R2, R1, R5, and R10 Districts.

(1) The Development Review Board may approve a structure with a height in excess of the limitations set forth in Table A-2 up to forty-five (45) feet in the General Development Districts. For each foot of additional height above the maximum height specified in the district in Table A-2, all front and rear setbacks shall be increased by one (1) foot and all side yard setbacks shall be increased by one half (1/2) foot.

(2) For structures proposed to exceed the maximum height for structures specified in Table A-2 as part of a planned unit development or planned residential development, the Development Review Board may waive the requirements of this section as long as the general objectives of the applicable zoning district are met. A request for approval of a taller structure shall include the submittal of a plan(s) showing the elevations and architectural design of the structure, pre-construction grade, post-construction grade, and height of the structure. The massing of the structure should be broken up by transitions in building height with steps up and down to achieve a sense of balance. Bulky buildings with little variation in shape or design shall be avoided.

2.06–D Rooftop Apparatus, Chimneys, Communications Towers, Silos, etc.. Rooftop apparatus, such as solar collectors, television antennas, satellite dishes, chimneys, and air conditioning equipment shall be included in the height measurement. Chimneys for residential structures shall be exempt from the height limitations. Farm silos, light poles, and steeples for places of worship that are taller than normal height limitations established in Table A-2 may be approved by the Development Review Board as a conditional use subject to the provisions of Article 8, Conditional Uses. Such structures do not need to comply with the provisions of Section 2.06(C) above.

2.06–E Height Waiver for Accessory Structures. The Administrative Officer may approve an accessory structure with a height in excess of the limitations set forth herein, up to twenty (20) feet in height or the height of the primary structure whichever is less if the accessory structure includes an accessory dwelling unit as defined in Section 2.09 herein.

2.07 Temporary Structures and Uses

2.07–A General Provisions. Any temporary use of a lot, not approved in connection with the primary use of that property, shall be restricted according to the provisions of this section.

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2.07–B Location of Temporary Uses and Structures. Temporary uses and structures exceeding ten (10) days in duration shall be considered permanent except as provided in subsection E below. Temporary uses or structures on a lot shall not be placed or conducted in such manner as to obstruct or interfere with vehicle circulation and parking, pedestrian movement, block sidewalks, obstruct crosswalks or damage landscaped areas. Temporary uses or structures requiring land disturbance of any kind shall not occur within ten horizontal feet of existing underground public infrastructure, and the Town shall have the right to require removal of any improvements located in such areas should they be deemed to limit the Town's ability to access, maintain, operate, repair, or upgrade public infrastructure. Should a property owner be interested in confirming the presence of, or identifying the specific location of, any underground public infrastructure on their property they should contact the Department of Public Works.

2.07–C Temporary Construction Structures. Temporary structures used in conjunction with duly permitted construction work shall be permitted only during the period that the construction is in progress.

2.07–D Temporary Outside Storage. Temporary outside storage used in conjunction with the principal use or uses on that property shall be subject to approval by the Development Review Board unless specifically excluded from the use by definition or district.

2.07–E Temporary Uses and Temporary Structures Exempt from Review. The following uses are permitted without requiring review under this section provided such uses do not exceed the stated limits. Uses which exceed the stated limits shall be considered to be permanent uses and, as such, are restricted by other portions of these regulations.

(1) Auctions lasting no longer than two (2) days per calendar year.

(2) Garage sales totaling no more than two (2), seven (7) consecutive day sales or two (2) three (3) consecutive weekend sales shall be conducted at one (1) residence per year. All sales shall be conducted between the hours of 8:00 a.m. and 8:00 p.m. only.

(3) Commercial use tents erected on a property for less than ten (10) days in one calendar year.

(4) Outdoor sales events held by a business on the same lot for no more than four (4) consecutive days, two (2) times per calendar year.

(5) Other mobile home dwelling unit type trailers such as office trailers, office/storage trailers and semi-van trailers may be allowed as temporary facilities for construction projects when approved with a building permit from the Administrative Officer. No other non-dwelling uses of trailers shall be allowed except as a temporary emergency facility when approved by the Development Review Board as a conditional use.

(6) Portable Toilets erected on a property for less than fifteen (15) days in one calendar year. Portable toilets located in public parks, in association with agricultural operations, or in association with construction projects when approved with a building permit from the Administrative Officer shall not be subject to this time limitation

(7) Temporary, seasonal swimming pools which are not higher than 36 inches or greater than 15 feet in any dimension, between May 1 and October 1 of every year.

~~(6)~~(8) Temporary, seasonal ice rinks for personal use.

~~(7)(1) Play structures under 50 gross square feet such as but not limited to swings, slides, tree houses, and sand boxes, and outside the Floodplain, Shoreland, & Watercourse Protection Districts.~~

~~(8)(1) Piers, docks, and other structures attached to the shore and extending beyond the mean water mark provided that such piers, docks, and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures herein regulated.~~

(9) Fishing houses as defined in 10 VSA part 4 and appendix.

~~(10)(1) Chicken coops with enclosures less than 36 sq. ft.~~

2.08 Multiple Structures

Except as otherwise provided specifically within these Development Regulations, there shall be only one principal building or structure on a lot. Multiple structures on a lot shall be subject to the requirements of Planned Unit Development in Article Nine.

2.09 Accessory Buildings, Accessory Structures and Accessory Uses

2.09–A Accessory Structures. Accessory structures are intended to be subordinate in use and size to a principal structure and, except as otherwise permitted in the Regulation, shall be subject to the following regulations:

(1) Where the accessory building is structurally attached to a principal building, it shall be subject to and must conform to all requirements of this Regulation applicable to principal buildings.

(2) The square footage of the first (ground) floor of the accessory structure(s) shall be included in the computation of lot coverage.

(3) No detached accessory building shall be located closer than ten (10) feet to any principal building or property line.

(4) The total square footage of all accessory buildings shall not exceed ~~50~~75% (~~fifty~~ seventy-five percent) of the first or ground floor of the principal structure, with no single building exceeding 50% (fifty percent) of the same, except as follows:

(a) The property is five acres or more;

(b) In General Development Districts, Lakeshore Districts, and R1, R2, & R3 Districts, the following conditions must also be met: Exterior building details – including scale, fenestration, roof and siding materials, color and design – shall be compatible with the principal structure.

(5) Detached accessory structures shall not exceed 20 feet in height except as follows:

(a) Pitched roof accessory structures shall not exceed 25 feet in height;

(b) Accessory structures on residential properties shall not exceed 35 feet (or 25 feet if flat) if all of the following are met:

i. Located on a parcel of at least three (3) acres in size;
ii. Located to the side or rear of the principal structure;
iii. Located at least 50 feet from all property lines;

(c) Accessory structures located on commercial use properties within the General Development district shall not exceed 30 feet (or 25 feet if flat), provided they are located at least 50 feet from residential uses or residential zoned lots and are not located in the front yard setback established for the principal structure.

(d) Accessory structures located within Commercial and Industrial districts shall not exceed 40 feet provided they are located at least 100 feet from residential uses or residential zoned lots and are not located within the front yard setback established for the principal structure.

(e) Barns and similar accessory structures used for defined State of Vermont accepted agricultural practices may have a permitted height of up to 40 feet to the peak.

(6) Any accessory ~~structure~~ building designed as a poolhouse shall be located no farther than fifteen (15) feet from the swimming pool to which it shall be accessory.

(7) If an accessory ~~structure~~ building is to be located in the front yard of a residential property in General Development Districts, Lakeshore Districts, and R1, R2, and R3 Districts, the following criteria shall be met:

(a) The appearance of the accessory building shall be residential in nature. Exterior building details – including scale, fenestration, roof and siding materials, color and design – shall be compatible with the principal structure.

(b) The placement of more than one accessory structure within a front yard shall require approval by the DRB through the conditional use process herein defined in Article 8.

(c) The accessory ~~structure~~ building shall not be permitted directly in front of an existing or proposed principal structure as measured from the two edges of the street-facing façade of the building, directly to the front property line.

(8) Exemptions. The following are not considered or regulated as accessory structures, and as such do not need building and zoning permits under this ordinance, provided they are not located within the Shoreland or Floodplain districts and provided they are at least 10 feet from all property lines. Such exemptions apply only to those structures listed and not to any regulated surfaces upon which they are placed, unless otherwise exempted. Lot coverage maximum percentages still apply and coverage calculations must include the exempted structures.

(a) Ground-mounted flag poles flying town, state, or country flags, the structure of which shall not be taller than 35 feet in height and wider than 10 inches in diameter, for which the flag does not exceed 60 square feet, and for which illumination meets the standards set forth in Section 10.02 herein.

(b) Generators, gas/liquid storage tanks, utility cabinets and HVAC equipment, which are less than 50 square feet and eight (8) feet in height.

(c) Firepit structures, whether metal or stone, which are less than 10 square feet in size and which are located at least ten (10) feet from all other structures.

(d) Garden arbors less than eight (8) feet in height, provided no other dimension is greater than five (5) feet.

(e) Hot tubs and spas.

~~Hardscape surfaces intended to support small appliances such as fire rings, grills, pool pumps, etc which are less than 12 square feet.~~

(f) Patios and walkways which are at grade and constructed of gravel, concrete, stone, or similar hardscape materials, and which are less than 300 square feet in size, taken cumulatively if there are more than one on a given lot. Note: driveways and parking areas are not exempt, nor are they counted towards the cumulatively exempt square footage.

(g) Play structures under ~~50~~200 gross square feet such as ~~but not limited to~~ swings, slides, ~~tree houses~~, sporting equipment and sand boxes, and tree houses under 50 gross square feet, where all are~~and~~ outside the Floodplain, Shoreland, & Watercourse Protection Districts.

(h) Chicken coops ~~with enclosures~~ less than 36 sq. ft, inclusive of enclosures specific to the chicken coop.

(i) Piers, docks, and other structures attached to the shore and extending beyond the mean water mark provided that such piers, docks, and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures herein regulated.

2.09–B Accessory Uses.

(1) Accessory Dwelling Units (ADU). An accessory dwelling unit (ADU) may be approved that is accessory to a conforming residential use in accordance with Title 24 VSA Section 4412 (1) (E) as amended from time to time. The following criteria shall be used when reviewing an application for a zoning permit:

(a) The owner shall occupy either the principal dwelling or the ADU.

(b) Only one ADU may be permitted per parcel.

(c) The accessory unit, whether located in the principal or an accessory structure, shall have the external appearance of a single-~~family~~ unit dwelling~~residence~~. ~~Exterior building details – including scale, fenestration, roof and siding materials, color and design – shall be compatible with the principal dwelling.~~

(d) The unit shall contain no more ~~than 2 bedrooms~~bedrooms than that of the principal structure.

(e) The ADU square footage shall not exceed 900 square feet in gross floor area or 30% of the gross floor area of the principal dwelling whichever is greater. Included in the calculation of gross floor area for an accessory dwelling unit shall be any structure, attached or detached, principally used by the ADU. Unenclosed structures such as decks, porches, patios, pools, and similar shall not be counted in the gross floor area calculation of an accessory apartment.

(f) All applicable regulations for the provision of sewage disposal and water supply shall be met~~; all applicable wastewater permits shall be obtained prior to issuance of a zoning permit for the ADU~~.

(g) Adequate off-street parking shall be provided to include two parking spaces for the principal dwelling unit and one space ~~per bedroom~~ for the ~~accessory apartment~~ADU.

(2) The outdoor storage or parking, storage or use of a travel trailer, tent trailer, pickup camper or coach, motorized dwelling, boat and boat trailer, snow vehicle, cycle trailer, utility trailer, horse trailer, or similar recreational vehicle per residential lot by the owner provided the following conditions are met:

(a) Such vehicular equipment is stored or parked on private property no closer than eighteen inches to any proposed or existing public sidewalk and so as not to project into the public right-of-way;

(b) Minimum 5’ side yard setback except with neighbor’s written concurrence.

(c) On corner lots, any such vehicular equipment that exceeds thirty-six inches in height is not parked in the triangular area formed by the three points established by the intersection of property lines at the corner and the points thirty feet back from this intersection along each property line;

(d) No travel trailer, tent trailer, pickup camper or coach, motorized dwelling, or van is used for the conduct of business or for living or housekeeping purposes except when located in an approved mobile home park or in a campground providing adequate sanitary facilities.

(e) Any travel trailer, tent trailer, detached pickup, camper or coach, boat and boat trailer, cycle trailer, utility trailer and van, horse trailer and van parked or stored out-of-doors is adequately blocked or tied down or otherwise secured so that such vehicle does not roll off the lot and is not moved about by high winds; and

(f) No vehicular equipment regulated by this section is stored out-of-doors on a residential lot unless it is in condition for safe and effective performance of the functions for which it is intended.

(g) No more than two of any combination of travel trailer, tent trailer, pickup camper or coach, motorized dwelling, boat and boat trailer, snow vehicle, cycle trailer, utility trailer, horse trailer, or similar recreational vehicle may be stored per lot at any given time.

(h) No more than one unregistered vehicle may be kept on a lot. Exempted from this requirement are non-motorized boats that are not required to be registered.

(i) Farm equipment normally on farm land and equipment involved in construction and which is kept on an active construction site shall be excluded from this section.

(3) The storage of scrap, salvage/junk material, refuse, automotive dismantling, salvage or recycling facilities on a lot is hereby prohibited. Exempted from this requirement are: 1) approved salvage operations, 2) construction projects when approved with a building permit from the Administrative Officer, and 3) nominal storage of materials in the rear yard or otherwise screened from view when associated with a residential use. Refuse for commercial, industrial, and multi-~~family~~ units dwellings ~~units~~ shall be in trash containers in accordance with Section 10.06 herein. Refuse for single-~~family residential~~unit dwellings shall be limited to up to three trash containers outside a structure.

2.10 Fences

2.10–A General Requirements. In this section, fence and wall shall be interchangeable terms. ~~Fence height shall be the vertical distance as measured from the average preconstruction grade to the highest point of the fence.~~

2.10–B Specific Requirements. All fences are subject to the following provisions:

(1) A fence shall be erected within the boundaries of the applicant's property and shall be placed wholly within but not on the property boundaries. A fence shall be erected outside road right of ways as well as all bike/ped permanent easement areas.

(2) A fence shall be erected so that its smooth or finished side faces an abutting property or roadway. All fence posts shall be placed on the inside of the fence, except for a fence to contain livestock.

(3) No part of any fence shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic.

(4) Any fence over four (4) feet in height shall require a building and zoning permit. ~~A fence under six (6) feet in height shall require a building permit.~~

(5) A fence over six (6) feet in height, as defined herein, shall ~~require approval by the DRB as a conditional use subject to the provisions of Article 8, Conditional Use Review~~be subject to accessory structure setback requirements for the zoning district, unless otherwise modified by the DRB as part of an approved site plan. ~~In no case shall a fence height exceed 14 feet in height.~~

(6) A fence over ~~six~~ eight (~~6~~8) feet in height ~~shall meet the accessory structure setback requirements for the zoning district, unless otherwise approved by the DRB as a conditional use subject to the provisions of Article 8, Conditional Use Review.~~shall only be permitted as part of a site plan review. The DRB shall have the authority to restrict the location and height of a fence in order to meet the purposes outlined in Section 8.01, Site Plan Review. In no case shall a fence exceed 14 feet in height.

(7) No fence shall be erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.

(8) No fence shall be erected that may create a fire hazard or other dangerous condition or that may result in obstruction to fire fighting.

(9) Fences shall be maintained in a safe and substantial condition.

(10) No fence shall be located or constructed on a terrace or wall that will have an overall height of more than that permitted, unless otherwise approved by the DRB ~~as a conditional use subject to the provisions of Article 8, Conditional Use Review.~~.

(11) Fence heights. Fence height is generally measured from the ground level-or no more than four (4) inches above ground level- to the tallest part of the fence. Fence posts and fence posts caps do not count towards the height of the fence provided they are not taller than six (6) additional inches and represent less than 20% of the width of the fence panels.

2.10–C Prohibited Fences and Materials. The following fences and fencing materials are specifically prohibited:

(1) Barbed, razor or ribbon wire or broken glass as part of any fence except fences erected by a municipal, state, or federal entity.

(2) Pointed metal fences except fences erected by a municipal, state, or federal entity.

(3) Canvas and/or cloth fences, except when used to protect shrubs and vegetation.

(4) Poultry and/or turkey wire fences within minimum front, side and rear yards.

(5) Temporary fences, unless for snow and erosion control. Snow control fences shall be allowed from November 1 through to the following May 1.

(6) Expandable fences and collapsible fences, except during construction of a building or for municipal, state, or federal projects.

(7) Chain link fences erected with the open loop at the top of the fence.

2.10–D Exemption. All existing fences that do not conform to the provisions of these regulations may be continued as they presently exist, except that these fences shall not be altered, extended, replaced or modified except in accordance with these regulations.

2.11 Swimming Pools.

All swimming pools shall be constructed in compliance with Chapter Four, Article Four of the Town of Colchester Code of Ordinances as amended from time to time.

2.12 Non-conforming Uses, Structures and Lots.

This section shall apply to non-conformities as defined in Title 24 V.S.A. Section 4303(16). These uses and structures shall be subject to the restrictions and conditions set forth herein.

2.12–A Non-conforming Uses.

(1) A non-conforming use shall not be changed to another non-conforming use.

(2) A non-conforming use that is changed to a conforming use shall not be resumed.

(3) A non-conforming use that is discontinued for six (6) months shall not be resumed. An extension of up to but no more than six (6) months may be granted by the Director of Planning and Zoning if the applicant can demonstrate that the site has been and continues to be actively marketed for the continued use, or is actively under contract for sale or transfer. Under no circumstances shall a non-conforming use that is discontinued for more than twelve (12) months be legally resumed.

2.12–B Alterations to Non-conforming Structures. Except as otherwise provided in Article Six Section 6.03, Article Seven Section 7.03, Article Seven Section 7.04, Article Two Section 2.05J, Section 4.05, and Article Ten Section 10.14 alterations or additions to a non-conforming structure shall not encroach within any required setbacks unless the Development Review Board has approved a variance for said encroachment per Title 24 V.S.A. Section 4469.All variance applications shall be submitted in digital format in accordance with Appendix G herein.

(1) In reviewing variance requests for encroachment within required setbacks, the Development Review Board shall use the criteria set forth in the Title 24 V.S.A., Section 4469 as amended from time to time. In granting a variance request, the Development Review Board may attach conditions to such variances, as it may consider necessary and appropriate under the circumstances to implement the purposes of Title 24 V.S.A. Section 4469, this Article, and the municipal plan in effect. In approving a variance, the DRB shall make and so specify in its decision all of the following findings:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Development Regulation in the neighborhood or district in which the property is located;

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Development Regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(c) That the unnecessary hardship has not been created by the appellant;

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Development Regulation and from the plan.

(2) Any non-conforming structure damaged, destroyed or removed may be reconstructed, repaired, or restored if such is completed within one (1) year of the damage, destruction or removal. Such construction shall not exceed the footprint of the structure damaged, destroyed, or removed. A time extension may be granted by the Development Review Board of up to, but not more than, one (1) year upon verification of documented evidence of a continuous good faith effort to reconstruct. A request for a time extension must be submitted in writing by the applicant prior to the expiration of the one (1) year time limit. Any extension approved by the Development Review Board shall be made in writing and shall specify the date after which no reconstruction or restoration will be permitted upon the subject property.

(3) Signs

(a) Except as provided below, no sign shall be altered, including any character or color alteration, or moved unless such conforms to and has been permitted under the provision of the regulations herein. Provided, however, that this clause shall not be construed to restrict a person from maintaining or repairing a sign otherwise in compliance with the provisions thereof. Provided further however, that this section shall not be construed to prohibit character alterations of signs designed to change a message on a regular basis, such as reader boards and pricing signs.

(b) A non-conforming sign shall be removed or brought into conformance with the regulations herein if:

i. It is damaged or destroyed and the cost of reconstruction or repair is 50% or more of its value at the time it was damaged or destroyed; or

ii. It no longer identifies a bona fide project, or business on the lot on which it is located.

(c) A non-conforming sign may be relocated on a lot if the relocation is caused by street widening or other Town, State, or Federal activity beyond the control of the sign owner.

(d) Any non-conforming sign where nonconformity is with respect to only size and/or height may be altered, provided: (1) the size and/or height of the sign is reduced by at least 25%; and (2) the sign is made to comply with all other provisions herein.

(e) Any freestanding sign which is non-conforming as to location and/or as to the number of signs allowed on a lot may be altered provided the sign is made to comply with all other provisions contained herein.

(4) Any development involving a non-conforming structure in the Flood Plain District shall be in accordance with Section 6.03 herein

(5) Any variance issued in the Flood Plain District will additionally meet the requirements of 44 CFR 60.6, not increase flood heights, and will inform the applicant in writing over the signature of the Administrative Officer that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

2.12–C Construction Approved Prior to Regulations. Nothing contained in these regulations shall require any change in plans, construction or designated use of a structure provided the construction of the structure shall be completed according to such approved plans and permit within one year from December 21, 2004.

2.12–D Unlawful Use Not Approved or Authorized. Nothing in these regulations shall be interpreted as authorization for or approval of the continuance of the use of a structure or land in violation of zoning prior to December 21, 2004.

2.12–E Unsafe Structures. Nothing in these regulations shall permit the use of any portion of a structure declared unsafe by a proper authority nor the continuation of a condition declared to be a health hazard by an appropriate authority.

2.12–F Non-conforming Lots. See Section 2.04 for pre-existing small lots.

2.13 Alteration of Existing Grade or Impervious Area

2.13–A General Provisions. In any district the removal or filling except when incidental to or in connection with the construction of a duly permitted structure on the same lot, shall require a building permit. In any district the increase of impervious area or paving of a previously unpaved area except when incidental to or in connection with the construction of a duly permitted structure on the same lot, shall require a building permit.

2.13–B Applications for the removal or filling on a property exceeding 100 cubic yards of materials shall require site plan approval by the Development Review Board subject to the provisions of Article 8, Site Plan Review prior to consideration of a building permit.

(1) All applications for the removal or filling on a property located in the Flood Plain District or Shoreland District shall require approval by the Development Review Board subject to the provisions of Article 8, Site Plan Review prior to consideration of a building permit. For all applications for the removal or filling on a property the applicant shall submit the following information:

(a) Depth of excavation in proximity to roads or adjacent properties.

(b) Slope created by removal.

(c) A plan for the rehabilitation of the site at the conclusion of the operations including grading, seeding, and planting, fencing, drainage, and other appropriate measures.

(d) A building permit application.

2.13–C Earth Products Review Standards. In addition to the requirements and provisions of Article 8, Site Plan Review the applications shall meet the following standards:

(1) Filling shall only be conducted with clean material such as sod, loam, sand, gravel, or quarried stone. Biodegradable material shall not be considered clean fill.

(2) No adverse effect upon public health or safety shall be created.

(3) The proposed project shall not create a nuisance.

(4) The effect upon the use of adjacent property by reason of noise, dust or vibrations shall be evaluated and no undue adverse effect shall be created.

(5) The effect upon traffic hazards in residential areas or excessive congestion or physical damage on public ways shall be evaluated and no undue adverse effect shall be created.

(6) The project may be limited in the duration of its permit to any length of time that the Administrative Officer or Board deems appropriate.

(7) The project may be limited in the hours of operation, routes of transportation or material removed.

(8) The Administrative Officer or Board may require suitable bond or other security adequate to assure compliance with the provision of this Section for the proper rehabilitation of the site.

(9) Within the Flood Plain District, excavation of earth products shall be prohibited in such cases, except in relation to agricultural operations and commercial greenhouse operations, where it is anticipated that such excavation will lower the level of the water table or will interfere with the natural flow patterns or reduce the flood stage capacity.

(10) No adverse effect shall be created to receiving waters.

2.14 Reserved

2.15 Wastewater Disposal

2.15–A General Requirements.

(1) No individual subsurface sewage disposal system, no shared or community subsurface sewage disposal system, or component of any individual or shared system, shall be constructed, altered or used if it is within ten horizontal feet of any underground public infrastructure without specific written approval from the Department of Public Works except in conformance with the State of Vermont Environmental Protection Rules Chapter 1 as amended from time to time.

(2) No permit for the construction of any building to be used for human habitation or for the alteration of any building so as to render it usable for human habitation shall be issued unless:

(a) Each dwelling unit is connected to either a municipal sewer main or an approved and permitted private sewage disposal system and;

(b) The plan demonstrates the availability of one toilet, one bathroom sink, one tub or shower bath and one kitchen-type sink, all plumbed into the permitted wastewater disposal system."

2.16 Fire Prevention ~~Code~~and Protection Ordinances

2.16–A General Requirements. No structure or building shall be constructed or altered except in conformance with the Fire Prevention~~, Fire Protection, and Life Safety Regulations~~ and Protection Ordinance as incorporated in Chapter Seven of the Colchester Code of Ordinances and amended from time to time.

2.17 Building Code and Building Safety Ordinance

2.17–A General Requirements. No structure or building shall be constructed or altered except in conformance with the Colchester Building Code and Building Safety Ordinance as incorporated in Chapter Four of the Colchester Code of Ordinances and amended from time to time.

2.18 Signs

2.18–A General Requirements. No signs shall be erected or maintained except in conformance with the regulations herein.

2.18–B Exempt Signs. No sign permit shall be required for the following signs:

(1) Directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of Title 10, Vermont Statutes Annotated.

(2) Entry signs, which contain the words "enter" or "exit" and/or related/similar wording, which are ground-mounted or post-mounted signs that do not exceed four (4) feet in height, and which do not exceed four (4) square feet in area. Included on these signs may be a reference to a business, office or building only where that business is not directly served by a curb-cut at the property itself and shares a curb-cut with another or multiple businesses or entities. These signs shall coordinate lettering and design with the overall signage for the property served.

(3) Historical markers, memorial signs or tablets, names of buildings and date of erection when cut into any stone or masonry surface or when constructed of bronze or other incombustible materials and not exceeding six (6) square feet in total area.

(4) One (1) residential name plate sign as defined herein.

(5) Traffic signs and legal notices.

(6) Signs for the Town of Colchester including but not excluding community directories and signs that advise the public of the location of facilities operated by the town.

(7) Directional signs.

(8) "Warning", "Danger", "No Trespassing", or similar signs, in size and quantity as reasonably required to accomplish their intended purpose;

(9) No more than two (2) signs advising the public that the property on which the sign is displayed is available for sale, rent, or lease. Such signs shall not exceed a combined total of six (6) square feet in area in Residential and Mobile Home Park Districts or a combined total of 32 square feet in all other districts.

(10) Bona fide holiday decorations displayed during the holiday period. Logos, business names, and commercial messages shall be prohibited on holiday decorations.

(11) One (1) A-frame sign per lot permitted for open-air markets, horticultural sales or agricultural operations as defined in these regulations. Signs shall be restricted to a maximum of 16 square feet in size and six (6) feet in height. Signs shall be secured to the ground, shall be non-illuminated, and shall meet all the general sign requirements, design standards, and freestanding sign setbacks of this ordinance. Seasonal businesses shall remove their signs at the time of closure for the season and may restore their signs to the site at the reopening of seasonal businesses. Signs shall not restrict sight distance in any direction.

(12) Scoreboard signs shall not be restricted in size, height, or methods of illumination. Signs attached to scoreboards are also exempted provided the following are met:

(a) The sign advertises only businesses or organizations that made a monetary contribution towards the scoreboard in question.

(b) The sign includes the words “This scoreboard donated by” or similar words to that affect.

(c) The maximum size of the sign shall not exceed 21 square feet.

(d) The area of the sign shall not exceed 24% of the area of the scoreboard and sign combined.

(e) The maximum height of the sign shall be 10 feet, measured from the grade line at the base of the scoreboard to the highest portion of any part of the sign.

(f) The sign shall not be illuminated.

(13) Signs for charitable or political purposes shall be exempted provided the following are met:

(a) The sign shall not exceed five (5) square feet in area;

(b) The sign shall not exceed three (3) feet in height;

(c) Signs shall be removed within five (5) days after the election or event publicized.

(d) All signs shall comply with 13 V.S.A. § 301 3 and 10 V.S.A. §§481-506 and §494(9) as amended from time to time.

(14) Signs on a duly permitted construction site advertising the contractor, designers, new use or business provided that the signs are erected after the issuance of a building permit and removed prior to the issuance of a certificate of occupancy.

2.18–C Prohibited Signs. The following types of signs shall be expressly prohibited in the Town of Colchester:

(1) Roof signs, except for signs erected on a parapet wall if such parapet is architecturally consistent with, the entire building and is not erected solely to receive the sign. Any such sign shall not extend above the parapet wall.

(2) Wall signs that cover, wholly or partially, any window, door, or other wall opening or that projects beyond the ends or top of the wall to which they are attached.

(3) Signs located on a tree, upon a rock or other natural feature.

(4) Exempt from this prohibition are up to three of the following properly displayed flags per business: town, state or country, Prisoners of War flag, open flag, corporate or seasonal flag. No lettering shall be permitted on a seasonal or corporate flag.

(5) Billboards.

(6) Animated or action signs as defined in these regulations.

(7) Signs illuminated by or containing flashing, intermittent, rotating or moving lights.

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~~(7)~~(8) Electronic or changeable message signs, except for those on government and school-owned properties (use 5.100 in Table A-1), serving approved theaters, and as part of gas station pricing signs~~, not to exceed 10 square feet in area, may be allowed to the extent that~~. Where allowed, the~~ir~~ display shall ~~is static~~be static and the duration of each message is not less than five (5) minutes. Scrolling text, animation, video or other forms of continuously changing messages ~~shall be~~are prohibited. The size for such signs shall not to exceed ten (10) square feet in area, except for gas station pricing for which the changeable electronic portion shall not exceed five (5) square feet in total area, and comply with 2.18 N-herein. Only the pricing portion of the sign may be electronic and changeable message. Not more than one (1) electronic or changeable message sign shall be located on a lot.

~~(8)~~(9) Signs consisting of or employing string lighting.

~~(9)~~(10) Signs intended to be primarily readable from a limited access roadway such as Interstate 89 or the Circumferential Highway.

~~(10)~~(11) Signs constructed of paper, cardboard or similar material or signs that are temporary or non-permanent.

~~(11)~~(12) Signs that contain obscene, indecent or lewd content as defined within 13 V.S.A. §2801.

~~(12)~~(13) Pennants and balloons (excludes feather signs).

2.18–D Signs in Residential Districts. Signs within Residential Districts and the Mobile Home Park District shall be limited to the following:

(1) One (1) sign, not in excess of eight (8) square feet in area, located on a lot on which a lawful non-residential use exists.

(2) One (1) sign, not in excess of four (4) square feet in area, located on a lot on which a valid home occupation or business exists.

(3) One (1) free-standing or monument sign at each entrance of an approved subdivision or multi-~~family~~ unit dwelling provided that the sign is non-illuminated, less than 20 square feet in area, and less than six (6) feet in height above the ground.

2.18–E Hazards. No sign shall be designed or located to impair public safety, traffic flow or road visibility, specifically:

(1) Any sign or advertising structure as defined in these regulations shall be designed and constructed to withstand wind pressures and receive dead loads as required by recognized engineering and construction practices in the Town of Colchester.

(2) All signs, and any structure such as standards and posts supporting them, shall be of substantial and sturdy construction. Break-away standards and posts are permitted if of substantial and sturdy construction.

(3) No sign shall prevent free ingress to or egress from, any door, window or fire escape. No sign shall be attached to a stand pipe or fire escape.

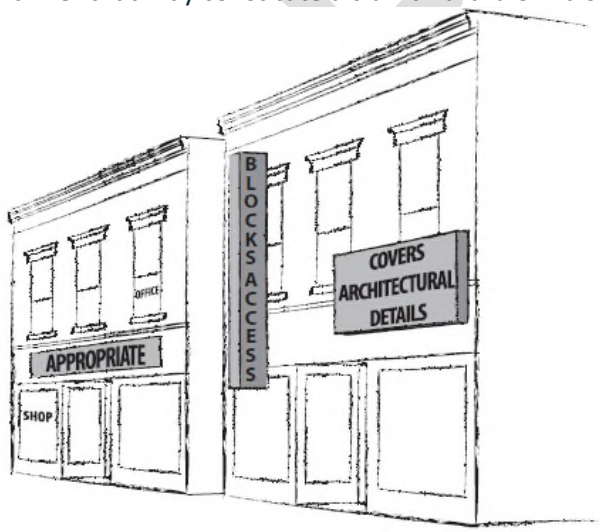
(4) No sign may be erected that imitates or resembles any official traffic control sign, signal, or device or as to direct the movement of traffic.

(5) No sign shall be located in a way that prevents drivers from having a clear and unobstructed view of traffic control signs, and approaching or merging traffic. No sign shall obstruct free and clear vision, or distract the attention of the driver of any vehicle by reason of its position, shape or color. No sign shall restrict clear vision between the sidewalk and road.

(6) No sign shall be designed so that it could be confused with any traffic sign or signal. Accordingly, no sign or other advertising structure shall make use of the words "Stop", "Go", "Look", "Slow", "Danger", or any other similar phrase, symbol, or character, or apply any color in a manner to wholly distract, mislead, or confuse traffic.

(7) No sign shall in its construction employ any mirror or mirror-like surface, nor any reflective, day-glowing or other fluorescent paint or pigment.

(8) No luminous sign, indirectly illuminated sign or lighting device shall be placed or aimed so as to direct beams of light or cause glare upon any road, sidewalk or adjacent premises in a manner that may constitute a traffic hazard or nuisance.



2.18–F Setbacks. Zoning district setbacks shall not apply to signs, except that no freestanding or monument sign shall be placed closer than five (5) feet or the total height of the sign, whichever is greater, from any lot line or road right-of-way.

2.18–G Lighting. No sign shall be illuminated during hours when the premise is not occupied or open for business. A constant light source may be used for sign lighting in accordance with the following:

(1) All bulbs shall be shielded or covered so that they are not visible to persons viewing the sign. Indirect or interior lighting may be used to illuminate any sign provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful for any person to erect, alter, maintain or relocate any sign employing the use of luminescent lights, except where such luminescent elements are shielded from direct view by a separate translucent material.

(2) External lights shall be directed on the sign or wall surface, preferably from fixtures mounted above or as a halo with lighting behind the sign. Illuminance of the sign face by external light fixtures shall not exceed 50 foot-candles as measured on the sign face or wall behind the sign. An external light source shall be shielded and shall not be visible from adjacent properties or roads. Light fixtures used for signs, if visible, should be of a style compatible with the overall building façade. Externally illuminated signs are preferred over internally illuminated or electronic message signs.

(3) Internally illuminated signs shall be designed so that only the sign copy is illuminated. Internally illuminated plastic signs with white or clear or other light colored backgrounds are discouraged. Internally illuminated signs with dark backgrounds and contrasting lettering are encouraged, so as to ensure that the lettering is illuminated rather than the signboard. ~~The light emitted from the non-opaque portions of such signs shall not exceed a maximum brightness of 500 nits.~~

(4) Electronic message signs shall not exceed a maximum brightness of 5,000 nits during the day and 500 nits at night. The brightness of such signs shall automatically adjust in response to changes in ambient light levels. Electronic message signs shall default to a black screen in the case of a malfunction.

2.18–H General Design Standards. Signs shall be designed and constructed in such manner and of such materials as to be consistent with the following design standards:

(1) Signs shall not dominate the lot on which they stand or the building to which they are attached, but shall be visually compatible and harmonious with the associated development. ~~The design of a sign shall be compatible in design and color to the structures on the site on which the sign will be placed.~~

(2) The design of all signs on a property shall promote consistency in terms of color, graphic style, lighting, location, material and proportions.

(3) Signs shall contain a minimum amount of lettering, colors and other design features necessary to clearly communicate their message without being distracting to motorists. Use of more than three (3) predominant colors on a sign is discouraged.

(4) Signs shall be designed and constructed of durable materials.

(5) Signs indicating membership in national or regional organizations (including credit card signs) or informing the public that gifts, trading stamps, or similar promotional items are available shall be incorporated in the principal sign. Such signs shall be included in the overall square footage calculation.

(6) The area of a sign shall be calculated as follows:

(a) for cut-out letters, that area shall be computed by taking one-half the area enclosed within the smallest geometric figure needed to completely encompass all letters, including vertical and horizontal spacing between letters.

(b) for signs other than cut-out letters, that area shall be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.

(c) the base of a freestanding sign which serves as a support structure shall not be included in the maximum allowable square footage ~~is a solid pylon~~provided that the following are met:

i. it is not taller than the height of the actual sign panel nor larger in area than the allowable sign panel;

ii. it is clearly distinguishable as a structural support and clearly distinct from the sign panel in the form of color, dimensions, and material;

iii. it is free of lettering, graphics, attachments, and all forms of advertisement.

(d) Sign bases which do not meet the provisions of 6(c) herein shall be counted as sign area;

(e) Sign bases:

i. Shall be counted towards a sign's height;

ii. may not be internally illuminated

iii. must display the property's address number.

~~(d)~~ (f) . Rock walls and posts less than 18 inches in diameter shall not be deemed to be pylons.

2.18–I Freestanding and Monument Signs. The following shall apply to freestanding and monument signs:

Numeric and Dimensional Standards

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Lot Type:	*Commercial District located on West View Rd., Water Tower Circle, and Upper Mountain View Dr.*	*Other Non-Residential Districts*		*GD-3 & GD-4 Districts*	
		Lot <40,000 sf	***Lot 40,000+ sf***	***Lot <40,000 sf***	***Lot 40,000+ sf***
a. Number of Signs:	1 per lot with 1 additional sign permitted for those properties located on West View Road	1 per road access provided that the entry qualifying for a sign is not located closer than 300 feet to any other entry qualifying for a sign.			
b. Total Sign Area:	32 sf + additional 25 sf per story above 2 stories not to exceed 110 sf	32 sf	32 sf + additional area as per Table*	32 sf	
c. Ratio:	No sign dimension shall exceed the other by more than 5 times.	No sign dimension shall exceed the other by more than 5 times.		No sign dimension shall exceed the other by more than 4 times.	
d. Height:	20 ft.	10 ft for signs up to 32 sf in area. 12 ft for signs greater than 32 sf in area.			

Placement and Design Standards

e. Freestanding and monument signs shall be self-supporting without the need for guy wires, cables, chains, lines, or other similar ancillary supports.

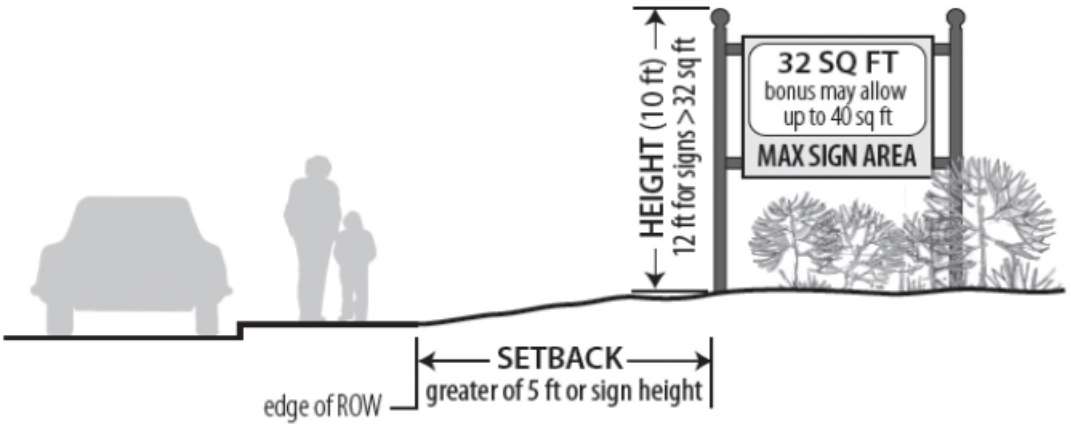
f. Freestanding and monument signs and the premises surrounding same shall be landscaped in an aesthetically pleasing or appropriate manner with hardy plant materials, groundcover, lawn or hard surfaces that will remain attractive throughout the year and be maintained by the owner thereof clear of rubbish and weed.

g. Freestanding or monument signs shall be located in close proximity to road entrances. The signs shall be visible to vehicles passing road entrances. For properties located on West View Road, offsite signage shall be allowed along Upper Mountain View Drive with permanent easements.

Table*: Additional Sign Area

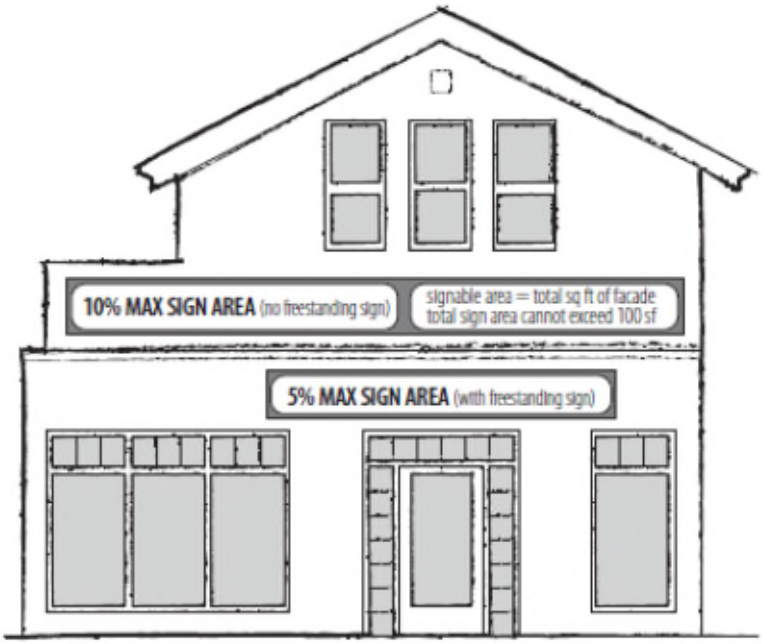
Multiple Businesses on the Lot OR	Road Frontage OR	Building Size =	Additional Sign Area
6	200 - <300 ft	25,000 sf - <50,000 sf	+2 sf
7	300 - <400 ft	50,000 sf - <75,000 sf	+4 sf
8 or more	400 ft or more	75,000 sf or more	+8 sf

Approval of additional sign area shall be subject to the requirement that the lot on which the sign is located together with the building(s) thereon shall continue to meet the standards on which approval was granted. In the event of reduction of the size of the lot or the amount of frontage or the size of the building the owner shall apply the reduced size from that point forward in calculating signage under regulations then in effect, and, if such regulations require a sign with reduced sign area, the property owner shall install a sign meeting such reduced sign area requirement within three (3) months.



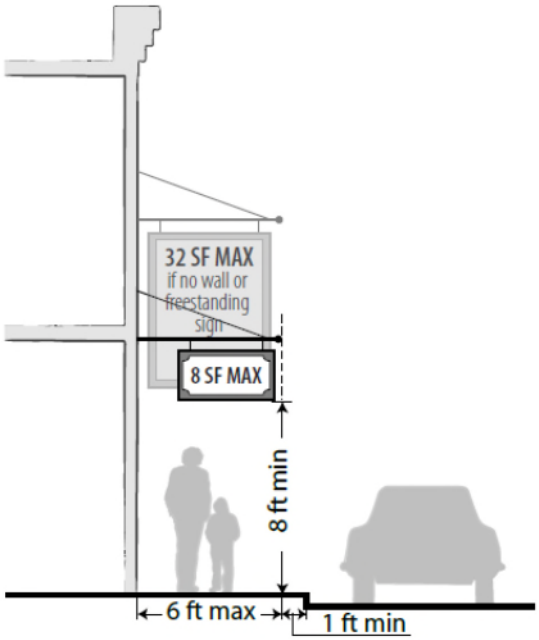
2.18–J Wall Signs. The following shall apply to wall signs:

Numeric and Dimensional Standards				
Lot Type:	Single-Use Lots		Multiple-Use Lots	
Sign Type:	**Freestanding Sign**	**No Freestanding Sign**	**Freestanding Sign**	**No Freestanding Sign**
a. Number of Signs:	2		2 + 1 per additional principal business*	
b. Total Sign Area:	Lesser of 100 sf or		Lesser of 100 sf or	
	5% of signable wall area	10% of signable wall area	5% of signable wall area	10% of signable wall area
Placement and Design Standards				
c. Wall signs shall be placed in a manner that complements the architecture of buildings. A wall sign shall not extend above the eaves, nor block access to any window or door.				
d. Wall signs shall not be placed in locations where architectural details (e.g., window frames, cornices or other trim) will be obscured. Signs should be logically located on the building facades, such as within or just above storefront windows.				
e. No wall sign shall project more than two (2) feet from the wall of any building.				
f. * For multiple use lots in which a principal business occupies multiple facades, the business is allowed to have a wall sign of up to 5% of the signable wall area on each façade.				



2.18–K Hanging or Projecting Signs. Hanging or projecting signs shall only be allowed in the GD-3 and GD-4 districts in accordance with the following:

Numeric and Dimensional Standards	
a. Number of Signs:	One (1) per customer entrance
b. Total Sign Area:	Eight (8) sf or 32 sf, if property dimensions create circumstances that do not allow for a freestanding or wall sign
Placement and Design Standards	
c. The lowest portion of a hanging or projecting sign, or its support structure, shall be at least eight (8) feet above the sidewalk or six (6) above grade directly beneath it if no pedestrian access is feasible.	
d. No hanging sign or its support structure shall project more than six (6) feet from the wall of any building or beyond one (1) foot from the edge of the sidewalk, whichever is less.	
e. No portion of a hanging or projecting sign shall exceed the top of the building wall or parapet in height.	
f. Hanging and projecting signs shall be securely mounted on the supporting building in a safe and appropriate fashion relative to the architecture of the building.	



2.18–L Window Signs. Window signs, temporary or permanent, are permitted provided the total sign area does not exceed 25% of the total window area to which the signs are attached.

2.18–M Directory Signs. When it is necessary to orient the public by listing multiple stores or offices within one complex, an additional directory sign may be installed at the building entrances or in a suitable location to allow visitors, once within the property, to receive direction for a particular location. These directory signs are not to compete with any advertising or informational signs designed to be visible from the traveled way. There shall be no more than two (2) directory signs per building.

2.18–N Signs for Specific Uses.

(1) Drive-Through Restaurants. Restaurants with drive-through facilities may have one (1) sign displaying menu items in addition to any freestanding signs permitted herein. A menu board sign shall not exceed 32 square feet and shall be screened from view except from the drive-through lane itself.

(2) Gasoline Sales. For establishments selling gasoline:

(a) Wall signs may be attached only to the principal building. There shall be no more than two (2) wall signs on the principal building. No signs shall be permitted on the canopy.

(b) In addition to signs permitted by other provisions of this section, gasoline stations may have signs attached to functioning gasoline pumps. No individual sign shall exceed two (2) square feet and the total square footage of all such signs shall not exceed 25 square feet. ~~Such signs include but are not limited to: "restrooms", "self-service", "turn off engine", or "unleaded".~~ Notwithstanding, any sign ~~including the name and/or logo of the business to which it is~~which is considered an advertisement ~~attached~~ shall count as wall signage and shall be subject to the applicable provisions of these regulations.

2.18–O Temporary Signs. Temporary signs may be permitted in accordance with the following:

(1) One (1) unlit, portable, A-frame, banner, or sandwich board sign not to exceed ten (10) square feet in area or four (4) feet in height, which advertises daily specials, menu items or the like. The sign shall only be placed outside when the business is open. If the business is housed in building that abuts the sidewalk, such a sign shall be placed five (5) feet from the sidewalk. Such signs shall be weighted or secured as appropriate to prevent them from being blown or knocked over and creating a hazard.

(2) One (1) unlit temporary sign or temporary feather sign not to exceed 32 square feet in area or 12 feet in height, which advertises a short-term sale, special event, seasonal product or the like. Such signs shall not be actionable or animated, or include any moving parts. Such a sign shall not be located within any public rights-of-way. Such signs shall be weighted or secured as appropriate to prevent them from being blown or knocked over and creating a hazard.

(3) No permanent footings, posts or similar structures shall be installed to support a temporary sign. Temporary signs that are not readily moveable shall be considered a permanent sign subject to all provisions of this section.

(4) Temporary signs may be displayed for the period(s) specified by the temporary sign permit issued by the town. A license holder found to be in violation shall have their permit suspended for the remainder of the year and shall not be eligible to apply for a permit for the following calendar year.

(5) Temporary sign permits shall be as follows:

Duration of Display	**A-Frame, Banner, or Sandwich Board 10 sf max**	**Other Temporary Sign up to 32 sf max**
Not to exceed 5 days in any month period	permitted	permitted
Annual permit for daily use	permitted	not permitted

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2.19 Compliance with Chapter 14 and 18 of the Colchester Code of Ordinances

2.19–A General Standards. All projects shall comply with Chapters 14 and 18 of the Colchester Code of Ordinances as amended from time to time.

2.19–B Additional Land Disturbance Standards. All projects shall receive all applicable State and Federal permits prior to the issuance of a building permit.

2.19–C Public Infrastructure: No land development shall be permitted within ten horizontal feet of existing public infrastructure including established drainage ditches, whether or not the Town holds an easement over the property. Waivers may be granted by the Director of Public Works or designee.

2.20 General Provisions and Maintenance Standards

2.20–A Purpose of Performance Standards. Consistent with the general purposes of these regulations, performance standards (see Appendix C) shall set specific controls on potentially objectionable external aspects of such non-residential uses so as to:

(1) Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor, or other atmospheric pollutant outside the structure or beyond the property boundaries in which the use is conducted.

(2) Control noise and light trespass beyond the boundaries of the site of the use.

(3) Prevent the discharge of untreated wastes into any watercourse or waterbody.

(4) Prevent the dissemination of vibration, heat, or electromagnetic interference beyond the immediate site on which the site is located.

(5) Prevent physical hazard by reason of biohazard, fire, explosion, radiation, or any similar cause.

(6) Regulate and control the generation and flow of vehicular traffic so as to prevent hazardous conditions, traffic congestion, and excessive noise in the streets.

2.20–B Hazardous Conditions Prohibited. No land or structure in any district shall be used or occupied in any manner so as to cause hazardous or objectionable conditions to exist or to in any way endanger users of the site or the surrounding area. Such hazardous or objectionable conditions include but are not limited to dangerous, injurious, noxious or otherwise objectionable biohazard, fire, explosive, acidic, corrosive, caustic, pathogenic, or other hazard; or to create any noise, vibration, smoke, dust, odor, air pollution, heat, cold, dampness, electromagnetic or radioactive radiation, glare, toxicity or other hazardous or objectionable condition on the site or in the surrounding area.

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2.20–C Site Conditions. No later than six (6) months after a permanent or temporary structure has been damaged, made uninhabitable, or has been abandoned, all scrap, debris, damaged or unsafe materials shall be removed from the site and any remaining excavation, foundation or cellar hole shall be covered over or filled to the existing grade by the property owner.

2.20–D Performance Standards. The use of any substance or process so as to create any hazardous or objectionable condition on the site or in the surrounding area shall be prohibited except at levels in conformance with the requirements of this section and the performance standards listed in Appendix C, Performance Standards.

2.20–E Review of Performance Standards.

(1) The Administrative Officer shall withhold a building or zoning permit or Certificate of Occupancy until satisfied that the proposed construction or use will comply with the performance standards in Appendix C, Performance Standards.

(2) Continued performance with such standards, once applicable, shall be a requirement for the continuance of any Certificate of Occupancy.

(3) Furthermore, the Administrative Officer, upon determination at any time that a use is exceeding or may exceed performance standards or will in any way create potentially hazardous conditions shall require an application for conditional use review under the requirements of Article 8, Conditional Use Review and this section.

(4) Any proposed construction, use, or change of use that, by its design or nature, is intended for the manufacture, processing, reprocessing, packaging, storage, transportation or disposal of hazardous materials shall require an application for conditional use review under the requirements of Article 8, Conditional Use Review and this section.

(5) The Development Review Board or Administrative Officer may deny applications based on excessive hazard potential.

2.20–F Required Information. Evidence of application for state and/or federal permits for the handling of potentially hazardous conditions, and/or the following information, at minimum, may be required for determination of compliance with performance standards or for conditional use review of potentially hazardous conditions:

(1) Description of proposed machinery, operations, and products.

(2) Amount and nature of materials to be used.

(3) Mechanisms and techniques to be used in restricting the emission of any hazardous and objectionable elements, as well as projected or actual emission levels.

(4) Method of delivery and disposal or recycling of any hazardous elements.

(5) Types of hazardous materials to be present, quantities of those materials, and the combination of materials in determining the degree of exposure as pertaining to the site, to adjoining sites and the surrounding area within and without the Town of Colchester.

(6) Expert testimony and documentation by a third party may be required at the expense of the applicant.

(7) Other information as may be necessary.

2.20–G Conditions of Approval. The Development Review Board, in granting conditional use approval, may condition an approval to require evidence of the issuance of applicable state and/or federal permits for the handling of hazardous conditions prior to the issuance of a building permit, and may also impose conditions on the following:

(1) Size and construction of structures, quantities and types of materials, storage locations, handling of materials, routes of travel, and hours of operation.

(2) Warning systems, fire controls and other safeguards.

(3) Provision for continuous monitoring and reporting.

(4) Other restrictions as may be necessary to protect public health and safety.

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Article 3: RESIDENTIAL DISTRICTS

3.01 Residential Three District/ R3

3.01–A Purpose. A Residential Three District is hereby formed in order to encourage high density residential uses. This district is primarily located in developed areas with existing suburban residential. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

3.01–B Additional Standards.

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

3.02 Residential Two District/ R2

3.02–A Purpose. A Residential Two District is hereby formed in order to encourage medium density residential uses. This district is primarily located in developed areas with existing suburban residential. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

3.02–B Additional Standards.

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

3.03 Residential One District/ R1

3.03–A Purpose. A Residential One District is hereby formed in order to encourage low density ~~single-family~~ residential uses. This district is located in areas that are transitioning from rural residential to suburban residential. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

3.03–B Additional Standards.

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

3.04 Residential Five District/ R5

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3.04–A Purpose. A Residential Five District is hereby formed in order to encourage preservation of rural and agricultural character and uses while allowing for low density ~~single-family~~ residential uses. This district is located in rural and agricultural areas that are transitioning to rural residential. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

3.04–B Additional Standards.

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

(2) Privately owned recreational facilities in which activity is conducted primarily outside enclosed buildings or structures, such as golf and country clubs, shall be subject to the following standards:

(a) Lighting of playing areas for night use shall be prohibited.

(b) Golf courses and country clubs shall locate all accessory uses within one clubhouse structure.

(3) Agricultural operations shall be subject to the following standards:

(a) Structures in which farm animals are kept shall be a minimum of 100 feet from all property lines.

(b) Feed lots, fenced runs, pens, and similar intensively used facilities for animal housing shall be a minimum of 100 feet from all property lines.

(4) Contractors Yard, Landscape use shall be subject to the following standards:

(a) All equipment shall be stored within fully enclosed building;

(b) Only earth moving equipment shall be kept on site;

(c) No more than six pieces of equipment shall be kept on-site;

(d) The equipment shall be stored in a structure that is sufficiently removed or buffered from adjacent properties;

(e) All structures associated with the use shall be either residential or agricultural in appearance and sited so as to minimize visual dominance of the site especially from the road and adjacent properties.

3.05 Residential Ten District/ R10

3.05–A Purpose. A Residential Ten District is hereby formed in order to encourage preservation of rural and agricultural character and uses while allowing for low density ~~single-family~~ residential uses. This district is located in rural and agricultural areas. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

3.05–B Additional Standards.

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

(2) Privately owned recreational facilities in which activity is conducted primarily outside enclosed buildings or structures, such as golf and country clubs, shall be subject to the following standards:

(a) Lighting of playing areas for night use shall be prohibited.

(b) Golf courses and country clubs shall locate all accessory uses within one clubhouse structure.

(3) Agricultural operations shall be subject to the following standards:

(a) Structures in which farm animals are kept shall be a minimum of 100 feet from all property lines.

(b) Feed lots, fenced runs, pens, and similar intensively used facilities for animal housing shall be a minimum of 100 feet from all property lines.

(4) Contractors Yard, Landscape use shall be subject to the following standards:

(a) All equipment shall be stored within fully enclosed building;

(b) Only earth moving equipment shall be kept on site;

(c) No more than six pieces of equipment shall be kept on-site;

(d) The equipment shall be stored in a structure that is sufficiently removed or buffered from adjacent properties;

(e) All structures associated with the use shall be either residential or agricultural in appearance and sited so as to minimize visual dominance of the site especially from the road and adjacent properties.

3.06 Lakeshore Three LS3

3.06–A Purpose. To regulate the use and development of lakefront property along East Lakeshore Drive, primarily for purposes of residential living and seasonal rentals, in a manner that:

(1) Protects and enhances water quality;

(2) Mitigates flood hazards;

(3) Preserves and expands public access;

(4) Maintains the favored historic cottage community character on the street-facing and lake-facing sides of these through lots;

(5) Considers challenges to and resulting from unique parking complications, with pedestrian and vehicular safety as substantial considerations;

(6) Promotes “greening” of shorelines, lot frontages and parking areas; and

(7) Limits the amount of impervious surface and associated stormwater runoff;

3.06–B Area, Density, and Dimensional Requirements. In the Lakeshore Three District, all requirements of this Section 3.06 and Table A-2 shall apply.

(1) A structure encroaching into setbacks, including all applicable overlay districts may be rebuilt in the same footprint within four years of demolition provided that the demolition is duly permitted.

3.06–C Green Infrastructure Requirements.

(1) Land development that meets the following criteria shall utilize the Vermont League of Cities and Towns Green Infrastructure Simplified Sizing Tool for Small Projects to demonstrate that 90% of annual storm events, or the first inch of rainfall from impervious surfaces, are adequately treated on the site and do not overwhelm off-site drainage areas or otherwise cause erosion:

(a) Constructing or replacing a principal building; or

(b) Increasing the footprint of an existing principal building by more than 25% within a 5-year period; or

(c) Increasing the amount of impervious surface on a lot by 1,000 square feet or more over a 5-year period; or

(d) Disturbing 1,000 square feet or more of soil on a lot within a 5-year period excluding septic work.

(2) If any of the following conditions exist on the site that make compliance with Section 3.06 C(1) unattainable, as determined by a Professional Engineer, green infrastructure shall be used to the extent feasible on-site to maximize infiltration and minimize off-site runoff:

(a) Seasonally high or shallow groundwater as defined in the Vermont Stormwater Management Manual;

(b) Shallow bedrock as defined in the Vermont Stormwater Management Manual;

(c) Soils contaminated with hazardous materials as defined in 10 V.S.A. §6602(16)

(d) A stormwater hot spot as defined in the Vermont Stormwater Management Manual; or

(e) Other site conditions prohibitive of on-site infiltration of runoff subject to the review and approval of the Development Review Board.

(3) Sites that require a State Stormwater Permit will be deemed to have complied with Section 4.05F(1) herein upon issuance.

3.06–D Building Placement and Design Standards. For new, expanded, replaced, or substantially remodeled buildings, applicants shall submit site and elevation drawings to demonstrate that:

(1) To the maximum extent feasible, buildings are designed to fit into the natural terrain and to minimize any change in grade on the site.

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(2) Buildings are located near the street with at least one entrance readily accessible and connected.

(3) All sides of a structure shall receive design consideration. The front, sides, and rear of buildings shall be attractively designed and articulated to eliminate large spans of blank exterior wall.

(4) The mass of the structure is broken up by incorporating visible changes in wall plane and roof form. Traditional roofline types such as gabled, hipped, and gambrel are strongly encouraged. Type, shape, pitch and direction of roofs should be considered in the design. Flat roofs are discouraged.

(5) The building facade includes architectural features and details such as dormers, corner trim, awnings or porches and windows.

(6) Landscaping and/or similar features shall be provided that will add visual interest.

(7) The building incorporates different exterior textures, colors and materials that add visual interest. The use of traditional building materials such as granite, brick, fieldstone, wooden clapboard is strongly encouraged. Alternatively, contemporary materials that simulate traditional materials, and that have the same visual effect, may be utilized. The use of colors traditionally associated with the building style is encouraged.

3.06–E Additional standards for all lots in LS3.

(1) No expansion of vehicle-use and parking areas may be permitted unless they provide an area sufficient for a standard vehicle to park outside of the right of way, and to enter and exit the lot without backing directly onto East Lakeshore Drive. Applicants are strongly encouraged to relocate or remove pre-existing parking areas located between the building and the street to the maximum extent feasible.

(2) Any new trash storage, building equipment, utilities or similar service functions shall be located to the side of principal buildings and will be screened as viewed from the lake and the street.

3.07 Lakeshore Four LS4

3.07–A Purpose. To regulate the use and development of lakeview properties along East Lakeshore Drive, primarily for purposes of residential living and short-term and long-term rentals, that:

(1) Protects and enhances water quality;

(2) Mitigates flood hazards;

(3) Respects the historic cottage community character of buildings in the district;

(4) Considers parking challenges and prioritizes pedestrian and vehicle safety;

(5) Promotes “greening” along East Lakeshore Drive through lawn and patio areas;

(6) Limits the amount of impervious surface and associated stormwater runoff.

3.07–B Area, Density, and Dimensional Requirements. In the Lakeshore Four (LS4) District, all requirements of this Section 3.07 and Table A-2 shall apply.

(1) A structure encroaching into setbacks, including all applicable overlay districts may be rebuilt in the same footprint within four years of demolition provided that the demolition is duly permitted.

3.07–C Green Infrastructure Requirements.

(1) Land development that meets the following criteria shall utilize the Vermont League of Cities and Towns Green Infrastructure Simplified Sizing Tool for Small Projects to demonstrate that 90% of annual storm events, or the first inch of rainfall from impervious surfaces, are adequately treated on the site and do not overwhelm off-site drainage areas or otherwise cause erosion:

(a) Constructing or replacing a principal building; or

(b) Increasing the footprint of an existing principal building by more than 25% within a 5-year period; or

(c) Increasing the amount of impervious surface on a lot by 1,000 square feet or more over a 5-year period; or

(d) Disturbing 1,000 square feet or more of soil on a lot within a 5-year period excluding septic work.

(2) If any of the following conditions exist on the site that make compliance with Section 3.07 C (1) unattainable, as determined by a Professional Engineer, green infrastructure shall be used to the extent feasible on-site to maximize infiltration and minimize off-site runoff:

(a) Seasonally high or shallow groundwater as defined in the Vermont Stormwater Management Manual;

(b) Shallow bedrock as defined in the Vermont Stormwater Management Manual;

(c) Soils contaminated with hazardous materials as defined in 10 V.S.A. §6602(16);

(d) A stormwater hot spot as defined in the Vermont Stormwater Management Manual; or

(e) Other site conditions prohibitive of on-site infiltration of runoff subject to the review and approval of the Development Review Board.

(3) Sites that require a State Stormwater Permit will be deemed to have complied with Section 4.05F(1) herein upon issuance.

3.07–D Building Placement and Design Standards. Applicants shall submit a site plan and elevation drawings for new or expanded principal buildings to demonstrate that:

(1) To the maximum extent feasible, buildings are designed to fit into the natural terrain and to minimize any change in grade on the site.

(2) Buildings are oriented towards the street with at least one entrance visible from the street.

(3) All sides of a structure shall receive design consideration. The front, sides, and rear of buildings shall be attractively designed and articulated to eliminate large spans of blank exterior wall.

(4) The mass of the structure is broken up by incorporating visible changes in wall plane and roof form. Traditional roofline types such as gabled, hipped, and gambrel are strongly encouraged. Type, shape, pitch and direction of roofs should be considered in the design. Flat roofs are discouraged.

(5) The building facade includes architectural features and details such as dormers, corner trim, awnings, balconies or porches and windows.

(6) Landscaping and/or similar features shall be provided that will add visual interest.

(7) The building incorporates different exterior textures, colors and materials that add visual interest. The use of traditional building materials such as granite, brick, fieldstone, wooden clapboard, etc. is strongly encouraged. Alternatively, contemporary materials that simulate traditional materials, and that have the same visual effect, may be utilized.

3.07–E Additional Standards

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

(a) Townhouses, as defined herein, shall be permitted in accordance with the dimensional standards established in Table A-2.

(b) Small Multiplexes, as defined herein, shall be permitted in accordance with the dimensional standards established in Table A-2.

(c) Multi-~~family~~ unit dwelling units exceeding the limits established in the definitions of Townhouses and Small Multiplexes shall be prohibited in this district.

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Article 4: GENERAL DEVELOPMENT DISTRICTS

General Development districts provide for residential and compatible commercial uses featuring convenience of required facilities and services. Such mixing occurs either within a shared structure, neighborhood, or zoning district, as prescribed.

4.01 General Development One (GD1)

4.01–A Purpose. To provide for residential and compatible commercial uses in the Colchester Village and Warner's Corners neighborhoods.

4.01–B Additional Standards.

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

(2) Residential units and commercial uses may be permitted to occupy the same building subject to the Conditional Use and Site Plan criteria and the following standards:

(a) Qualifying commercial uses shall be limited to: convenience stores without gas sales, general merchandise less than 10,000 sq. ft. no drive-up, retail food establishment with store area less than 5,000 sq. ft., automotive accessory sales without installation, general office, medical office less than 10,000 sq. ft., financial institution, personal or business service, artist production studio, cultural facilities less than 500 sq. ft., nursing care home, day-care facilities, or standard restaurants.

(b) The residential units shall have an entrance separate from the proposed commercial use.

(c) Multiple commercial uses within the building may be considered however the commercial uses shall not adversely affect the proposed residential units. Hours of operation of the commercial uses may be restricted to ensure no adverse effect to the residences.

(d) Residential units converted from non-residential square footage in existence prior to January 1, 2004 under this section shall not be subject to Planned Residential Development review.

4.02 General Development Two (GD2)

4.02–A Purpose. To provide a range of commercial, light industry and compatible multi-~~family~~ unit dwellings and related uses for the Fort Ethan Allen neighborhood and vicinity.

4.02–B Additional Standards.

(1) Multi-~~family~~ unit dwellings, in addition to the Planned Residential Development criteria contained in Article 9, shall be subject to the following standards:

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(a) Class one properties, or properties with municipal water and municipal sewer, shall have a maximum residential density of ten (10) dwelling units per acre unless otherwise provided through the use of transfer of development rights under Section 7.06 herein.

(b) Class two properties, or properties with municipal water and on-site septic, shall have a maximum residential density of four (4) dwelling units per acre.

(2) Outside storage for any use shall be confined to the rear yard and shall be screened from view from any side by a sufficiently high wall or fence or by appropriate landscaping such as berms, hedges and /or shrubbery.

(3) All equipment maintenance, repair or manufacturing operations shall be within enclosed structures.

4.03 General Development 3 GD3/Severance Corners Form-Based (FB) District

4.03–A Purpose. To facilitate a development pattern and interconnected street network within the Severance Corners Form-Based District that is modeled on traditional New England downtowns. The district shall be characterized by higher-density, mixed-use, multi-story buildings that can accommodate retail, office, commercial, light industrial, civic and residential uses. It shall have buildings set close to the sidewalk with entrances, storefronts and windows facing the street. Streets with curbs, street trees and sidewalks shall define small- to medium-sized blocks.

4.03–B Allowed Uses. Those uses indicated in Table 1 (below) and accessory uses to those uses. Any uses not listed in Table 1 are prohibited. Items that are not customary as accessory uses to those listed in Table 1 are prohibited. Table 1 (below) includes classes of uses (i.e. office); refer to Table A-1: Table of Uses for a detailed list of uses within each class (i.e. general office, research facility or laboratory, medical office).

4.03–C Establishment of Street Types. Development under the form-based code for this district shall be regulated by street type. Three street types are established, in order from highest to lowest: A Streets, B Streets, and C Streets. When the streets intersect, the primary street frontage is the highest order street type. The front of a principal building and its main entrance shall face the primary street frontage.

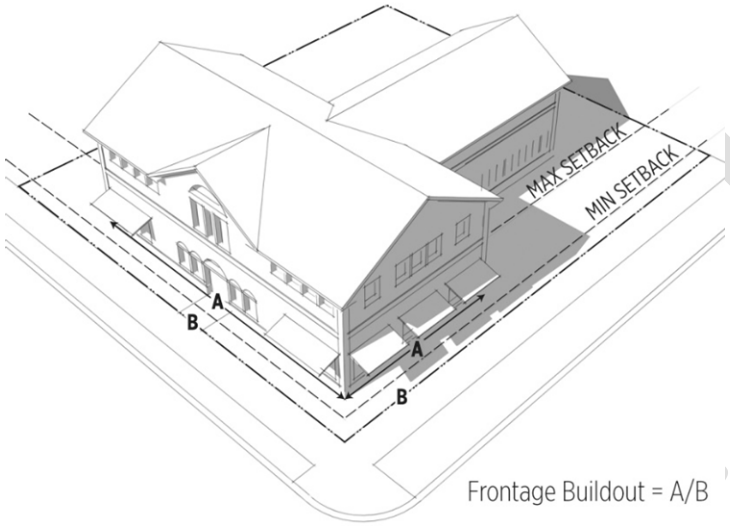
4.03–D Classification of Streets. U.S. Route 7 & 2, Blakely Road and Severance Road shall be A Streets. The classification of any new public or private streets serving development within this district shall be approved by the Town of Colchester at the time of subdivision or site plan approval. Not more than 50% of the total length of new streets within any development shall be classified as a C Street.

4.03–E Block Standards. No block, which includes an A or B Street, shall exceed a total perimeter length of 1,600 feet. Any block side on an A or B Street longer than 400 feet shall be broken up by a right-of-way allowing, at a minimum, through pedestrian connections.

4.03–F Development Standards. All development in the Severance Corners Form-Based District shall be subject to the standards set forth in Tables 2-6 below.

4.03–G Definitions. Terms specific to this section are defined as follows:

(1) Frontage Buildout. Frontage buildout shall be calculated based on the widest point of a building between the minimum and maximum front setback lines and the width of the lot at the front lot line.



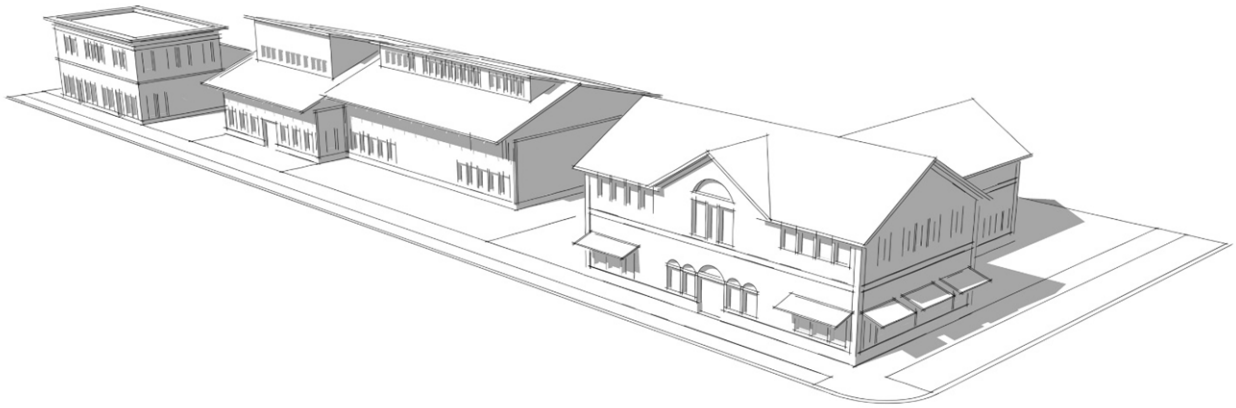


Table 4-1. Allowed Uses in GD3/FB District

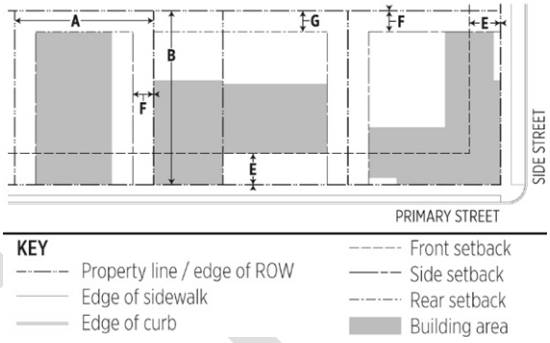
USE: *(SEE SUPPLEMENT 30 [TABLE A-1: TABLE OF USES] FOR A DETAILED LIST OF USES WITHIN EACH CLASS)*		A STREET		B STREET		C STREET	
		GROUND FLOOR	UPPER FLOOR	GROUND FLOOR	UPPER FLOOR	GROUND FLOOR	UPPER FLOOR
1.100	Single-~~Family~~ Unit Dwelling					P	P
1.200	~~Two-Family~~Duplex Dwelling					P	P
1.300	Multi-~~Family~~ Unit Dwelling		P	C	P	P	P
1.400	Dwellings (w/ services, care or treatment)	P	P	P	P	P	P
1.530	Hotel & Motel	P	P	P	P		
1.540	Extended Stay Hotel	P	P	P	P	P	P
1.550	Inn	P	P	P	P	P	P
1.600	Temporary Residences		P		P	P	P
1.700	Home Businesses		P		P	P	P
2.110	Convenience Store	P		P			
2.120	Shopping Center	P	P	P	P		
2.130	Retail Sales	P	P	P	P		
2.140	Retail Food Establishment	P	P	P	P		
2.150	Wholesale Establishment			P	P		
2.610	General Merchandise Rental	P		P			
3.100	Office	P	P	P	P	P	
3.200	General Services	P	P	P	P	P	
4.100	Manufacturing (fully enclosed)			P	P		
5.000	Edu., Cultural, Religious & Social Uses	P	P	P	P	P	P
6.100	Recreation & Entertainment (indoor)	P	P	P	P		
6.210	Private Recreational Facilities	P	P	P	P	P	P
6.220	Public Outdoor Recreation	P		P		P	
6.300	Coliseums and Stadiums	P	P	P	P		
7.000	Institutional Residence & Care Facilities		P	P	P		
8.000	Restaurants, Bars & Nightclubs	P	P	P	P		
9.100	Automobile Parking	P	P	P	P		
9.230	Archival Facility		P	P	P		
9.240	Distribution Facility			C	C		
11.030	Public & Semi-Public Facilities	P	P	P	P	P	P
11.300	Transit Center			C	C		
11.400	Public Garage	P	P	P	P		
11.500	Municipal Services	P	P	P	P		
11.800	Post Office	P	P	P	P		
11.900	Essential Service Facility	P	P	P	P	P	P
12.000	Towers and Related Structures		P		P		
13.000	Temporary Structures	P		P		P	P
14.000	PUDs	P	P	P	P	P	P

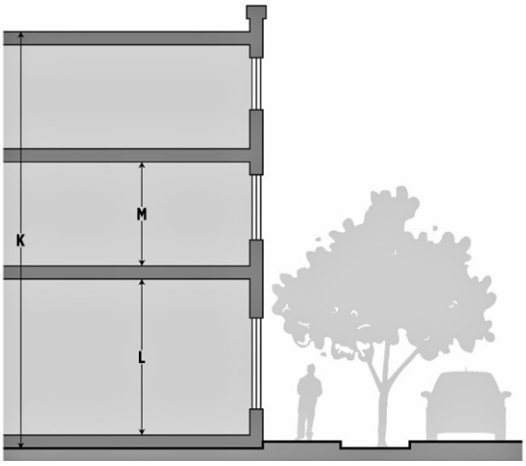
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Table 2. A Street Dimensional Standards

A Streets are lined with mixed-use, multi-story storefront buildings that are positioned at the front of each lot. The following standards shall apply to all lots and buildings fronting on an A Street:

2.A Lot Configuration		
A	Lot width	20 ft min, 180 ft max
B	Lot depth	80 ft min
C	Lot coverage	90% max
D	Frontage buildout	60% min
2.B Building Placement		
Principal Building		
E	Front setback	0 ft min, 18 ft max
F	Side setback	0 ft min
G	Rear setback	12 ft min
Accessory Building		
H	Front setback	20 ft + principal bldg setback min
I	Side setback	3 ft min
J	Rear setback	3 ft min
2.C Building Form		
Principal Building		
K	Stories 2 min, 5 max* (no more than 60% of the total frontage of the A streets in a development may be the min height.)	
L	Ground floor ceiling height Ground floor façade height	9 ft min, 24 ft max 12 ft min, 24 ft max
M	Upper floor ceiling height	8 ft min, 16 ft max
N	Portions of a building not meeting the minimum height shall not be used to calculate frontage buildout.	
Accessory Building		
O	Stories	2 max*
P	Ground floor ceiling height	16 ft max
Q	Upper floor ceiling height	12 t max





*Projects that meet the definition of affordable housing development may develop one (1) additional story beyond the maximum

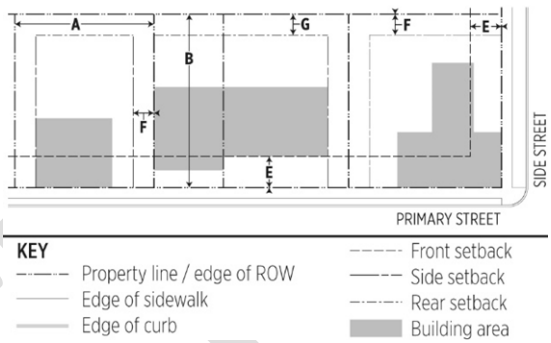


Table 3. B Street Dimensional Standards

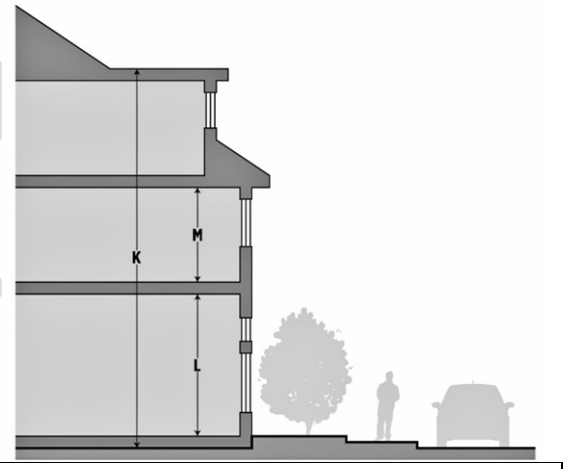
B Streets feature mixed-use, multi-story buildings that are positioned near the front of each lot. The following standards shall apply to all lots and buildings fronting on a B Street:

3.A Lot Configuration		
A	Lot width	20 ft min, 150 ft max
B	Lot depth	80 ft min
C	Lot coverage	85% max
D	Frontage buildout	50% min

3.B Building Placement		
Principal Building		
E	Front setback	0 ft min, 18 ft max
F	Side setback	0 ft min
G	Rear setback	12 ft min
Accessory Building		
H	Front setback	20 ft + principal bldg setback min
I	Side setback	3 ft min
J	Rear setback	3 ft min



3.C Building Form		
Principal Building		
K	Stories	2 min, 4 max*
L	Ground floor ceiling height	9 ft min, 24 ft max
M	Upper floor ceiling height	8 ft min, 16 ft max
N	Portions of a building not meeting the minimum height shall not be used to calculate frontage buildout.	
Accessory Building		
O	Stories	2 max*
P	Ground floor ceiling height	16 ft max
Q	Upper floor ceiling height	12 ft max



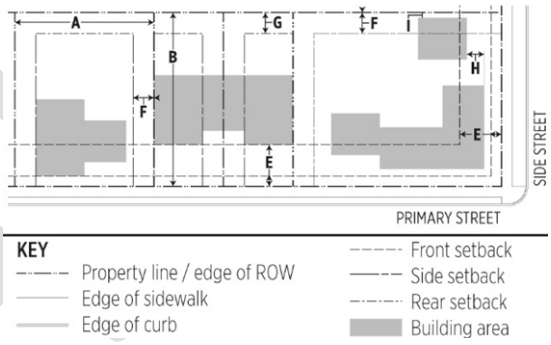
*Projects that meet the definition of affordable housing development may develop one (1) additional story beyond the maximum

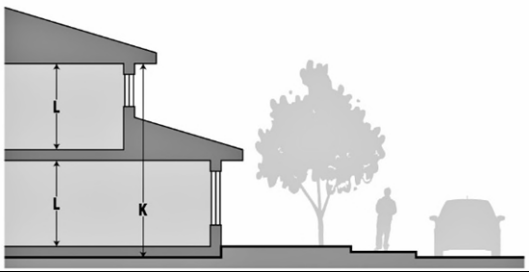
Table 4. C Street Dimensional Standards

C Streets feature multi-story residential and compatible mixed-use buildings that are set back from the street behind a shallow green strip. The following standards shall apply to all lots and buildings fronting on a C Street:



4.A Lot Configuration		
A	Lot width	30 ft min, 120 ft max
B	Lot depth	80 ft min
C	Lot coverage	85% max
D	Frontage buildout	40% min
4.B Building Placement		
Principal Building		
E	Front setback	6 ft min, 24 ft max
F	Side setback	0 ft min
G	Rear setback	12 ft min
Accessory Building		
H	Front setback	10 ft + principal bldg setback min
I	Side setback	3 ft min
J	Rear setback	3 ft min
4.C Building Form		
Principal Building		
K	Stories	1.5 min, 3 max*
L	Ceiling height	8 ft min, 12 ft max
Accessory Building		
M	Stories	2 max*
N	Ceiling height	12 ft max



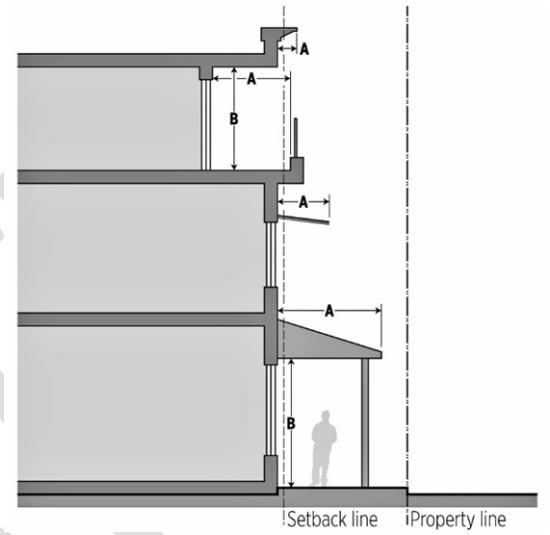


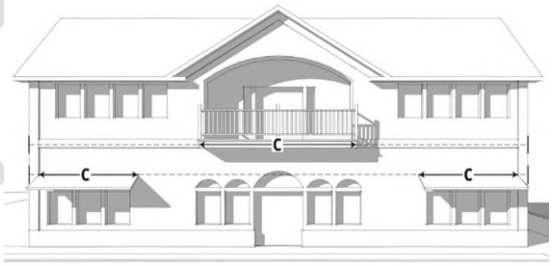
*Projects that meet the definition of affordable housing development may develop one (1) additional story beyond the maximum

Table 5. Architectural Standards

The following standards shall apply to all buildings within the Severance Corners Form-Based District:

5.A Projecting Façade Elements	
Projecting facade elements may encroach within setbacks as specified below, but shall not extend beyond lot lines.	
Projecting facade elements shall not be used to meet frontage buildout requirements, with the exception of a colonnade or arcade with enclosed upper floor space above.	
Awnings and Marquees	
A Depth	4 ft min, 12 ft max
B Vertical Clearance	10 ft min
C Length	25% of façade min
Porches and Balconies	
A Depth	6 ft min, 16 ft max
B Vertical Clearance	8 ft min
C Length	8 ft min
Porches and balconies shall be open and unenclosed. Ground-floor, front porches shall not be screened.	
Colonnades and Arcades	
A Depth	8 ft min, 20 ft max
B Vertical Clearance	10 ft min
C Length	75% of façade min
Colonnades and arcades shall only be permitted on street-facing facades along an A or B Street.	
Stoops and Patios	
A Depth	6 ft min
D Height Above Sidewalk	2 ft max
C Length	6 ft min
Stoops and patios shall not restrict sidewalk width to less than 4 feet on a C Street or 6 feet on an A or B Street.	
Bay Windows	
A Depth	6 ft max
C Length	8 ft max
Bay windows shall have fenestration on both front and side surfaces.	
Eaves and Cornices	
A Depth	18 in min, 36 in max
Overhang depth for secondary roofs over building elements such as porches or dormers, or for primary roofs on small accessory buildings may be reduced to 9 inches.	

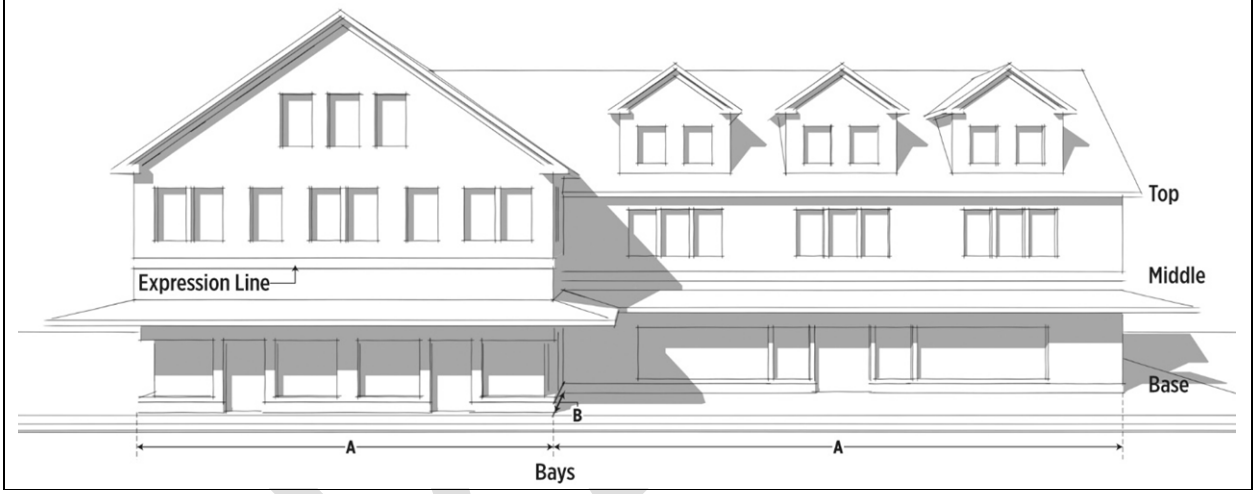






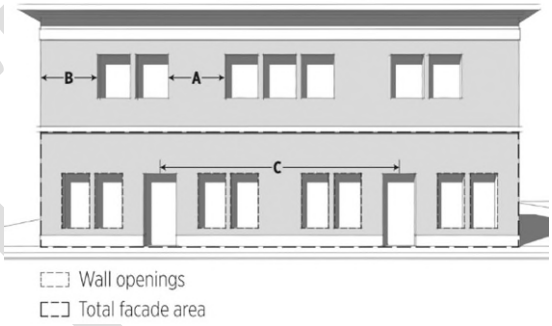
5.B Walls & Facades
Composition
Street-facing building facades shall have a defined base, middle and top formed by an articulated cornice and roof.
An expression line shall delineate the division between the first and second story on facades facing an A or B Street.
The second story on an A or B Street must have an articulated vertical façade of 50% or greater in order to be considered for a second story.

Cornices and expression lines shall either be moldings or jogs in the surface plane of the building wall with a minimum depth of 2 inches.	
All building facades facing an A or B Street shall incorporate at least one of the following elements at ground level: awnings, porches, colonnades, arcades, or storefronts.	
All building facades facing a C Street shall incorporate at least one of the following elements: porches, balconies, stoops, or bay windows.	
The total frontage of B Streets within a development shall not be more than 50% ~~multifamily~~ multi-unit dwellings in use on the ground floor.	
Bays	
Street-facing building facades greater than 60 feet in width shall be divided into bays.	
A Bay Width	20 ft min, 60 ft max
B Depth Between Bays	4 ft min



5.C Roofs
Type
Buildings fronting on C Streets shall have pitched roofs. Buildings fronting on an A or B Street may have pitched or flat roofs.
Pitched Roofs
Pitched roofs shall be a symmetrical gable, hip, gabled hip, hipped gable or cross gable with a pitch no less than 5:12.
Secondary shed roofs with a pitch no less than 2:12 may be used over building elements such as porches or dormers.
Flat Roofs
Flat roofs shall incorporate a cornice and parapet designed to screen views of the roof surface and any roof-mounted equipment from street level.

5.D Windows & Doors		
Openings in Street-Facing Facades		
	Ground Floor (A Street)	40% min
	Ground Floor (B Street)	30% min
	Ground Floor (C Street)	30% min
	Upper Floor (all streets)	10% min
A	Blank Walls (all streets)	20 ft max
Windows		
	All windows facing streets, except for storefront display windows, shall be rectangular or arched & shall be oriented vertically. Vertical windows may be grouped in a horizontal opening.	
	Windows facing streets shall use transparent glazing materials and shall provide view of interior spaces.	
B	Except as part of a storefront, windows shall not be closer than 2 feet to building corners.	
	Shutters shall be sized so as to equal the width required to cover the window opening and shall be installed with the hardware necessary to make them functional.	
	Drive-through service windows may not be permitted on the front facade of buildings.	
Doors		
C	Pedestrian-entry doors shall be provided at intervals no greater than 50 feet along all street-facing facades.	
	Sliding, patio-style doors shall not be located on ground-floor, street-facing facades.	
	Service, security or garage doors shall not be located on street-facing facades, except for residential garages on C Streets (see 6.A below).	
Storefronts		
D	Storefronts shall have transparent display windows covering no less than 70% of the portion of the wall between 1 and 7 feet above the adjoining sidewalk or ground.	
E	Display windows shall sit on a 1- to 2-foot high bulkhead and shall be a minimum of 5 feet high. Display windows may be oriented horizontally. Residential style windows shall not be used on a storefront.	



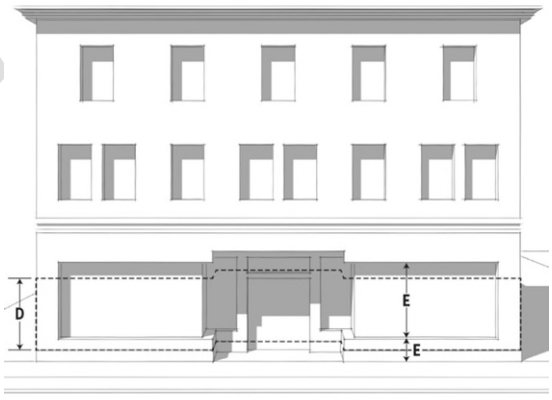
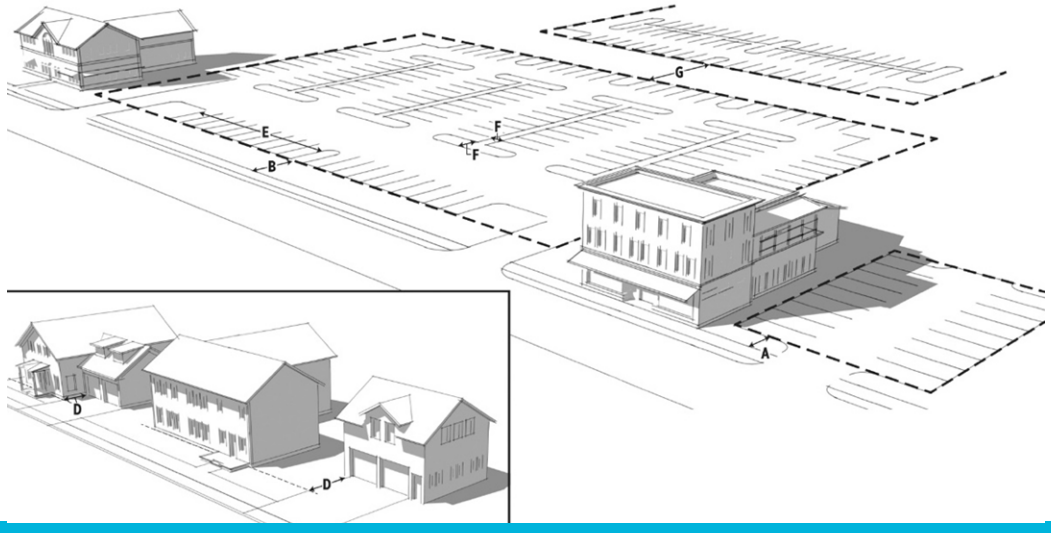


Table 6. Parking Standards

It is the intent of these standards to balance compact pedestrian-oriented development and necessary vehicle storage. The following standards apply to all surface and structured parking within this district, in addition to all other applicable provisions of these regulations (in the case of a conflict, the standards below shall govern):

6.A Placement		
Surface Parking		
A	Surface parking located on a lot with a principal building shall be located behind the principal plane of the building and a minimum of 9 feet from the front lot line.	
B	Surface parking located on a lot without a principal building shall be set back from streets with landscaped green spaces as follows:	
	Setback (A Street)	30 ft min
	Setback (B Street)	20 ft min
	Setback (C Street)	10 ft min
Parking Structures		
	Liner buildings shall be provided between above ground parking structures (with more than 3 stories of parking above grade) and streets. Liner buildings may be attached to or detached from parking structures.	
C	Liner Building Depth	24 ft min
Residential Garages		
	Residential garages may front on C Streets, but wherever possible they should face the side or rear.	
D	Residential garage doors facing a C Street shall be set back a minimum of 8 feet behind the principal plane of the building and shall not exceed 10 feet in width when the door faces the street.	
6.B Design		
E	Consecutive Surface Parking Spaces Per Row	10 max
F	Landscape strips at least 6 feet in width shall be provided between aisles of surface parking and islands at least 9 feet in width shall be provided at the end of and within aisles (to divide consecutive rows of parking).	
	Use of LID approaches to stormwater management within surface parking lots is encouraged and landscape strips may be used to collect and infiltrate runoff.	
6.C Amount		
	There are no minimum number of parking spaces required for any use within this district.	
	Parking spaces do not have to be contiguous with the building or use they serve.	
G	No surface parking lot shall include more than 150 spaces. This calculation shall include all contiguous parking areas not separated by buildings, streets, or green spaces at least 50 feet in width.	



4.04 General Development Four GD4

4.04–A Purpose. To encourage a mix of uses (both residential and nonresidential) in an area proximate to Interstate Exit 17 that has relatively easy access to Interstate 89. Industrial and warehouse uses may be appropriate as long as they do not adversely affect the visual and rural qualities of the area and are adequately separated from residential uses. Commercial uses at Exit 17 should be limited.

4.04–B Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited. The following additional standards shall apply to the uses indicated in Table A-1:

(1) Retail and wholesale sales shall be limited as follows:

(a) No retail or wholesale building shall be greater than 20,000 square feet.

(b) Only one retail or wholesale building may be permitted on a lot, except where approved as part of a Planned Unit Development.

(c) Except where the lot in question existed prior to January 1, 2001, every subdivided lot developed for retail or wholesale sales shall have a minimum of 300 feet of frontage on an Arterial or Collector Roadway.

(d) With respect to any lot that existed on January 1, 2001, the footprint area of all buildings containing retail or wholesale sales shall not exceed 10% of the area of the lot on any existing parcel of 5 acres or greater. This limitation shall apply to the overall acreage of the lot, whether said lot remains as one lot or is subdivided into more than one lot. This limitation shall be noted on the site plan or subdivision plat.

(2) Gas sales shall be limited as follows:

(a) Existing gas sales operations shall be allowed to continue and/or expand.

(b) New gas sale operations must be located within 3,000 feet of the Interstate 89 right-of-way.

(c) No new gas sale use shall be permitted or allowed within 3,000 feet of an existing gas sales use, except that this limitation shall not apply to the distance between gas sale uses located on opposite sides of the Interstate 89 right of way.

(3) Commercial Uses in a PUD. Commercial uses within a PUD should be of a scale and design to primarily serve the residential uses in the PUD and in the surrounding neighborhood first and foremost. In a PUD with dwelling units, commercial uses shall be compatible with the residential use.

4.04–C C. Area, Density, and Dimensional Requirements. In the GD4 District, all requirements of this Section 4.04 and Table A-2 shall apply. Notwithstanding Section 7.06, transfer of development rights, residential density bonuses may be considered by the Development Review Board in accordance with the following standards:

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(1) The project shall meet the definition of a Planned Unit Development as defined in these regulations and in accordance with Article Nine. With the sketch plan application, the applicant shall submit a density plan in accordance with the general and specific standards of Article Nine additionally and an overview plan noting the ratio of commercial square footage to residential square footage. If the project is at least 50% commercial, the applicant may apply for a 50% residential density bonus (.5 additional units for each unit permissible under the base density). If the project is at least 50% commercial and the majority of the commercial square footage is provided within the same structure as residential units, the applicant may apply for a 100% residential density bonus (one additional unit for each unit permissible under the base density); and

(2) The project shall provide significant central features and community spaces. The project shall provide at least two design features and two structured spaces. Qualifying design features include towers, arcades, public atrium plazas, completely enclosed walkway connections between buildings, porticos, clock towers, kiosks or and other similar public architectural elements. Qualifying structured outdoor spaces include plazas, patios, courtyards, pedestrian plaza with benches, water feature, or other such focal feature or amenity.

(3) If an applicant has successfully applied and received approval for a 100% density bonus as noted above in #1, the applicant may add up to four additional dwelling units per acre onto the project site per Section 7.06. Maximum overall density shall not exceed twelve dwelling units per acre. The transfer of dwelling units shall either be applied for at Preliminary Plat or as a Major Amendment to the Planned Unit Development.

(4) If a density bonus, as provided herein, is approved by the DRB the final plat order shall specify a phasing plan that keeps conformance with the approved commercial and residential ratios. At no time shall the project deviate from the ratio. The DRB shall consider amendments to the ratios of 10% or less as a minor subdivision amendment. The DRB shall consider amendments to the ratios of 10% or more as a major subdivision amendment. The DRB shall not approve more dwelling units than allowed under the Development Regulations in effect at that time.

4.04–D Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the GD4 District shall also be subject to the following standards:

(1) Siting

(a) Relation to topography. Generally, buildings shall be placed so as to minimize breaking the skyline when observed from Arterial and Collector Roadways. Buildings shall be designed to be “part of” not an extension of the hillside. Specifically, in achieving this objective, the Development Review Board shall apply the following standards in the specified portions of the GD-4 District:

i. West of I89, south of US2, and east of Niquette Bay Road. As viewed from I89 or US2 looking westerly or southwesterly, buildings shall be located with a complete backdrop of existing trees to the sides of and above the building.

ii. East of US2/7. The existing wooded slope on the east side of the ravine parallel to US2/7 shall remain undisturbed except for a single roadway access across the ravine. Buildings located east of the ravine shall be sited so that the existing tree line along the ravine is above the tallest point of the building as viewed from US2/7. The Development Review Board may permit a minor portion (20% or less) of a building to be visible from a few intermittent segments of US 2/7 if it determines that all steps have been taken to minimize building visibility, including considering alternative siting.

iii. Relation to other buildings. Buildings shall be located so as to promote interconnected activity between neighboring buildings. An applicant shall depict pedestrian walkways between buildings.

(2) Building Details.

(a) Height – Increases in height limits for buildings developed as part of a Planned Unit Development may be permitted where the following standards are met:

i. The building is hidden from the view of persons utilizing arterial and collector roads by other buildings, trees or natural barriers, and/or

ii. The building is sited in a location where the existing grade lies below the pavement level of arterial and collector roads.

iii. The site is designed with the use of architectural features, color, and landscaping that are in character with the surrounding rural scenery and natural landscape. In considering a request for increased building height, the Board shall give special consideration where the applicant locates the buildings so that they are: 1) framed or backed by a hillside; or 2) on an elevation below the elevation of adjacent and nearby Major Roadways.

(b) Shape and massing. The vertical mass of buildings shall be in character with other adjacent structures as well as with the topography of the site. Bulky rectangular-form buildings with little variation in shape or design shall be avoided. The Development Review Board may waive massing details for industrial buildings if the screening and/or siting removes any adverse visual impact from such buildings as viewed from adjacent roadways and properties. Variation may be accomplished by one or more of the following means:

i. Physical offsets in which a building steps forward or back along its façade.

ii. Transitions in building height with steps up and down to achieve a sense of balance. Abrupt changes in building height that disturb this sense of balance are not permitted.

iii. In lieu of physical offsets, the use of banding, changes in materials, trim and cornices.

iv. For retail buildings, physical offsets or design details shall be required at regular intervals of approximately 50’ or less along each façade of a building having a public entrance or visible from an arterial or collector road.

(c) Facades.

i. The visible portion of buildings from arterial and collector roads shall be given special detailing and architectural consideration. Other facades shall also reflect the reasonable use of appropriate building materials and colors so as to avoid a high degree of architectural contrast or the appearance of being unfinished.

ii. Facades shall build upward from the ground with defined bases, middles and tops. The use of cornices and trim provides visual separation between layers and helps both to terminate the structure vertically as well as bridge several connected buildings together.

iii. On buildings constructed in connection with all industrial uses, the Development Review Board shall require only those building facades that are visible from arterial and collector roads to be finished to the standards of subsections 1. and 2. herein.

(d) Fenestration.

i. The arrangements of openings along a facade are an important element for consideration. Too many openings create visual clutter, while too few openings create large blank and uninteresting faces. The use of arches and lintels to define openings helps create a strong street edge and helps provide visual interest.

ii. Applicants are strongly encouraged to provide ample windows and other openings along all facades of a structure that are open to pedestrian access or by which pedestrians may travel. Walls without windows are prohibited except where the Development Review Board finds such is justified by a public safety concern. At a minimum, windows and other openings shall be provided at the pedestrian level.

iii. Entry doors shall be clearly defined with an increased level of detail. For example, the use of entrances with awning and steps entrances helps to define pedestrian spaces and attract visitors. Storefront windows shall be raised above the sidewalk to display merchandise at eye level while acting as a visual "wainscoting" to the pedestrian space.

iv. The Development Review Board may waive fenestration details for industrial buildings if the proposed screening and/or location of the building otherwise fully mitigates any adverse visual impact from such buildings as viewed from adjacent roadways and properties.

(e) Materials. Whenever possible, the use of native and natural materials (wood, stone, and brick) is encouraged in design. Glaring or reflective materials, vertical or metal siding, exterior insulation finishing systems, T-111, stucco or other synthetic building products shall not be used except: 1) in areas not visible to pedestrian and vehicular traffic; or 2) at positions above the pedestrian level. If used, these materials shall be of a form that imitates the appearance of native and natural materials.

(f) Color. Large areas of uniform and unbroken color are discouraged. The use of cornices, trims, columns, pilasters and accent bands shall be used to break-up large expanses of colors. Colors shall be compatible with the surrounding architecture and natural environment. Excessively bright or vibrant colors shall be avoided. In general, the use of earth tones (grays, beiges, tans) is encouraged for base colors. Accent and detail colors shall complement the base color.

(g) Roofscape. On all structures, the rooftop collection of mechanical units, telecommunications infrastructure and other similar devices shall be screened from view from the ground and nearby buildings by architecturally attractive enclosures; alternatively, the Development Review Board may approve the use of architectural elements that minimize visual impacts.

(3) Landscaping

(a) Existing Vegetation.

i. Retention: Applicants shall be encouraged to protect mature trees, hedgerows and woodlots and to use such features as design elements in site plans.

ii. Protection: Methods for protecting large caliper trees (over 8") from damage during construction shall be outlined by the applicant and a condition of approval.

iii. Relocation: In the event of relocation, Applicants are encouraged to relocate large caliper trees using appropriate methods whenever feasible.

iv. Transitions. Between different land uses, landscaping shall be established to reduce visual impacts and noise levels, to improve air quality, and to provide greater privacy. The size or scale of the landscaping will correspond to the type of land use. Some guidelines are as follows:

Table 4-1 Transitions Between Different Land Uses

Site Land Use	Adjacent Land Use	Planting Pattern
Residential	Open Space/ Agricultural	Pattern of open spaces and woodlands of native species arranged in a soft and transitional form. No minimum necessary as long as goals are met.
Residential	Residential	Existing vegetation and new plantings shall be used to provide a buffer between abutting rear yards.
Residential	Commercial	A more densely arranged buffer of at least 50' including a combination of deciduous and coniferous species. For high traffic generators, berms may be required for noise abatement. May be waived for PUDs if it facilitates appropriate mixed uses.
Residential	Industrial	A berm 7' high or greater as needed to screen loading docks and other industrial operations. Such a berm shall include evergreen plantings of sufficient density to screen for noise and visual impacts. If industrial uses are setback at least 75' from a residential boundary or if changes in topography provide sufficient relief, the Development Review Board may allow a densely arranged landscaped buffer at least 50' wide in place of a berm.

(4) Pedestrian walkways, circulation, and parking:

(a) Pedestrian accessibility. This section sets forth standards for internal pedestrian circulation systems and sidewalks outside the Town's Right-Of-Way. Continuous internal pedestrian walkways, no less than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of its length. Sidewalks, no less than 5 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. Internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Pedestrian facilities shall be maintained year-round.

(b) Central features & community spaces. Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric. Each establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, public atrium plazas, completely enclosed walkway connections between buildings, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Development Review Board adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the buildings and landscape.

(c) Outdoor furniture. Outdoor furniture such as benches and other forms of seating, trash receptacles, lighting, etc. should be located for the convenience of the pedestrian and should be located in relation to street trees such that the amenity will remain unobstructed without excessive pruning of branches. Benches shall be per the Town's specification. Acceptable alternatives to traditional benches include backless benches, sitting walls at varying heights, and rock seating. Trash receptacles shall be logically placed to reduce litter however not visually prominent. Receptacles are best sited in the shade downwind and a respectful distance from pedestrian noses, and located so that dripping from the receptacle will not cause unsightly pavement stains. Receptacles shall be per the Town's specifications, large enough to be obvious, and every third receptacle shall be designated and signed for recycling.

(d) Parking design. Parking areas shall be designed to reduce the visual dominance of automobiles and shall be aesthetically compatible and sensitive to the built and natural landscape. Center block parking with multiple entrances from the street shall be employed wherever feasible.

(5) Dumpsters. The sharing or a dumpster by two or more users is encouraged. All dumpsters shall be located out of public areas and screened by view by appropriate landscaping or fencing. No dumpster areas or compaction areas, loading or other such uses shall be located within 50 feet of any public street or within 20 feet of any public sidewalk or internal pedestrian way.

(6) Loading docks & delivery / loading operations. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. Delivery and loading operations should not disturb adjoining neighborhoods, or other uses. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

4.05 Lakeshore One LS1

4.05–A Purpose. To regulate the use and development of lakefront property primarily for recreation, tourism and entertainment purposes in a manner that:

(1) Protects and enhances water quality;

(2) Mitigates flood hazards;

(3) Preserves and expands public access;

(4) Maintains and improves views of the lake from public vantage points;

(5) Maintains and improves views of the shoreline from the lake;

(6) Is oriented primarily to boater, pedestrian and bicycle traffic and secondarily to vehicular traffic;

(7) Promotes "greening" of shorelines, lot frontages and parking areas;

(8) Limits the amount of impervious surface and associated stormwater runoff; and

(9) Reduces the quantity and improves the quality of stormwater flowing into surface waters.

4.05–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

4.05–C Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited. The following additional standards shall apply to the uses indicated in Table A-1:

(1) Inns over 10 rooms in size shall be considered as a conditional use.

4.05–D Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

4.05–E Area, Density, and Dimensional Requirements. In the Lakeshore One District, all requirements of this Section 4.05 and Table A-2 shall apply.

(1) A structure encroaching into setbacks, including all applicable overlay districts may be rebuilt in the same footprint within ten years of demolition provided that the demolition is duly permitted.

(2) Lot coverage may be increased over 40% as listed in Table A-2 in accordance with subsection 4.05F herein. If a project is deemed to comply with subsection 4.06F lot coverage maximums do not apply.

4.05–F Green Infrastructure Requirements.

(1) Land development that meets the following criteria shall utilize the Vermont League of Cities and Towns Green Infrastructure Simplified Sizing Tool for Small Projects to demonstrate that 90% of annual storm events, or the first inch of rainfall from impervious surfaces, are adequately treated on the site and do not overwhelm off-site drainage areas or otherwise cause erosion:

(a) Constructing or replacing a principal building; or

(b) Increasing the footprint of an existing principal building by more than 25% within a 5-year period; or

(c) Increasing the amount of impervious surface on a lot by 1,000 square feet or more over a 5-year period; or

(d) Disturbing 1,000 square feet or more of soil on a lot within a 5-year period excluding septic work; or

(e) Enlarging a structure within the Floodplain District; or

(f) Increasing lot coverage over 40% or increasing lot coverage by any amount if lot coverage already exceeds 40%.

(2) 2. If any of the following conditions exist on the site that make compliance with Section 4.05F(1) unattainable, as determined by a Professional Engineer, green infrastructure shall be used to the extent feasible on-site to maximize infiltration and minimize off-site runoff:

(a) Seasonally high or shallow groundwater as defined in the Vermont Stormwater Management Manual;

(b) Shallow bedrock as defined in the Vermont Stormwater Management Manual;

(c) Soils contaminated with hazardous materials as defined in 10 V.S.A. §6602(16);

(d) A stormwater hot spot as defined in the Vermont Stormwater Management Manual; or

(e) Other site conditions prohibitive of on-site infiltration of runoff subject to the review and approval of the Development Review Board.

(3) Sites that require a State Stormwater Permit will be deemed to have complied with Section 4.05F(1) herein upon issuance.

4.05–G Building Placement and Design Standards. Applicants shall submit a site plan and elevation drawings for new or expanded principal buildings to demonstrate that:

(1) To the maximum extent feasible, buildings are designed to fit into the natural terrain and to minimize any change in grade on the site.

(2) Buildings are located near the street with at least one entrance readily accessible and connected visually as well as by sidewalk.

(3) Open space is oriented to the lake to the maximum extent feasible.

(4) Proposed land development is located and designed to provide views of the lake from the street.

(5) The street-facing and lake-facing facades of buildings are comparable in design and appearance, exterior materials and finishes, and amenities.

(6) Exterior wall surfaces facing a public roadway or parking area, or otherwise publicly visible, employ windows that offer views into the building interior to the maximum extent feasible given the intended function of the interior space.

(7) All sides of a structure shall receive design consideration. The front, sides, and rear of buildings shall be attractively designed and articulated to eliminate large spans of blank exterior wall.

(8) The mass of large buildings are broken up by incorporating visible changes in wall plane and roof form. Traditional roofline types such as gabled, hipped, and gambrel are strongly encouraged. Type, shape, pitch and direction of roofs should be considered in the design. Flat roofs are discouraged.

(9) The building facade includes elements such as porches, awnings, windows, outdoor seating, landscaping and/or similar features that will add visual interest and contribute to creating a pedestrian-oriented environment.

(10) The building incorporates architectural features and details including but not limited to cornices, columns, corner trim, porticos, display window, awnings, dormers, or porches shall be considered in every building design. Traditional features and details associated with Vermont's architectural heritage are strongly encouraged.

(11) The building incorporates different exterior textures, colors and materials that add visual interest. The use of traditional building materials such as granite, brick, fieldstone, wooden clapboard, wooden shingles, etc. is strongly encouraged. Alternatively, contemporary materials that simulate traditional materials, and that have the same visual effect, may be utilized. The use of colors traditionally associated with the building style is encouraged.

(12) All new vehicle use and parking areas are located to the side of principal buildings. Applicants are strongly encouraged to relocate or remove pre-existing parking areas located between the building and the street to the maximum extent feasible.

(13) Any new vehicle or service entrances are located to the side of principal buildings and will be screened as viewed from the lake and the street.

(14) Any new trash storage, building equipment, utilities or similar service functions are located to the side of principal buildings and will be screened as viewed from the lake and the street.

(15) All new or expanded storage areas and structures that will not be fully enclosed will be located outside required setbacks. Applicants are strongly encouraged to relocate or remove pre-existing storage areas located between the building and the street to the maximum extent feasible.

(16) All new or expanded outdoor storage areas will be screened as viewed from the lake and the street with a combination of fencing and landscaping. Boat storage areas should prioritize screening of the base or cradles of boats realizing that the size of boat precludes options for full screening.

(17) All new or expanded storage structures that are not fully enclosed and have any open sides that face the street or lake will be screened from view with a combination of fencing and landscaping.

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Figure 4-1. Building Placement and Design Standards Illustrated

4.06 Lakeshore Two LS2

4.06–A Purpose. To foster the development of a small-scale, mixed-use village center on Malletts Bay that will offer residents and visitors access to recreation and entertainment opportunities, community-serving businesses, marine services, and lodging and dining options in a manner that:

(1) Protects and enhances water quality;

(2) Mitigates flood hazards;

(3) Maintains and improves views of the lake from public vantage points;

(4) Is oriented primarily to pedestrian and bicycle traffic and secondarily to vehicular traffic;

(5) Promotes "greening" of lot frontages and parking areas;

(6) Decreases the amount of impervious surface and associated stormwater runoff; and

(7) Reduces the quantity and improves the quality of stormwater flowing into surface waters;

(8) Promotes economic development.

4.06–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

4.06–C Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited. The following additional standards shall apply to the uses indicated in Table A-1:

(1) 1. Inns over 10 rooms in size shall be considered as a conditional use;

4.06–D Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

(1) Industrial uses lawfully in existence on January 1, 2016 shall be reviewed as a permitted use for expansions or other modifications.

4.06–E Area, Density, and Dimensional Requirements. In the Lakeshore Two District, all requirements of this Section 4.06 and Table A-2 shall apply. Lot coverage may be increased over 40% as listed in Table A-2 in accordance with subsection 4.06F herein. If a project is deemed to comply with subsection 4.06F lot coverage maximums does not apply.

4.06–F Green Infrastructure Requirements.

(1) Land development that meets the following criteria shall utilize the Vermont League of Cities and Towns Green Infrastructure Simplified Sizing Tool for Small Projects to demonstrate that 90% of annual storm events, or the first inch of rainfall from impervious surfaces, are adequately treated on the site and do not overwhelm off-site drainage areas or otherwise cause erosion:

(a) Constructing or replacing a principal building; or

(b) Increasing the footprint of an existing principal building by more than 25% within a 5-year period; or

(c) Increasing the amount of impervious surface on a lot by 1,000 square feet or more over a 5-year period; or

(d) Disturbing 1,000 square feet or more of soil on a lot within a 5-year period excluding septic work; or

(e) Enlarging a structure within the Floodplain District; or

(f) Increasing lot coverage over 40% or increasing lot coverage by any amount if lot coverage already exceeds 40%.

(2) If any of the following conditions exist on the site that make compliance with Section 4.06F(1) unattainable, as determined by a Professional Engineer, green infrastructure shall be used to the extent feasible on-site to maximize infiltration and minimize off-site run off:

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(a) Seasonally high or shallow groundwater as defined in the Vermont Stormwater Management Manual;

(b) Shallow bedrock as defined in the Vermont Stormwater Management Manual;

(c) Soils contaminated with hazardous materials as defined in 10 V.S.A. §6602(16);

(d) A stormwater hot spot as defined in the Vermont Stormwater management Manual; or

(e) Other site conditions prohibitive of on-site infiltration runoff subject to the review and approval of the Development Review Board.

(3) Sites that require a State Stormwater Permit will be deemed to have complied with Section 4.06F(1) herein upon issuance.

4.06–G Building Placement and Design Standards. Applicants shall submit a site plan and elevation drawings for new or expanded principal buildings to demonstrate that:

(1) To the maximum extent feasible, buildings are designed to fit into the natural terrain and to minimize any change in grade on the site.

(2) Buildings are located near the street with at least one entrance readily accessible and connected visually as well as by sidewalk.

(3) Exterior wall surfaces facing a public roadway or parking area, or otherwise publicly visible, should employ windows that offer views into the building interior given the intended function of the interior space.

(4) All sides of a structure shall receive design consideration. The front, sides, and rear of buildings shall be attractively designed and articulated to eliminate large spans of blank exterior wall.

(5) The mass of large buildings is broken up by incorporating visible changes in wall plane and roof form. Traditional roofline types such as gabled, hipped, and gambrel are strongly encouraged. Type, shape, pitch and direction of roofs should be considered in the design. Flat roofs are discouraged.

(6) The building facade includes elements such as porches, awnings, windows, outdoor seating, landscaping and/or similar features that will add visual interest and contribute to creating a pedestrian-oriented environment

(7) The building incorporates architectural features and details including but not limited to cornices, columns, corner trim, porticos, display window, awnings, dormers, or porches shall be considered in every building design. Traditional features and details associated with Vermont's architectural heritage are strongly encouraged.

(8) The building incorporates different exterior textures, colors and materials that add visual interest. The use of traditional building materials such as granite, brick, fieldstone, wooden clapboard, wooden shingles, etc. is strongly encouraged. Alternatively, contemporary materials that simulate traditional materials, and that have the same visual effect, may be utilized. The use of colors traditionally associated with the building style is encouraged.

(9) All new vehicle use and parking areas are located to the side or rear of principal buildings. Applicants are strongly encouraged to relocate or remove pre-existing parking areas located between the building and the street to the maximum extent feasible.

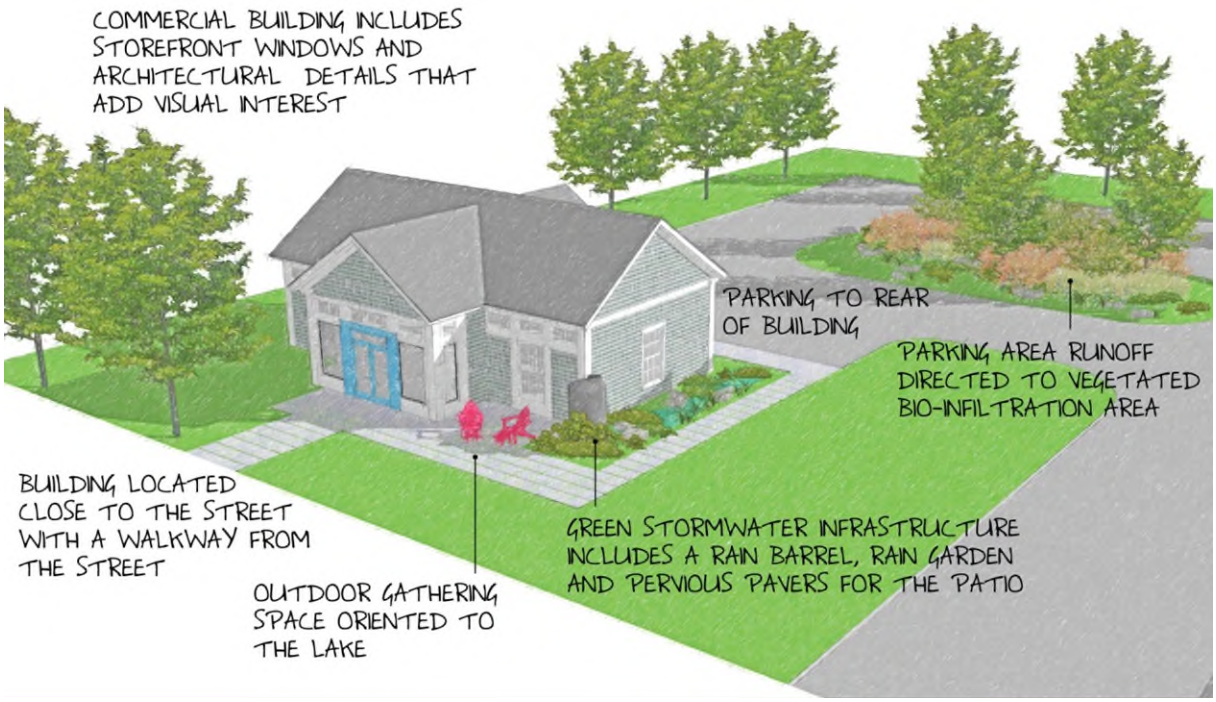
(10) Any new vehicle or service entrances are located to the side or rear of principal buildings and will be screened as viewed from the lake and the street. Any new trash storage, building equipment, utilities or similar service functions are located to the side or rear of principal buildings and screened as viewed from the lake and the street.

(11) All new or expanded storage areas and structures that will not be fully enclosed will be located outside required setbacks. Applicants are strongly encouraged to relocate or remove pre-existing storage areas located between the building and the street to the maximum extent feasible.

(12) All new or expanded outdoor storage areas will be screened as viewed from the street with a combination of fencing and landscaping. Boat storage areas should prioritize screening of the base or cradles of boats realizing that the size of boat precludes options for full screening.

(13) All new or expanded storage structures that will not be fully enclosed and have any open sides that face the street will be screened from view with a combination of fencing and landscaping.

Figure 4-2. Building Placement and Design Standards Illustrated



Article 5: COMMERCIAL & INDUSTRIAL DISTRICTS

5.01 Commercial District/ COM

5.01–A Purpose. To provide designated areas to serve the needs of widely scattered residential developments with a range of retail, personal, professional and other compatible commercial type uses.

5.01–B Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the COM District shall also be subject to the following standards:

(1) Automotive Services uses shall be subject to the following:

(a) All repair work shall be carried out within an enclosed building.

(b) Outdoor storage of scrap or junk cars, spare parts or dismantled cars may be stored outside of a building only where the area for storage is enclosed within a six (6) foot high wall or privacy type fence.

(c) Damaged vehicles awaiting disposition may be stored outside of a building only where the area for storage is enclosed within a six (6) foot high wall or privacy type fence.

(d) Up to five vehicles may be stored outside on the premises provided said storage does not exceed one (1) week in duration.

(2) Gasoline Sales:

(a) Curb cuts shall be no less than 50 ft. from street intersections.

(b) Pumps, lubricating and other outside service devices shall be located at least 45 ft. from the front, side or rear lot lines, and at least 300 ft. from any lot occupied by a school, hospital, library or religious institution.

(c) Storage of trailers, campers or other such vehicles shall be prohibited.

(3) Car wash.

(a) All washing facilities shall be within a completely enclosed building.

(b) Vacuuming and drying areas may be located outside the building but shall not be in the front yard and shall not be closer than 100 ft. from any residential district.

(c) Access points shall be located at least 50 ft. from the intersection of any two (2) streets.

(d) All off-street parking and waiting areas shall be hard surfaced and dust free.

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(e) One (1) traffic lane shall be provided as means of exiting the facility without having to enter the car wash building, such lane to be in addition to a lane for vehicles waiting in line for the car wash and other access and circulation required herein in Article Ten.

(4) Drive-ups shall be subject to the following:

(a) shall not be located within 300 ft. of any lot occupied by a school, hospital, library, and shall not be located within 300 ft. of an abutting residential district.

(b) There shall be separate aisles for vehicle traffic entering and exiting the site.

(c) No parking shall be permitted in any part of the front yard setback.

(d) Drive-up service windows shall be on the side or rear of the building.

(e) Trash containers shall be located on concrete pads and enclosed within a screen a minimum height of the container(s).

(5) Warehouse/Wholesale distribution business:

(a) No outside storage shall be permitted.

(b) Covered storage in more than one (1) building may be permitted provided all area and dimensional requirements are met.

5.02 Industrial District/ IND

5.02–A Purpose. To provide areas for manufacturing, wholesale, processing activities or related uses which are accessible to Arterial or Collector highways or railroad transportation facilities.

5.02–B Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the IND District shall also be subject to the following standards:

(1) All outside storage of material shall be in the rear and only where the area for storage is enclosed within a six (6) foot high wall or privacy type fence or opaque landscaping such as berms, hedges and/or shrubbery.

(2) Automotive Repair and Automotive Body Work outside a fully enclosed building may be allowed subject to the following:

(a) No work shall take place within the front yard.

(b) All work shall be screened from adjacent properties.

(c) All work shall meet the performance standards of Article Two.

(3) All vehicle movements for loading and unloading shall be made off the public right-of-way.

(4) Sanitary landfills shall meet all State of Vermont requirements for solid waste disposal.

(5) Bulk fuel storage and distribution shall comply with all applicable State and Federal Regulations.

(6) Equipment sales & service subject to the following:

(a) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

(b) Access to the outdoor sales area shall be at least 60 ft. from the intersection of any two (2) streets

(c) All repairs must be carried out within an enclosed building.

(d) No part of the required front yard setback shall be used for storage, parking or serve as a sales lot.

(7) Salvage yards:

(a) Must be approved by the Board of Selectmen and State of Vermont in accord with Title 24, V.S.A., Chapter 61, Subchapter 10.

(b) No outside storage shall be permitted in any part of required front yard setback.

5.03 Business District/ BD

5.03–A Purpose. To provide an area designated for the broadest possible scope of business, manufacturing, and service uses at the Exit 16 gateway to Colchester from Interstate 89. The focus of this area shall be to foster commerce and trade including high-tech industry and supportive facilities. Within this area, there shall also be supportive general services, care facilities, restaurants, recreation, and entertainment opportunities provided that these uses compliment business activities.

5.03–B Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the Business District shall also be subject to the following standards:

(1) Generally, accessory structures that are clearly subordinate to the primary structure shall be located within the rear or inner yard of the property.

(2) Automotive Services uses shall be subject to the following:

(a) All repair work shall be carried out within an enclosed building.

(b) Outdoor storage of scrap or junk cars, spare parts or dismantled cars may be stored outside of a building only where the area for storage is enclosed within a six (6) foot high wall or privacy type fence.

(c) Damaged vehicles awaiting disposition may be stored outside of a building only where the area for storage is enclosed within a six (6) foot high wall or privacy type fence.

(d) Up to five vehicles may be stored outside on the premises provided said storage does not exceed one (1) week in duration.

(3) Gasoline Sales:

(a) Curb cuts shall be no less than 50 ft. from street intersections.

(b) Pumps, lubricating and other outside service devices shall be located at least 300 ft. from any lot occupied by a school, hospital, library or religious institution.

(c) Storage of trailers, campers or other such vehicles shall be prohibited.

(4) Car wash.

(a) All washing facilities shall be within a completely enclosed building.

(b) Vacuuming and drying areas may be located outside the building but shall not be in the front yard and shall not be closer than 100 ft. from any residential district.

(c) Access points shall be located at least 50 ft. from the intersection of any two (2) streets.

(d) All off-street parking and waiting areas shall be hard surfaced and dust free.

(e) One (1) traffic lane shall be provided as means of exiting the facility without having to enter the car wash building, such lane to be in addition to a lane for vehicles waiting in line for the car wash and other access and circulation required herein in Article Ten.

(5) Drive-ups shall be subject to the following:

(a) shall not be located within 300 ft. of any lot occupied by a school, hospital, library, or religious institution and shall not be located within 300 ft. of an abutting residential district.

(b) There shall be separate aisles for vehicle traffic entering and exiting the site.

(c) No parking shall be permitted in any part of the front yard setback.

(d) Drive-up service windows shall be on the side or rear of the building.

(e) Trash containers shall be located on concrete pads and enclosed within a screen a minimum height of the container(s).

(6) Warehouse/Wholesale distribution business:

(a) No outside storage shall be permitted.

(b) Covered storage in more than one (1) building may be permitted provided all area and dimensional requirements are met.

(7) All outside storage of material shall be in the rear and only where the area for storage is enclosed within a six (6) foot high wall or privacy type fence or opaque landscaping such as berms, hedges and/or shrubbery.

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(8) All vehicle movements for loading and unloading shall be made off the public right-of-way.

(9) Bulk fuel storage and distribution shall comply with all applicable State and Federal Regulations.

(10) Equipment sales & service subject to the following:

(a) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

(b) Access to the outdoor sales area shall be at least 60 ft. from the intersection of any two (2) streets.

(c) All repairs must be carried out within an enclosed building.

(d) No part of the required front yard setback shall be used for storage, parking or serve as a sales lot.

(11) Salvage yards:

(a) Must be approved by the Board of Selectmen and State of Vermont in accord with Title 24, V.S.A., Chapter 61, Subchapter 10.

(b) No outside storage shall be permitted in any part of required front yard setback.

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Article 6: OTHER DISTRICTS

6.01 Agricultural District AGR

6.01–A Purpose. To maintain preserve and enhance agricultural lands, uses, and rural character of the Town of Colchester and to protect soil, water and other natural resources, to maintain, preserve and enhance open space lands and to protect these lands from suburban development.

6.01–B Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the AGR District shall also be subject to the following standards:

(1) Agricultural operations shall be subject to the following standards:

(a) Farm buildings shall be a minimum of 100 feet from all property lines.

(b) Feed lots, fenced runs, pens, and similar intensively used facilities for animal housing shall be a minimum of 100 feet from a Residential District as defined in Article 3.

(2) Contractors Yard, Landscape use shall be subject to the following standards:

(a) All equipment shall be stored within fully enclosed building;

(b) Only earth moving equipment shall be kept on site;

(c) No more than six pieces of equipment shall be kept on-site;

(d) The equipment shall be stored in a structure that is sufficiently removed or buffered from adjacent properties;

(e) All structures associated with the use shall be either residential or agricultural in appearance and sited so as to minimize visual dominance of the site especially from the road and adjacent properties.

6.02 Mobile Home Park District MHP

6.02–A Purpose. To regulate the establishment and development of mobile home parks within residential areas.

6.02–B Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the MHP District shall also be subject to the following standards:

(1) All mobile home parks shall be reviewed as Planned Residential Developments as per Article 9.

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6.03 Flood Plain District FP

~~6.03–A~~ Purpose. In accordance with the purposes of 10 V.S.A. Chapter 32 and 24 V.S.A. §4424 to minimize adverse impacts of development upon the sensitive natural areas adjacent to Colchester's various watercourse and waterbodies. It is the purpose of this District to promote the public health, safety and general welfare, to prevent increases in flooding caused by the development of lands in areas of special flood hazard, and to minimize losses due to floods**.** Only open space uses not involving structures and impervious surfaces are intended for these areas.

6.03–B Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1**,** or otherwise listed below, are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

(1) Public boat launching ramps, swimming areas (beaches), natural areas and hunting and fishing.

(2) Seawalls, retaining walls and similar structures detached from and not an integral part of a building.

(3) Stairs and associated landings detached from and not an integral part of a building.

(4) Rehabilitation, repair, or reconstruction of a structure or building so long as the footprint is maintained or reduced. There shall be no extension of the use or increase to square footage. If the repair, rehabilitation, or reconstruction of the structure or building is more than 35% of the value of the pre-existing structure or building in a ten year period, the building or structure shall be floodproofed. Additionally, any building or structure substantially damaged shall be floodproofed.

(5) Enlargement of residential structures that are floodproofed so long as the footprint is maintained or reduced.

(6) Green infrastructure.

6.03–C Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

(1) Enlargement of buildings and structures lawfully in existence as of January 1, 2016 bordering West Lakeshore Drive between Prim Road and East Lakeshore Drive that are floodproofed and for which the applicant has submitted a study from a Professional Engineer based upon current FEMA guidelines and standards showing that the enlargement will not result in a loss of flood storage capacity, minimizes damage to structures from wave run-up, and implements green infrastructure in conformance with Section 4.05F and 4.06F herein.

6.03–D Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the FP District shall also be subject to the following standards:

(1) All substantially improved, reconstructed, or enlarged buildings shall be floodproofed. Floodproofed shall mean that the building or structure, excepting accessory structures, shall be raised so as to have the lowest horizontal member be two feet above base flood elevation by following FEMA compliant methods: piers, posts, columns, pilings, or foundation with flood gates. Floodproofing of accessory structures shall mean wet floodproofing utilizing FEMA compliant methods. Additionally, floodproofed shall also mean that structures are made reasonably safe from floodproofing through the following methods:

(a) anchoring in a FEMA compliant manner to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;

(b) use of methods and practices that minimize flood damage including the use of materials resistant to flood damage;

(c) electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding and be located at least two feet above base flood elevation;

(d) adequate drainage paths around structures to guide floodwater around and away.

(2) All proposals for floodproofed structures shall be submitted to the State Department of Environmental Conservation or duly delegated agency and have an as-built FEMA Elevation Certificate submitted to the Administrative Officer prior to the issuance of a Certificate of Occupancy.

(3) Up to two inches of topsoil may be brought to a project site to re-establish ground cover and/or stabilize septic systems.

(4) Summer seasonal items such as boats and other recreational items may be stored under floodproofed structures so long as the area is not completely enclosed and the area is screened by lattice or other mostly open screening to contain the items in the event of flood.

(5) All appurtenances to a residential use, such as fuel tanks, shall be properly secured in accordance with FEMA standards.

(6) Public utilities and tanks shall be placed underground and securely anchored so as to minimize flood damage.

(7) The alteration or relocation of a watercourse is highly discouraged however if imminent threat to community services or personal property exist an application may be considered. The flood carrying and sediment transport capacity with an altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability. Any applications for alterations or relocations of watercourses shall provide notice to the adjacent communities, the Steam Alteration Engineer and the NFIP Coordinator at the Vermont Agency of Natural Resources (ANR), and the Army Corps of Engineers. No permit may be issued until after receipt of comments from ANR or 30 days from the date of notification, whichever is sooner.

(8) No structures shall be constructed or expanded in the floodway. No land development activities shall occur within the floodway or floodplain that increases the Base Flood level.

6.04 Agricultural Mixed Use District (AMU)

6.04–A Purpose. To maintain and enhance agricultural uses within the Shipman Hill Neighborhood and to encourage complimentary activities that will help to sustain these agricultural uses through diversification, agri-tourism, and low impact residential growth.

6.04–B Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. The following additional standards shall apply to the uses indicated in Table A-1:

(1) General sales with a significant component of goods sold being agricultural or other items produced on the premises shall be limited as follows:

(a) General sales may be permitted only on parcels of 10 acres or larger. Contiguous parcels under the same ownership may be combined to satisfy this requirement.

(b) Maximum permitted gross building square footage for general sales is 5% of the square footage of the lot not to exceed 10,000 sq. ft.

(2) Distribution facility and warehousing with all storage within structures shall be limited as follows:

(a) Distribution and warehousing may be permitted only on parcels of 30 acres or greater.

6.04–C Area, Density and Dimensional Requirements. In the AMU District, all requirements of Table A-2 shall apply. In addition, the minimum lot size for a residential lot shall be one-half-of-an-acre and the maximum lot size shall be one acre. Density shall be determined under the Fixed Area Based Zoning Provisions of Section 6.04. The Development Review Board may, through the Site Plan Review Process of Article VIII herein, consider lot coverage maximums of up to 40% in conjunction with the uses enumerated in Section 6.04B(1) and (2).

6.04–D Fixed Area Based Zoning.

(1) Definitions.

(a) Parent parcel. A parcel of land in the AMU District that is greater than 2 acres on December 21, 2004.

(b) Development unit. The number of units determined from density calculations for a parent parcel. One development unit equals one dwelling unit to be developed within the parent parcel, subject to Section 6.04D.3, or one unit eligible for transfer under the Transferable Development Rights program (Section 7.06).

(c) Unbuildable Land. Class I or II wetland, floodplain or land that has an inadequate ability to support structures.

(2) The maximum number of development units per parcel is based on the total acreage of the parent parcel less the unbuildable land area. An overall density of one dwelling unit per buildable acre is permitted in the AMU District.

(3) A maximum of one-fifth (1/5th) of all permitted development units may be built within the parent parcel. All development units are eligible for transfer out of the AMU District under the Transferable Development Rights program (Section 7.06).

(4) Procedure for Determination of Development Units. Prior to or concurrent with the first subdivision of a parent parcel, the subdivider shall submit sufficient information to enable the Development Review Board to determine the maximum number of permitted development units for the parcel and the number of dwelling units that may be developed within the parent parcel. The Development Review Board shall issue Findings of Fact supporting its determination of available development units.

(Sample calculation: The Development Review Board determines that a parent parcel contains 75 total acres and 15 acres of unbuildable land. The net 60 buildable acres enable a maximum of 60 development units for the overall parcel. One-fifth of those units, or a maximum of 12 dwelling units, may be clustered within the parent parcel. The remaining 48 development units may be transferred out of the AMU District. If no dwelling units are built within the parent parcel, 60 development units may be transferred).

(5) Subsequent to or concurrent with the first subdivision of a parent parcel, development units shall be assigned and shall be identified by a sequential numbering system such that each parent parcel has a unique set of numbers, one for each development unit. The Planning and Zoning Office shall maintain a record of the total permitted development units for the parent parcel, the number of dwelling units built within the parcel, the number of transferred development units, and the unused number of units.

6.04–E Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the AMU District shall also be subject to the following standards:

(1) Agricultural operations shall be subject to the following standards:

(a) Farm buildings shall be a minimum of 100 feet from all property lines.

(b) Feed lots, fenced runs, pens, and similar intensively used facilities for animal housing shall be a minimum of 100 feet from a Residential District as defined in Article 3.

(2) All lots created for non-agricultural uses and all structures shall be located to minimize adverse impact on agricultural operations. The Development Review Board may require clustering of lots or other means to accomplish this objective.

(3) Auto, marine or equipment storage outside completely enclosed structures shall be fenced, landscaped, or otherwise located so as to screen the items being stored from all adjacent properties.

6.04–F F. Transferable Development Rights. Development units, as determined in Section 6.04D, may be transferred out of the AMU District under the Transferable Development Rights program (Section 7.06). For each development unit created in the sending district, the transfer rate shall be 1.0 TDR unit to be used in the R1, R2. and R3 Districts or 1.5 TDR units to be used in all other designated receiving districts (Section 7.06D).

(Sample calculation: At the time of the first subdivision of a parent parcel, the Development Review Board determines that 60 development units are available for the overall parcel. The maximum of 12 dwelling units are approved for development within the parent parcel, leaving 48 development units to be transferred. The transfer ratio allows 48 TDR units to be developed in the R1, R2, and R3 Districts or 72 TDR units to be developed in any other receiving district).

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Article 7: OVERLAY DISTRICTS

7.01 General Development Four Commercial District GD4C

7.01–A Purpose. To limit high-volume commercial uses such as retail stores, drive-through banks, restaurants and gas stations within the General Development Four District. Development within GD4C shall be subject to strict guidelines of General Development Four.

7.01–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

7.01–C Permitted Uses. Those uses allowed as permitted uses in the General Development Four District may be permitted in the GD4C Overlay District in accordance with the provisions of Section 4.04 herein. In addition to the uses permitted in Section 4.04 the following uses are permitted within GD4C:

(1) Banks with drive-in windows

7.01–D Conditional Uses. Those uses allowed as conditional uses in the General Development Four District may be permitted in the GD4C Overlay District in accordance with the provisions of Section 4.04 herein. In addition to the uses permitted in Section 4.04 the following uses are conditionally permitted within GD4C:

(1) Convenience store with gas pumps

(2) Short-order restaurant with drive-up service

(3) Gas sales without service and repair

(4) Drycleaner & laundromat majority of business is not walk-in

7.01–E Area, Density, and Dimensional Requirements. In the GD4C District, all structures shall be subject to the area, density and dimensional requirements of the General Development Four District as set forth in Section 4.04 and Table A-2, Dimensional Standards of these regulations.

7.01–F Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the GD4C District shall also be subject to the following standards:

(1) Existing convenience stores with gas pumps and gas sales operations without service and repair shall be allowed to continue and/or expand.

(2) New convenience stores with gas pumps and gas sales operations without service and repair shall be located within 3,000 feet of the Interstate 89 right-of-way.

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(3) No new convenience stores with gas pumps nor new gas sales operations without service and repair shall be permitted or allowed within 3,000 feet of an existing convenience store with gas pumps or gas sales operations without service and repair use, except that this limitation shall not apply to the distance between gas sale uses located on opposite sides of the Interstate 89 right of way.

7.02 General Development Four Open Space District/ GD4OS

7.02–A Purpose. To conserve open spaces of particular importance to viewscapes within the General Development Four District.

7.02–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

7.02–C Permitted Uses. Those uses allowed as permitted uses in the General Development Four District may be permitted in the GD4OS Overlay District in accordance with the provisions of Section 4.04 herein.

7.02–D Conditional Uses. Those uses allowed as conditional uses in the General Development Four District may be permitted in the GD4C Overlay District in accordance with the provisions of Section 4.04 herein.

7.02–E Area, Density, and Dimensional Requirements. In the GD4OS District, all structures shall be subject to the area, density and dimensional requirements of the General Development Four District as set forth in Section 4.04 and Table A-2, Dimensional Standards of these regulations.

7.02–F Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the GD4OS District shall also be subject to the following standards:

(1) For all properties within the GD4OS 30% of the total acreage of any parcel to be developed shall be designated as open space. If all of the GD4OS area on a property is designated as restricted open space with covenants to keep said space open in perpetuity, the Development Review Board may increase total lot coverage by 10% beyond that permitted in General Development Four District as set forth in Section 4.04 and Table A-2.

(2) Structures within the GD4OS District shall be limited to ten feet in height. The Development Review Board may increase the height of a building up to the height for the GD4 District designated in if 50% or more of the GD4OS on a property is designated as restricted open space with covenants to keep said space open in perpetuity in Section 4.04 and Table A-2.

(3) The Development Review Board may approve use of the GD4OS for septic systems and stormwater treatment/detention systems, provided all GD4OS area on a property is designated as restricted open space with covenants to keep said space open in perpetuity.

7.03 Shoreland District/ SD

7.03–A Purpose. To preserve the natural growth and cover of the shorelines, to preserve water quality, to prevent pollution, to regulate development and appearance of the shorelines, to prevent erosion, to prevent nuisance, and to preserve the property rights of the shoreline property owners. The boundaries of the Shoreland District shall include all lands within 250 feet from the mean watermark of Colchester Pond, and Lake Champlain. This district overlays all other districts along the shoreline.

7.03–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

7.03–C Permitted Uses. The following uses are permitted in the Shoreland District in accordance with the provisions of this Section 7.03 and Table A-2, Dimensional Standards.

(1) Those uses which are permitted in the underlying zoning district.

(2) Piers, docks and other structures attached to the shore and extending beyond the mean water mark are exempt from these Regulations, provided that such piers, docks and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures regulated herein.

(3) Repair and reconstruction of existing residential structures including the installation of full basements.

(4) Enlargement of residential structures that does not increase the ***degree of encroachment*** within 100 feet from the mean water mark.

(5) Shore based facilities for pumping and/or disposing of wastes from boats (subject to applicable Town and State Health Regulations).

(6) Publicly owned recreational uses such as picnic ground, parks, playgrounds, swimming areas (beaches), natural areas and hunting and fishing.

(7) Seawalls, retaining walls and similar structures detached from and not an integral part of a building.

(8) Paths, stairs and associated landings detached from and not an integral part of a building.

(9) Boat launching ramps.

(10) Fences.

(11) Removal of up to 25% of the trees one-inch caliper or greater within a ten-year period that is witnessed by the Colchester Administrative Officer or designee prior to removal.

7.03–D Conditional Uses. The following uses are allowed in the Shoreland District as conditional uses subject to approval by the Development Review Board in accordance with the provisions of this Section 7.03 and Table A-2, Dimensional Standards.

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(1) Enlargement of structures that increases the degree of encroachment within the 100 feet from the mean water mark. Such portion of the structure encroaching shall not exceed 10% of the building as measured from the exterior face of exterior walls excluding appurtenances such as decks, porches, overhangs, and stairs in existence at the time of application within a 10-year period.

7.03–E Area, Density, and Dimensional Requirements. In the Shoreland District structures shall be subject to the following area, density and dimensional requirements:

(1) Except for those uses specified in Section 7.03C & D all buildings and structures shall be setback 100 feet from the mean water mark.

(2) All buildings, structures, and lots shall comply with the minimum lot, dimensional, coverage, and height requirements of the underlying district.

7.03–F Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the Shoreland District shall also be subject to the following standards:

(1) If piers, docks and other structures under Section 7.03C(2) are integrated with structures requiring approval hereunder, including but not limited to seawalls, retaining walls, stairs or landings, such integrated portions of the pier, dock or other structure under 7.03C(2) located landward of the mean water mark are subject to this Section 7.03F.

(2) Existing natural shoreline vegetation should be incorporated into the project when reasonably possible. Native plants and wildlife habitat should be considered and preserved to the greatest extent possible. No more than 25% of existing trees, both native and non-native invasive species, one-inch caliper or greater shall be removed along the shoreline for a distance of 100 ft from the mean water mark within a ten-year period. The Development Review Board may permit more than 25% removal of existing trees of one-inch caliper or greater in conjunction with a 1:1 replanting plan if it is determined that the removal of the trees will not have adverse impact on shoreline stability and the character of the area. Removal of more than 25% of existing trees one inch caliper or greater shall require a survey of existing conditions including the size, location, condition and type of vegetation specifically indicating non-native invasive species versus native species. Phasing of tree removal is encouraged, including for non-native invasives, to allow for replanted trees to become established and assist with bank stability. Tree removal and replanting plans must take into account bank stability, stormwater runoff, and erosion control. The replanting plan shall be prepared by a licensed Landscape Architect, Arborist, or Environmental Ecologist and shall have at least a one-to-one replacement ratio for all trees over one inch caliper with native trees. A Landscape Improvement Agreement may be required to provide surety for the proposed plantings. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted.

(3) The proposal for filling, grading or erection of any structure within 100 ft. inland of the mean water mark shall require site plan review and approval by the Development Review Board per Article Eight and Section 2.13. Specifically exempt from this requirement shall be those uses listed in Section 7.03C (4), (5), (8), and (10).

(4) Requests for seawalls and similar structures under Section 7.03C(7) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.03F, the DRB shall apply the following standards to the construction of seawalls and similar structures permitted under Section 7.03C(7):

(a) The applicant shall prove the required need of said seawall or similar structure. Required needs include threat to personal property, excessive erosion, or imminent threat to water quality. Expansion of usable property shall not constitute need. All seawalls shall be constructed in a structurally sound manner fully complying with building codes in effect.

(b) The seawall or similar structure shall be designed by a Professional Engineer or Landscape Architect. Exceptions may be made by the Board where Bio-Engineered solutions are proposed.

(c) The seawall or similar structure shall, to the extent structurally feasible, follow the existing contour of the shoreline and be located along the toe of the slope minimizing backfill and land disturbance. The structure shall be scaled to meet the need and not larger than structurally required. The Shoreline Stabilization Handbook, as amended from time to time, shall be consulted for project design. Full design plans including a site plan with property boundary lines, contours including the 95 foot, 98 foot, and 102 foot elevations shall be submitted with the application including a scaled cross-section of the wall, descriptions of material to be used, a drainage plan, a construction access plan, and soil erosion / site stabilization plan. Existing conditions shall be documented through site plans as well as photographs of the site from the waterbody.

(d) Visually massive structures are discouraged. The project design should mitigate the visual impact of the structure as viewed from the water. To this end, terracing, landscape plantings, and other aesthetic measures should be integrated into the structural solution.

(e) Whenever feasible, a coordinated solution to localized erosion problems should be taken amongst effected property owners.

(f) The Professional Engineer or Landscape Architect that designed the structure shall be present with the Administrative Officer or designee during an inspection of the structure when half completed. The same designer shall certify that the structure was built per the plan prior to the issuance of a certificate of occupancy for the project.

(5) The review of any proposed construction of shore-based facilities shall consider the following:

(a) Will not adversely affect water quality or be a source of nuisance by reason of noise or fumes.

(b) Will not interfere with or prevent use of adjacent shoreland property or its access to and from the water.

(c) Will be compatible with adjacent land uses.

(d) That necessary and adequate sanitary public utilities and parking facilities are available or will be made available.

(e) Will not create an adverse vehicle traffic condition.

(6) Stairs shall be no more than 48 inches in width with associated platforms being no more than 48 inches in width and 48 inches in length. All stairs shall have a handrail on at least one side. Flexibility will be exercised with regard to the rise and run of stairs permitted under this section to accommodate pedestrian access yet minimize visibility from the lake and preservation of natural features. Paths shall not exceed 48" in width.

(7) All stairs and paths shall minimally disturb existing contours on the site and where possible follow existing contour lines. Stairs and paths shall make use of the natural vegetation and topography to blend with the shoreline. All stairs and paths shall be screened from the water body through the use of landscaping.

(8) The Department of Water Resources and the U.S. Army Corps of Engineers may be requested to review, comment on, or approve all applications for construction below the 98 foot elevation prior to issuance of a building permit for said construction. The Development Review Board and the Department of Planning and Zoning may utilize the recommendations of the Department of Water Resources and the U.S. Army Corps of Engineers in its decision whether or not to issue a building permit for said construction.

(9) Enlargement of a residential structure that increases encroachment within the 100 feet from the mean water mark shall demonstrate that said enlargement cannot reasonably be accomplished without further encroachment due to topography, shape of the lot, or interior floor plan layout. Enlargement that results in additional encroachment shall be adequately screened from the water body, shall make use of existing topography, shall utilize earth-tone colors, and shall make use of the natural vegetation and topography to blend with the shoreline.

(10) Legal encroachments per Section 7.03 shall not be subject to the time limits established under Section 2.12B(2).

(11) Requests for boat launching ramps under Section 7.03C(9) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.03F(1), (2), and (3), the DRB shall apply the standards of 7.03F(4)(b)-(d) to the construction of ramps.

7.04 Water Protection District/ WPD

7.04–A Purpose. It is the purpose of this Section to provide for the protection and improvement of the surface waters and wetland within the Town of Colchester. These regulations and standards are intended to lead to the establishment and protection of natural areas along the Town's surface waters and wetlands to provide improved protection for water quality and the provision of open space areas and wildlife habitat. It is the further purpose of this Section to provide for the retention of preexisting residential neighborhoods located along surface waters and streams in a manner consistent with the resource protection goals of this Section and the Municipal Plan.

7.04–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

7.04–C Surface Water Buffer Standards ("Stream Buffers")

(1) Applicability. The requirements of this Section shall apply to all lands in Colchester, except those developed with a single-~~family~~ unit dwelling or duplex dwelling in a project that does not require DRB oversight after of December 21, 2004, described as follows:

(a) All land within eight-five (85) feet horizontal distance of the center of the main channel of Allen Brook, Indian Brook, Malletts Creek, Pond Brook and Sunderland Brook and from the center of all tributaries of the above named streams and all other minor streams which shall be subject to the provisions of (b) below.

(b) Initial assessment of a stream location can be made by consulting the Overlay District Map. In the case of a conflict with the map, final assessment will be made by a wetland/aquatic biologist. The origin of a stream or tributary is defined as the point where an intermittent stream forms a distinct channel, as indicated by the presence of a streambed and/or high water marks.

(2) General standards. It is the objective of these standards to promote the establishment of heavily vegetated areas of native vegetation and trees in order to reduce the impact of stormwater runoff, reduce sedimentation, and increase infiltration and base flows in the Town's watercourses. Therefore, except as specifically permitted below and in Section 7.04C3 & 4, all lands within a required stream buffer defined above shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping with appropriate species of vegetation to achieve these objectives shall be permitted. The specific standards for the vegetation and maintenance of stream buffers are as follows:

(a) No more than 25% of existing trees one inch caliper or greater shall be removed within 85 feet from the centerline of the stream within a ten year period. The Development Review Board may permit up to 40% of existing trees of one inch caliper or greater to be removed if it is determined that the removal of the trees will not have adverse impact on the character of the area. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted. Removal of more than 40% of existing trees may be approved by the Development Review Board in conjunction with a permitted or conditional use within underlying districts.

(b) Any altered or relocated portion of a watercourse shall maintain its flood carrying capacity. Any areas within a required stream buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, and shall not be mowed more than one (1) time per calendar year after establishment.

(c) The creation of new lawn areas within stream buffers is not permitted after December 21, 2004.

(d) Accessory residential structures which do not exceed 120 square feet and residential pools that do not exceed 500 square feet are hereby exempted provided the primary structure is in existence on December 21, 2004.

(e) Enlargement, repair and reconstruction of residential structures in existence on December 21, 2004 are hereby exempted.

(f) Residential fences where the primary structure is in existence on December 21, 2004 are hereby exempt.

(g) Maintenance, repair, and/or reconstruction of existing stormwater management systems lawfully located within the stream buffer as hereby exempted.

(3) Expansion of pre-existing structures within stream buffers. The expansion of pre-existing structures within stream buffers, except as provided in Section 7.04C2 above, shall be permitted only in accordance with the standards for noncomplying structures in Section 2.12 of these Regulations.

(4) New uses and encroachments within stream buffers. The encroachment of new land development activities into the Town's stream buffers is discouraged. The DRB may authorize the following as conditional uses within stream buffers, subject to the standards and conditions enumerated for each use.

(a) Agriculture in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices, horticulture and forestry including the keeping of livestock, provided that any building or structure appurtenant to such uses is located outside the stream buffer.

(b) Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of a permitted or conditional use on the same property and where the DRB finds that:

i. There is no practicable alternative to the clearing, filling or excavating within the stream buffer; and

ii. The purposes of this Section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures.

(c) Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.

(d) Encroachments necessary for providing for or improving public facilities.

(e) Public recreation paths and bridges.

(f) Stormwater treatment facilities meeting the Vermont Agency of Natural Resources stormwater treatment standards, and routine maintenance thereof, including necessary clearing of vegetation and dredging. Evidence of a complete application to the VANR for coverage under the applicable permitting requirements shall be required to meet this criterion for encroachment into a stream buffer. The conveyance of treated stormwater to a stream through a pipe or open channel shall occur at the invert elevation of the streambed, wherever possible, and shall be stabilized by a stone outfall. A maintenance schedule for permanent stormwater best management practices shall be submitted and approved by the Town Engineer. A performance bond may be required for said improvements.

(g) Roadways or access drives for purposes of crossing a stream buffer area to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access. Roadways, access drives, and associated improvements shall meet the following standards:

i. Wherever practicably feasible, the crossing shall occur at right-angle to the stream channel and the roadway or access drive should be located at least ten (10) feet from the edge of channel of the surface water.

ii. Unless otherwise approved by the Town Engineer, for streams up to 6 feet wide, arch (squashed) culverts with baffles or box culverts with baffles shall be used. In either case, the invert of the structure shall be at grade with the streambed. For streams 6 feet wide or greater, bottomless Plate Arches or bridges will be used to ensure passage of water during dry periods and minimize barriers to fish. All roadway bridges or plate arches shall be capable of passing a 50-year peak discharge.

iii. Unless otherwise approved by the Town Engineer, for culvert headers there should be 4' of scour protection (below streambed) or a minimum of 1/2 culvert diameter. Headers and wing walls should be high enough to retain road fills and provide for adequate roadway width. Wing configuration shall be as necessary to retain fill slopes and control inlet and outlet erosion.

(h) Utility lines, including power, telephone, cable, sewer and water, to the extent necessary to cross or encroach into the stream buffer where there is no feasible alternative for providing or extending utility services. Underground utility crossings should be located at least 3 feet below the streambed, so that future channel erosion does not expose them.

(i) Outdoor recreation not involving the uses of mowed fields provided any building or structure (including parking and driveways however except bridges and boardwalks) appurtenant to such use is located outside the stream buffer.

(j) Research and educational activities provided any building or structure (including parking and driveways) appurtenant to such use is located outside the stream buffer.

(k) Hydro-electric power generation

7.04–D Wetland Buffer Standards

(1) Applicability. The requirements of this Section shall apply to all of the following lands:

(a) Lands designated as Class I and II wetlands

(b) All lands within fifty (50) feet horizontal distance of the edge of a Class I and II wetland

(c) Initial assessment of a wetland location can be made by consulting the National Wetland Inventory map and the Overlay District Map. In the case of a conflict with the map, final assessment will be made by a wetland/aquatic biologist.

(2) General standards. It is the objective of these standards to promote the establishment of heavily vegetated areas of native vegetation and trees in order to reduce the impact of stormwater runoff, reduce sedimentation, and increase infiltration and base flows in the Town's wetlands. Therefore, except as specifically permitted below, all lands within wetlands and required wetland buffers defined above shall be left in an undisturbed, naturally vegetated condition:

(a) Encroachment into Class I and II wetlands is permitted by the Town only in conjunction with issuance of a Conditional Use Determination (CUD) by the Vermont Department of Environmental Conservation and positive findings by the DRB pursuant to the criteria in Section 7.04D2(b) below.

(b) Encroachment into Class I and II wetland buffers may be permitted by the DRB upon finding that the proposed project's overall development, erosion control, stormwater treatment system, provisions for stream buffering, and landscaping plan achieve the following standards for wetland protection:

i. The encroachment(s) will not adversely affect the ability of the property to carry or store flood waters adequately;

ii. The encroachment(s) will not adversely affect the ability of the proposed stormwater treatment system to reduce sedimentation according to state standards;

iii. The impact of the encroachment(s) on the specific wetland functions and values identified in the field delineation and wetland report is minimized and/or offset by appropriate landscaping, stormwater treatment, stream buffering, and/or other mitigation measures.

iv. There shall be no adverse affect to soils or vegetation, impairment of the quantity and quality of surface and ground water, or soil erosion.

v. Excavation of earth materials or filling with earth materials or other substances will be permitted only to the extent necessitated by a permitted or conditional use.

7.04–E Fluvial Erosion Hazard Overlay District (FEH)

(1) Purpose. To preserve the natural growth and cover of the shorelines, to preserve water quality, to prevent pollution, to regulate development and appearance of the shorelines, to prevent erosion, to prevent nuisance, and to preserve the property rights of the shoreline property owners. The boundaries of the Water Protection District shall include all lands within 250 feet from the mean watermark of the Winooski River and the Lamoille River.

(2) Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

(3) Permitted Uses. The following uses are permitted in the FEH in accordance with the provisions of this Section 7.04 and Table A-2, Dimensional Standards.

(a) Those uses which are permitted in the underlying zoning district.

(b) Piers, docks and other structures attached to the shore and extending beyond the mean water mark are exempt from these Regulations, provided that such piers, docks and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures regulated herein.

(c) Pumphouses designed and of a size for ordinary residential or seasonal camp use.

(d) Repair and reconstruction of existing residential structures including the installation of full basements.

(e) Enlargement of residential structures that does not increase the degree of encroachment within 100 feet from the mean water mark.

(f) Shore based facilities for pumping and/or disposing of wastes from boats (subject to applicable Town and State Health Regulations).

(g) Recreational uses such as picnic ground, parks, playgrounds, swimming areas (beaches), natural areas and hunting and fishing.

(h) Seawalls, retaining walls and similar structures detached from and not an integral part of a building.

(i) Paths, stairs and associated landings detached from and not an integral part of a building.

(j) Boat launching ramps.

(k) Fences.

(4) Area, Density, and Dimensional Requirements. In the FEH structures shall be subject to the following area, density and dimensional requirements:

(a) Except for those uses specified in Section 7.04E(3) all buildings and structures shall be setback 100 feet from the mean water mark.

(b) All buildings, structures, and lots shall comply with the minimum lot, dimensional, coverage, and height requirements of the underlying district.

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(5) Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the FEH shall also be subject to the following standards:

(a) If piers, docks and other structures under Section 7.04(3)(b) are integrated with structures requiring approval hereunder, including but not limited to seawalls, retaining walls, stairs or landings, such integrated portions of the pier, dock or other structure under 7.04(3)(b) located landward of the mean water mark are subject to this Section 7.04(5).

(b) Existing natural shoreline vegetation should be incorporated into the project when reasonably possible. Native plants and wildlife habitat should be considered and preserved to the greatest extent possible. No more than 25% of existing trees one inch caliper or greater shall be removed along the shoreline for a distance of 100 ft from the mean water mark within a ten year period. The Development Review Board may permit up to 40% of existing trees of one inch caliper or greater to be removed if it is determined that the removal of the trees will not have adverse impact on shoreline stability and the character of the area. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted. Removal of more than 40% of existing trees may be approved by the Development Review Board in conjunction with a permitted or conditional use as stated herein.

(c) The proposal for filling, grading or erection of any structure within 100 ft. inland of the mean water mark shall require site plan review and approval by the Development Review Board per Article Eight and Section 2.13. Specifically exempt from this requirement shall be those uses listed in Section 7.04(3)(d), (e), (i), and (k).

(d) Requests for seawalls and similar structures under Section 7.04(3)(h) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.04E(5), the DRB shall apply the following standards to the construction of seawalls and similar structures permitted under Section 7.04(3)(h):

i. The applicant shall prove the required need of said seawall or similar structure. Required needs include threat to personal property, excessive erosion, or imminent threat to water quality. Expansion of usable property shall not constitute need. All seawalls shall be constructed in a structurally sound manner fully complying with building codes in effect.

ii. The seawall or similar structure shall be designed by a Professional Engineer or Landscape Architect. Exceptions may be made by the Board where Bio-Engineered solutions are proposed.

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iii. The seawall or similar structure shall, to the extent structurally feasible, follow the existing contour of the shoreline and be located along the toe of the slope minimizing backfill and land disturbance. The structure shall be scaled to meet the need and not larger than structurally required. The Shoreline Stabilization Handbook, as amended from time to time, shall be consulted for project design. Full design plans including a site plan with property boundary lines, contours including the 95 foot, 98 foot, and 102 foot elevations shall be submitted with the application including a scaled cross-section of the wall, descriptions of material to be used, a drainage plan, a construction access plan, and soil erosion / site stabilization plan. Existing conditions shall be documented through site plans as well as photographs of the site from the waterbody.

iv. Visually massive structures are discouraged. The project design should mitigate the visual impact of the structure as viewed from the water. To this end, terracing, landscape plantings, and other aesthetic measures should be integrated into the structural solution.

v. Whenever feasible, a coordinated solution to localized erosion problems should be taken amongst effected property owners.

(e) The review of any proposed construction of shore-based facilities shall consider the following:

i. Will not adversely affect water quality or be a source of nuisance by reason of noise or fumes.

ii. Will not interfere with or prevent use of adjacent shoreland property or its access to and from the water.

iii. Will be compatible with adjacent land uses.

iv. That necessary and adequate sanitary public utilities and parking facilities are available or will be made available.

v. Will not create an adverse vehicle traffic condition.

(f) Stairs shall be no more than 44 inches in width with associated platforms being no more than 44 inches in width and 48 inches in length. All stairs shall have a handrail on at least one side. Flexibility will be exercised with regard to the rise and run of stairs permitted under this section to accommodate pedestrian access yet minimize visibility from the lake and preservation of natural features. Paths shall not exceed 48” in width.

(g) All stairs and paths shall minimally disturb existing contours on the site and where possible follow existing contour lines. Stairs and paths shall make use of the natural vegetation and topography to blend with the shoreline. All stairs and paths shall be screened from the water body through the use of landscaping.

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(h) The Department of Water Resources and the U.S. Army Corps of Engineers may be requested to review, comment on, or approve all applications for construction below the 98 foot elevation prior to issuance of a building permit for said construction. The Development Review Board and the Department of Planning and Zoning may utilize the recommendations of the Department of Water Resources and the U.S. Army Corps of Engineers in its decision whether or not to issue a building permit for said construction.

(i) Enlargement of a residential structure that increases encroachment within the 100 feet from the mean water mark shall demonstrate that said enlargement cannot reasonably be accomplished without further encroachment due to topography, shape of the lot, or interior floor plan layout. Enlargement that results in additional encroachment shall be adequately screened from the water body, shall make use of existing topography, shall utilize earth-tone colors, and shall make use of the natural vegetation and topography to blend with the shoreline.

(j) Legal encroachments per Section 7.04 shall not be subject to the time limits established under Section 2.12B(2).

(k) Requests for boat launching ramps under Section 7.04(3)(j) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.04E(5)(a), (b), and (c), the DRB shall apply the standards of 7.04(5)(d)(ii)-(iv) to the construction of ramps.

7.05 Historic Preservation District/ HPD

7.05–A Purpose. To encourage the preservation and rehabilitation of historic structures within the Fort Ethan Allen National Register Historic District. Development should be sensitive to Colchester's historic and archaeological sites and structures as these serve as visible reminders of the community's past. Changes to historic structures should be sympathetic to the structure, and to the extent possible, in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

7.05–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

7.05–C Permitted Uses. Those uses allowed as permitted uses in the underlying districts as specified in Table A-1 may be permitted in the HPD Overlay District in accordance with the provisions of Section 7.05 herein.

7.05–D Conditional Uses. Those uses allowed as conditional uses in the underlying zoning districts as specified in Table A-1 may be allowed in the HPD in accordance with the provisions of Section 7.05 and Article 8, Conditional Uses, herein.

7.05–E Area, Density, and Dimensional Requirements. In the HPD District, all structures shall be subject to the area, density and dimensional requirements of the underlying district and Table A-2, Dimensional Standards of these regulations with the following exceptions:

(1) The following exceptions to setbacks and lot coverages shall be permitted for lots that meet the following criteria: the lot was in existence prior to January 1, 1983, the proposed project meets or exceeds the minimum standards set forth below and in Section 7.05F herein, and no adverse effect to a National Register eligible or listed property is created by the project.

(a) Side and Rear Setbacks. Encroachment of a structure into a required side or rear setback may be approved by the Development Review Board subject to the provisions of Article 8, Conditional Uses, up to a distance equal to 50% of the side or rear setback requirement of the district, but in no event shall a structure have a side or rear setback of less than five (5) feet. In no case shall there be less than 10 feet between structures. In addition, the Development Review Board shall determine that the proposed encroachment will not have an undue adverse effect on:

i. views of adjoining and/or nearby properties;
ii. access to sunlight of adjoining and/or nearby properties;
iii. adequate on-site parking; and
iv. safety of adjoining and/or nearby property.

(b) Front Setbacks. Encroachment of a structure into a required front yard setback may be approved by the Development Review Board subject to the provisions of Article 8, Conditional Uses, up to the average front setback of principal structures on adjacent lots on the same street frontage, but in no event shall a structure have a front setback of less than five (5) feet. In no case shall there be less than 10 feet between structures. In addition, the Development Review Board shall determine that the proposed encroachment will not have an undue adverse effect on:

i. views of adjoining and/or nearby properties;
ii. access to sunlight of adjoining and/or nearby properties;
iii. adequate on-site parking; and
iv. safety of adjoining and/or nearby property.

(c) Processing of a Request. Any request under subsections (a) – (b) above to expand an existing structure, or place a new structure shall include the submission of survey data prepared by a licensed surveyor showing the location of affected property lines, existing and/or proposed structures, and any other information deemed necessary by the Administrative Officer.

(d) Lot Coverage. For lots that are five thousand (5,000) square feet or greater in size, but less than fifteen thousand (15,000) square feet, lot coverage may exceed the maximum allowed for the district up to a maximum of eighty percent (80%) for total lot coverage. For lots that are less than five thousand (5,000) square feet in size, lot coverage may exceed the maximum allowed for the district up to a maximum of ninety percent (90%) for total lot coverage.

7.05–F Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development requiring review by the Development Review Board in the HPD District shall also be subject to the following standards:

(1) The Board shall evaluate the historical, architectural, or cultural value of the building(s), structure(s), or site(s) and its relationship and contribution to the setting;

(2) The Board shall evaluate the compatibility of the proposed exterior design, arrangement, orientation, texture, and materials with the existing buildings or structures and its setting; or if new construction, compatibility with the surrounding area;

(3) The Board shall evaluate the scale and general size of the proposed building or structure in relation to existing surroundings, including consideration of such factors as the building's overall height, width, street frontage, number of stores, roof type, facade openings (windows, doors, etc.), and architectural details;

(4) The Board shall evaluate factors including open space, yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights, and/or any landscaping that might affect the character of any building within the Historic Preservation District, shall be considered as well as those factors which relate to the placement of a structure or group of structures which might affect the overall streetscape;

(5) The Board shall evaluate the impact the proposal will have on the surroundings, and the extent to which it will preserve and enhance the historic, architectural and cultural qualities of the Historic Preservation District, and the community. The Board shall be guided by the following:

(a) every reasonable effort shall be made to provide a compatible use which will require minimum alteration to the structure and its environment;

(b) rehabilitation or renovation work shall not destroy the distinguishing qualities or character of the structure and its environment. Historic material or architectural features should not be removed or altered;

(c) deteriorated architectural features should be repaired rather than replaced where ever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings;

(d) changes which may have taken place in the course of time are evidence of the history and development of the structure and its environment, and these changes shall be recognized and respected;

(e) all structures are recognized as products of their own time. Alterations to reproduce an earlier period are discouraged;

(f) additions to existing structures are acceptable if such design, materials and construction are of quality and are compatible with the size, scale, material, and character of the neighborhood, structures, and its environment;

(g) whenever possible, new additions or alterations to structures shall be done in such a manner that if they were removed in the future, the essential form and integrity of the original structure would be unimpaired;

(h) every reasonable effort shall be made so that structures not be razed or demolished, in order to preserve the historic streetscape;

(i) new construction shall be sympathetic to architectural features and materials which are in keeping with the character of the historic buildings found within the Historic Preservation District. New structures should enhance, and maintain the integrity of the District and its structures.

7.06 Transfer of Development Rights District (TDRD)

7.06–A Purpose. The Town of Colchester hereby establishes Transferable Development Rights, in accordance with 24 V.S.A. Section 4423 of the Vermont Municipal and Regional Planning and Development Act, in order to protect the agricultural resources and open spaces of the town and to promote residential development in areas that are consistent with the goals of the town's Municipal Plan. Transferable Development Rights are acquired in designated sending areas and applied in designated receiving areas in accordance with the procedures of this section.

7.06–B Definitions.

(1) Sending areas: the designated areas of town within which Transferable Development Rights may be created and acquired for use in a receiving area. (See Section 7.06C)

(2) Receiving areas: the designated areas of town within which Transferable Development Rights, created and acquired in another area of town, may be applied to increase permissible density of use on a specific lot. (See Section 7.06D)

(3) Sending unit: one unit of development that is removed from the sending area and is available for transfer to a receiving area.

(4) Transferable Development Right: the right to build one unit of development within a designated receiving area. One unit of development equals one residential dwelling unit.

7.06–C Sending Areas. Sending areas, or areas from which Transferable Development Rights may be acquired, shall include designated parcels within the Agricultural Mixed Use District (AMU).

(1) TDR Calculation. Development rights available for transfer to the receiving area shall be assigned at the rate of one (1) TDR for each sending unit used in the R1, R2, & R3 Districts and one-and-one-half (1.5) TDRs for each sending unit used in all other receiving districts.

(2) Permitted Uses After TDR Transfer. Permitted uses on property in the sending area from which development rights have been severed through execution of an easement agreement, per Section E herein, shall be limited to the following:

(a) Temporary Emergency, Construction and Repair Residences

(b) Commercial Greenhouse Operation

(c) Roadside stands for the sale of produce grown on the premises

(d) Stables and Arenas for Horses

(e) Agricultural Operation

(f) Silvicultural Operation

(g) Firewood Operation

(h) Privately owned facilities outdoor recreational facilities limited to paths and trails

(i) Publicly owned outdoor recreational facilities limited to paths and trails

7.06–D Receiving Areas. The receiving areas, or the areas within which Transferable Development Rights acquired in sending areas may be applied, shall consist of all land in the R1, R2, R3, GD1, GD2, GD3 and GD4 Zoning Districts.

(1) Existing Development Rights. In addition to transferable development rights acquired from sending areas, there shall also exist an inherent right to develop the receiving property under the normal density indicated in Table A-2.

(2) Permitted Uses. Uses permitted on land in the receiving area shall consist of those uses listed in Table A-1.

(3) TDR Usage Rates. Development may occur in conformance with the provisions of this section at the rate of one (1) Transferable Development Right for each one dwelling unit.

(4) Maximum Permitted Density. Transferable Development Rights acquired under this section may be applied to any property in the receiving area, with the exception of GD3 and GD4, up to a maximum of two times the normal density indicated in Table A-2. In the GD3 and GD4 receiving areas, the maximum density may be up to three times the normal density indicated in Table A-2 provided the criteria of Section 4.03E3 and Section 4.04E3 are met.

7.06–E Procedures.

(1) Creation of Transferable Development Rights. A Transferable Development Right may be created after the Development Review Board has determined the number of development units available in a parent parcel in accordance with Section 6.05F.4. A landowner may designate one or more development units to be made available for transfer. A Transfer of Development Right is created when a development unit designated above is made transferable upon execution and filing of an "Easement Agreement" between the landowner as grantor and the Town of Colchester as grantee. The Director of Planning and Zoning shall execute the easement agreement which then shall be filed in the land records and a copy sent to the Colchester Assessor. The easement agreement shall:

(a) establish a restriction on the affected property limiting it to those uses listed in Section 7.06C.2 above for a period of 50 years following the date of execution of the agreement, and

(b) list by identifying number the specific development units being used for the creation of Transferable Development Rights.

At any time prior to execution of a Deed of Transfer the landowner may revoke such easement by recording in the land records an agreement to that effect as signed by the Director of Planning and Zoning with a copy sent to the Colchester Assessor.

(2) Transfer of Transferable Development Rights. Transferable Development Rights may be transferred from one owner to another by execution and filing of a "Deed of Transfer" which shall include identification by number of the development units being transferred. Each transferred development unit shall create one (1) Transferable Development Right for use in the R1, R2, and R3 Districts or one-and-one-half (1.5) Transferable Development Rights for use in all other receiving districts. After execution of the Deed of Transfer by both the seller and the buyer of the Transferable Development Rights, the deed shall be filed in the Colchester land records and a copy sent to the Assessor.

(3) Use of Transferable Development Rights. All development applications utilizing Transferable Development Rights shall be reviewed under the same development review criteria used for other applications in the receiving district. As a condition of approval, the required Transferable Development Rights shall be permanently attached to the parcel of land being developed by executing and filing a "Document of Attachment" which:

(a) shall be executed by an individual who has clear ownership of both the receiving parcel and the Transferable Development Rights which are to be attached to the receiving parcel;

(b) shall identify by number the Transferable Development Rights to be attached, with reference to the book and page number in which the Easement Agreement which created them is recorded, and any Deeds of Transfer by which their ownership has been transferred; and

(c) shall be filed in the Colchester land records and a copy sent to the Assessor.

7.07 General Development One Commercial District/ GD1C

7.07–A Purpose. To limit high-volume commercial uses such as contractors' yards, drive up, and gas stations within the General Development One District. Development within GD1C shall be subject to strict guidelines of General Development One.

7.07–B Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

7.07–C Permitted Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

7.07–D Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

7.07–E Area, Density, and Dimensional Requirements. In the GD1C District, all structures shall be subject to the area, density and dimensional requirements of the General Development One District as set forth in Section 4.01 and Table A-2, Dimensional Standards of these regulations.

7.07–F Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the GD1C District shall also be subject to the following standards:

(1) Multi-~~family~~ unit dwellings shall be subject to Planned Residential Development Review, as per Article 9.

(2) Residential units and commercial uses may be permitted to occupy the same building subject to the Conditional Use and Site Plan criteria and the following standards:

(a) The residential units shall have an entrance separate from the proposed commercial use.

(b) Multiple commercial uses within the building may be considered however the commercial uses shall not adversely affect the proposed residential units. Hours of operation of the commercial uses may be restricted to ensure no adverse effect to the residences.

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Article 8: SITE PLAN AND CONDITIONAL USE REVIEW

8.01 General Purpose

It is the purpose of this Article to regulate site development plans in order that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that the public health, safety, and general public welfare may be promoted; and that the preservation of historic landmarks, sites, districts, and buildings be promoted. The site plan review process and the conditional use review process will allow the Town of Colchester to review the arrangement, layout, use interrelationships and neighborhood impacts of sites intended for development or redevelopment and to ensure the aesthetic quality of such design to conform to the character of the neighborhood and the goals of the municipal plan. In reviewing site plans and conditional uses, appropriate conditions and safeguards may be imposed with respect to the adequacy of pedestrian and vehicular access, circulation, parking, landscaping and screening, and to encourage the conservation of energy.

8.02 Definition of Site Plan

As used in this Article, the term site plan shall mean a rendering, drawing, or sketch prepared to specifications contained in this article. The site plan shall show the arrangement, layout, and design of the proposed use of a single parcel or assembled parcels of land.

8.03 Uses and Actions Subject to Site Plan Approval

8.03–A Site Plan Approval Required. Site plan approval shall be required prior to issuance of a building permit in all districts, except as provided in subsection B, for:

(1) Any new use, change in use, or expansion of use in any district.

(2) Uses subject to conditional use permit approval. See Section 8.10 below.

(3) Any alteration or change to an approved site plan.

(4) New parking lots or expansions of existing parking lots.

(5) Any structure formerly used as a residence proposed for conversion to non-residential use.

(6) Notwithstanding subdivision approval, any planned unit development that denotes building footprints, parking, circulation, and other related amenities. See Article 9, Planned Unit Development, for specific PUD regulations.

(7) Seawalls, fill in excess of 100 cubic yards, and any other special circumstance specifically requiring site plan approval herein listed in the Development Regulations.

(8) Accessory on-farm business.

8.03–B Excluded from Site Plan Review. Specifically excluded from the provisions of this article are:

(1) ~~One-family~~Single-unit dwelling on a single lot, its accessory structures, and related features such as decks, pools, sheds, and detached garages.

(2) ~~Two-family~~Duplex dwelling on a single lot, its accessory structures, and related features such as decks, pools, sheds, and detached garages.

(3) Per 24 V.S.A. Section 4413 agricultural and horticultural uses.

(4) Per 24 V.S.A. Section 4413 forestry uses and accepted silvicultural practices as defined by the Vermont Commissioner of Forests, Parks, and Recreation.

(5) Repair and replacement of existing driveways, curb cuts, aprons, and sidewalks.

(6) Repairs to existing swimming pools.

(7) Fences and walls as provided in these Development Regulations.

(8) Repair and replacement of interior amenities (such as carpeting) that are one hundred percent (100%) internal to an existing building or structure.

(9) Exterior renovations to an existing building or structure that do not increase, alter or otherwise modify the outer envelope of said building or structure or in any way alter the building from its duly permitted Town approvals, except in Historic Preservation District (see Article 7).

(10) Interior renovations to an existing building that do not increase or alter the use or otherwise increase parking needs, wastewater or water requirements, vehicle trip ends, or otherwise modify the use of the property so as to violate the previously approved site plan for the property. This shall include amendments to cumulative impact statements for the changing of tenants.

8.04 Approval of Site Plans by Development Review Board

8.04–A Authority. Per 24 V.S.A Section 4416, the Development Review Board (DRB) shall have the authority to review and approve, approve with modifications, or disapprove site plans prepared to the specifications set forth in this Article, except as provided for administrative site plan reviews.

8.04–B Review Period. Where site plan review by the DRB or Administrative Officer is required, the DRB or the Administrative Officer shall act to approve or disapprove any such site plans within the time required by 24 V.S.A. Section 4464. Failure to so act within said period shall be deemed approval. Copies of the DRB or Administrative Officer's decision, referred to as the findings of fact and order, shall be sent to the applicant.

8.04–C Combined Decision for Conditional Uses. Where a conditional use permit is required, the DRB shall make the determination on the conditional use permit and on the site plan permit required for the conditional use and shall issue one (1) set of findings of fact pertaining to both.

8.05 Application, Review, and Approval Procedure

8.05–A Pre-Submission (Technical Review Committee). Prior to a formal submission, the applicant should contact the Administrative Officer to inquire as to whether or not a Technical Review Committee is recommended for the project. If the Administrative Officer determines that a Committee meeting is recommended, the Officer may setup a meeting with appropriate Town officials and the applicant to discuss the proposed site plan. The intent of such a conference is to enable the applicant to inform the Department of Planning and Zoning of the proposal prior to the preparation of a detailed site plan and for said Department to review the basic site design concept, advise the applicant as to potential problems and concerns, and to determine generally the type of information to be shown on and submitted with the site plan.

8.05–B Submission. A site plan generally shall be prepared by a registered architect, licensed landscape architect, licensed land surveyor, licensed engineer, or professional land planner. The site plan shall be submitted to the DRB for approval.

8.05–C Fees. All submissions for site plan approval shall be accompanied by a fee as established by the Selectboard in Chapter Six of the Colchester Code of Ordinances and amended from time to time.

8.05–D Application for Site Plan.

The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). A digital copy of a site plan application and sets of plans drawn to scale in accordance with Appendix G herein.

8.05–E Reserved

8.05–F Development Review Board Action.

(1) The DRB shall review the site plan application in accordance with 24 V.S.A. Section 4464. The DRB shall review the application against the site plan criteria in this Article 8 and any other applicable standards in these Regulations. If the DRB determines that the site plan and supporting material fail to demonstrate compliance with applicable standards, it shall deny the site plan. However, if it further determines that with a minor modification or modifications the site plan and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the site plan. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

(2) Upon approval, a copy of the DRB's findings of fact and order shall be sent to the applicant and recorded in the Town Clerk's office.

(3) Upon approval, the applicant shall provide a copy of the site plan in digital format meeting the Town of Colchester "Digital Format Requirements" in Appendix G.

8.05–G Reserved.

8.05–H Expiration of Approval. Development Review Board approval of a site plan shall expire if any of the following circumstances occurs:

(1) A complete application for a building permit is not submitted within twelve (12) months of the DRB approval, except where the phasing of development over a longer period has been specifically provided for in the findings of fact at the time of site plan approval. The said twelve (12) month period shall be extended by any action caused by court proceedings.

(2) Work authorized under a building permit is not commenced and diligently pursued through the completion of substantial construction within twelve (12) months of receiving a building permit.

(3) Upon prior written request to the DRB, including a statement of justification for the requested time extension, the time period for obtaining a building permit may be individually extended for a maximum period of twelve (12) calendar months from the otherwise specified termination dates.

8.05–I Field Changes and As-Built Plans

(1) Field Changes

(a) During construction, the Administrative Officer may authorize or require, at his/her own determination or upon the request of the applicant, minor adjustments to the approved site plan when such adjustments are necessary in light of technical or engineering considerations. Such minor adjustments shall be consistent with the spirit and intent of the approved site plan.

(b) Where unforeseen conditions are encountered which require any material change to an approved site plan or where the developer wishes to modify the approved plan for other reasons, a site plan application shall be filed with the DRB or Administrative Officer for review in accordance with procedures required for the amendment of applications.

(2) As-Built Plans

(a) Upon completion of any development or redevelopment pursuant to an approved site plan involving field changes as set forth in (1) above, and prior to the issuance of a certificate of occupancy, the applicant shall submit to the Administrative Officer an as-built plan, prepared and certified by a licensed engineer, architect, landscape architect or surveyor, showing the location of all site improvements as constructed. Such plan shall be based on a field survey.

(b) Said as-built plan shall be reviewed by the Administrative Officer to determine if it is in compliance with the approved site plan. The Administrative Officer shall specify its compliance with or variation from the approved site plan by signature and shall file a revised site plan in digital format meeting the Town of Colchester "Digital Format Requirements" in Appendix G.

(c) If variations from the approved final site plan exist, an amended site plan shall be filed with the DRB for review in accordance with the same procedures required for initial applications.

8.05–J Technical Legal, or Consultant Review of Site Plans and Supporting Documents. The DRB may require an independent technical or legal review of the application. The site plan review applicant shall pay for the cost of such review per Chapter Six and a Half of the Colchester Code of Ordinances. The Development Review Board may table review of the application pending receipt of an independent technical review.

8.05–K Escrow Requirements. The owner or developer shall provide a suitable escrow account or letter of credit to guarantee the completion of all required landscaping, site restoration, and public improvements. In the case of public improvements, a Public Improvement Agreement shall be signed and the escrow account or letter of credit shall be sufficient to guarantee the improvements for a period of two (2) years following completion. In the case of landscaping, a Landscape Agreement shall be signed and the escrow account or letter of credit shall be sufficient to guarantee all planting for a period of two (2) years. Once the landscaping or public improvements are installed, the amount bonded for may be reduced to 10% of the original amount. Agreements and escrows shall be submitted to the Town prior to issuance of a permit.

8.06 General Review Standards

The following general criteria and standards shall be used by the DRB in reviewing applications for site plan approval. The criteria are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention, and innovation while improving the visual appearance of the Town of Colchester. The DRB shall restrict itself to a reasonable, professional review, and, except as otherwise provided in the following subsections, the applicant shall retain full responsibility for design.

8.07 Specific Review Standards

8.07–A The DRB shall consider the following in its review of a site plan application:

(1) Will not result in undue water or air pollution.

(2) Does have sufficient water available for the reasonably foreseeable needs of the subdivision or development.

(3) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. See Section 2.13.

(4) Will not cause unreasonable road congestion or unsafe conditions with respect to use of the roads existing or proposed.

(5) The adequacy of landscaping, screening and setbacks in regard to adjacent properties.

(6) Will not have an undue adverse effect on historic sites or rare and irreplaceable natural areas.

(7) Will not have an undue adverse effect on scenic or natural beauty of the area and aesthetics. Please address the following:

(a) Describe how the project is suitable for its surroundings, the locations from which it can be viewed and the potential impact on open space.

(b) Does the project violate the Town's Municipal Plan, Development Regulations, Town Official Map, Town Overlay Map, Chapter Four "Building Code and Building Construction Ordinance", Seven "Fire Prevention and Protection", Eight "On-Site Sewage Disposal Regulations", Ten "Sewers", or Fourteen "Construction Standards Applicable to Land Development" of the Colchester Code of Ordinances, or other applicable regulations intended to preserve the aesthetics or scenic beauty of the area?

(c) Is the project out of character with its surroundings or does it significantly diminish the scenic qualities of the area?

(8) Efficiency of allocation and distribution of street and public facility installation, construction and maintenance.

(9) Will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services and facilities.

(10) Will not adversely affect the character of the area.

(11) Conformance with the Town Municipal Plan. Proposed site plans shall conform to the Town Municipal Plan and all bylaws of the Town including the Town Development Regulations and Town Official Map.

(12) Landscaping and Screening Requirements. See Section 10.04 Landscaping, Screening, and Street Trees.

(13) Off Street Parking, Loading, and Circulation Requirements.

(14) Parking and Circulation. See Section 10.01 and Section 2.19.

(15) Exterior Lighting. See Section 10.02 and Section 2.19.

(16) Compliance with Article 10.

8.08 Integration of Procedures

8.08–A General. There may be applications where the particular circumstances of a proposed development require compliance with other procedures in these regulations, such as conditional use permit review. In such cases, the DRB shall integrate site plan review as required by this article with the other procedural and/or submission requirements per 24 V.S.A. Section 4462. Such integration of procedures may require, upon mutual written consent of the DRB and the applicant, reasonable modification of the time schedules otherwise stated in this article or in said related regulations or requirements.

8.09 Administrative Review

8.09–A Authority. The Department of Planning and Zoning is hereby authorized to conduct administrative review and approval of site plan applications for permitted uses, as provided below.

8.09–B Determination of Eligibility. All determinations of eligibility for administrative review are subject to the discretion of the Director of Planning and Zoning. The Administrative Officer shall not approve administrative amendments to conditional uses or variances. The Administrative Officer may review, approve, approve with conditions, or deny administrative amendments to site plans involving a permitted use, and site plans of duly approved subdivisions, if the proposed amendment meets one or more of the following criteria:

(1) Relocation of site improvements and/or accessory structures that have been previously approved provided that such relocations do not alter the approved coverage for the site.

(2) Re-approval of plans if a permit issued by the DRB has expired within the preceding six months and no changes or alterations of any kind are proposed, including those outlined in (4) below. The Administrative Officer shall only re-approve such plans once.

(3) Approval of plans showing as-built adjustments beyond standard field adjustments, provided that such adjustments do not require the amendment of any condition of approval in the most recent findings of fact.

(4) Minor alterations to an approved landscaping plan such as substitution of appropriate similar species or landscaping or hardscaping materials, provided that the total value of landscaping proposed in the amended plan is equal to or exceeds the amount approved by the DRB.

(5) An increase in building area and/or impervious coverage totaling less than five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Applicants are advised that the cumulative total increase in building area and/or site coverage cumulatively permitted through all administrative amendments on any one lot shall not exceed five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. DRB approval shall be required for any amendment exceeding these limits at any one time as well as for any property exceeding these limits cumulatively through this process over a five year period.

(6) All coverage and other limitations pursuant to these regulations shall apply in determining whether an administrative amendment shall be approved.

(7) Changes in use of all or part of a building or structure with prior site plan approval to a permitted use in the applicable zoning district provided the proposed use, whether solely or in combination with other uses subject to the same approval, will not result in any permitting requirement or threshold being exceeded or violated.

(8) The Administrative Officer may request permission from the DRB at a regular meeting to review a site plan application that does not meet the aforementioned criteria as an administrative review.

8.09–C Reporting of Decisions. All administrative approvals shall be reported by the Administrative Officer to the DRB at its next meeting following the date of the approval, and all such decisions of the Administrative Officer shall state that the decision may be appealed in accordance with 24 V.S.A Section 4471. The DRB reserves the right to review and issue supplementary Findings of Fact and Order within 15 days following the date of approval by the Administrative Officer. An interested person may request the Board review the application within 15 days following the date of approval by the Administrative Officer. The decision granted by the Administrative Officer shall be sent to all abutters and interested persons. If no interested person or majority of the DRB objects within 15 days following the date or approval by the Administrative Officer, the application shall be deemed approved.

8.10 Conditional Use Review

8.10–A Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted Municipal Plan and are in accord with the policies set forth therein.

8.10–B Definition of Conditional Use. A conditional use shall be defined as a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the general and specific standards for the location or operation of the use as specified in these regulations and as authorized by the DRB. Uses requiring a conditional use permit are listed in Table A-1, Table of Uses. In granting approval for a conditional use, the DRB may attach such additional, reasonable conditions and safeguards as it may deem necessary to implement the purposes of these regulations.

8.10–C Uses and Actions Subject to Conditional Use Review. Conditional use permit approval shall be required prior to issuance of a building permit in all districts where such uses are listed as conditional uses in the District Regulations. The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Any alteration, extension or other change to an existing conditional use shall require review under the requirements of this section.

8.10–D Review and Approval Procedure. Per 24 V.S.A Section 4414(3) a use designated as a conditional use in any district may be permitted by the DRB, after public notice and public hearing pursuant to 24 V.S.A. Section 4464, according to the following procedures:

(1) Any conditional use is subject to site plan review and shall be reviewed under the requirements of Article 8, Site Plan and Conditional Use Review or if a PUD or within a PUD the use shall additionally be subject to the requirements of Article 9, Planned Unit Development.

(2) The DRB may require submission of plans, data, or other information in addition to the requirements of Article 8, as it deems necessary.

(3) The DRB shall act to approve or disapprove a requested conditional use within the time required in 24 V.S.A. Section 4464, and failure to so act shall be deemed approval.

(4) In approving a conditional use, the DRB may attach additional requirements as it may deem necessary to implement the provisions of the Colchester Municipal Plan and these regulations.

(5) The application and any supporting materials submitted shall be in digital format in accordance with Appendix G herein.

8.10–E General Review Standards. The DRB shall review the proposed conditional use for compliance with all applicable standards as contained in these regulations including specifically Articles Two and Article 10 and Appendix G. The proposed conditional use shall meet the following standards:

(1) The proposed use, in its location and operation, shall be consistent with the planned character of the area as defined by the Town of Colchester Municipal Plan.

(2) The proposed use shall conform to the stated purpose of the district in which the proposed use is to be located.

(3) The DRB shall take into consideration minimum lot size; size, design, and location of structures and service areas; and distance from adjacent or nearby uses.

(4) The proposed use shall not result in an undue adverse effect on any of the following:

(a) The capacity of existing or planned community facilities;

(b) The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the Municipal Plan;

(c) Traffic on roads and highways in the vicinity;

(d) Bylaws and ordinances in effect; or

(e) Utilization of renewable energy resources.

8.10–F Expiration of Conditional Use Permits. A conditional use permit shall expire if: 1) work authorized under the DRB approval is not commenced and diligently pursued within twelve (12) months of receiving DRB approval, or 2) the conditional use shall cease for more than six (6) months for any reason, unless an umbrella approval has been granted.

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Article 9: SUBDIVISION REVIEW

9.01 General Purpose.

It is the purpose of this Article to regulate subdivisions for the purpose of assuring orderly growth and coordinated development in the Town of Colchester and assure the comfort, convenience, safety, health and welfare of its citizens. Further, the review of subdivisions shall be based on the following broad considerations:

9.01–A Conformity with, or implementation of, the Municipal Plan of the Town of Colchester.

9.01–B Conformity and compatibility with other applicable bylaws, including but not limited to the Capital Budget and Program.

9.01–C Recognition of a desirable relationship to the land form, topography, geology, natural drainage and surface water runoff, and to the ground water table.

9.01–D Recognition of desirable standards of subdivision design including provision for safe and convenient pedestrian and vehicular traffic, and for suitable building sites for the land use(s) contemplated.

9.01–E The provision of adequate safeguards to protect the general public from the hazards of flooding, fire, overcrowding, or other threats to public health or safety.

9.01–F Provisions for the preservation, protection, and/or conservation of natural resources, such as land, air, vegetation, and water, upon which the continued prosperity, safety, health, and welfare of the community and surrounding region may depend.

9.01–G Adequate provisions for the public facilities and services such as parks, open space, recreation areas, school sites, police and fire protection, off-street parking, water supply, sewage disposal, which are deemed necessary for general public and convenience.

9.01–H Encouragement of variety, innovation, flexibility, and greater efficiency in the designing layout and use of land in planned unit developments and planned residential developments as provided under the Vermont Planning and Development Act (Title 24 V.S.A., Chapter 117), as amended.

9.02 Uses and Actions Subject to Subdivision Approval

9.02–A Subdivision Approval Required. Prior to the recording of a plat or the issuance of a building permit, final plat approval shall be required for the creation of any subdivisions or planned unit developments except as otherwise provided herein for boundary line adjustments (BLAs).

9.02–B Boundary Line Adjustments. An application for lot line adjustment shall be a plat prepared by a Vermont licensed land surveyor and consented to by all involved land owners indicating all lots that are proposed to be modified as a result of the proposed lot line adjustment submitted to the Administrative Officer with a title block for date and signature of the Administrative Officer. The survey shall be sufficient to clearly indicate the area, metes, bounds, and ties of each of the affected lots. The survey shall include all structures and site improvements and delineate all building/structure setbacks, parcel ids, lot coverage, parking spaces, wells, and septic systems and any other details as may be specified by the Administrative Officer. The Administrative Officer shall approve an application for a minor lot line adjustment, provided that the following criteria are met:

(1) Documentation that the proposal is consistent with the State of Vermont Environmental Protection Rules Chapter 1;

(2) The lots are of the same zoning;

(3) No new lots are created through the adjustment;

(4) The sale or exchange of parcels of land is between adjacent property owners;

(5) The relocation of the lot-line does not result in the creation of a non-conforming lot, structure or use;

(6) The proposed change does not violate any conditions imposed from prior municipal approvals; and

(7) The title block includes the following text: "This is a boundary line adjustment, not a subdivision. The Town does not confirm or attest to the accuracy of this document or related title issues. Further subdivision requires approval by the Development Review Board."

(8) The application is authorized by the owners of all lots at issue. For the purpose of this provision, "authorized" shall mean the actual signature of the affected property owners.

9.03 Approval of Subdivisions by Development Review Board

9.03–A Authority. Per 24 V.S.A. Sections 4417 & 4418, The Development Review Board (DRB) shall have the authority to review and approve, approve with modifications, or disprove plans for subdivision and/or planned unit development prepared to the specifications set forth in this Article.

9.03–B Review Period. Where subdivision review by the DRB is required, the DRB shall act on any such subdivision within the time required by 24 V.S.A. Section 4464. Failure to act within said period shall be deemed approval. Copies of the DRB's decision, referred to as the findings of fact and order, shall be sent to the applicant.

9.03–C Combined Decision for Site Plan or Conditional Use. Where a site plan or conditional use permit is required, the DRB shall make the determination on the permits and shall issues one (1) set of findings of fact and order pertaining to all permits.

9.03–D Acceptance of Streets. The approval of a final plat or the filing for record thereof shall not constitute or be evidence of an acceptance of any street, park or other open space shown on such plan. Such acceptance shall be by resolution of the Selectboard which shall set forth the fact of such acceptance for public purposes, describing the same by reference to a warranty deed dedicating the site thereof to the Town free and clear of all liens and encumbrances.

9.04 Application, Review and Approval Procedure

9.04–A Pre-Submission (Technical Review Committee). Prior to a formal submission, the applicant should contact the Administrative Officer to inquire as to whether or not a Technical Review Committee (TRC) is required or recommended for the project. A TRC is required prior to sketch submittal for all major subdivisions and prior to final plat submittal for all combined preliminary and final plat hearings. If the Administrative Officer determines that a Committee meeting is required or recommended, the Officer may setup a meeting with appropriate Town officials and the applicant to discuss the proposed site plan. The intent of such a conference is to enable the applicant to inform the Department of Planning and Zoning of the proposal prior to the preparation of a detailed plan and for said Department to review the basic site design concept, advise the applicant as to potential problems and concerns, and to determine generally the type of information to be shown on and submitted with the subdivision application.

9.04–B Submission. A subdivision plan generally shall be prepared by a licensed land surveyor, licensed engineer, or professional land planner. The plan shall be submitted to the DRB for approval. Preliminary and final plat applications shall be accompanied by a plat (both existing and proposed) of the project prepared by a licensed land surveyor.

9.04–C Fees. All submissions for subdivisions applications shall be accompanied by a fee as established by the Selectboard in Chapter Six and one half of the Colchester Code of Ordinances and amended from time to time.

9.04–D Sketch Plan Submittal. Any subdivider of land shall submit to the Development Review Board a sketch plan of the proposed subdivision. The DRB will not issue findings on the sketch application however will provide feedback to the application as to whether the sketch plan meets the purposes of these Regulations and make specific suggestions to be incorporated by the applicant in subsequent submissions. The sketch application and plans, drawn to scale, submitted shall comply with Appendix G herein.

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9.04–E Preliminary and Final Plat Submittals. Following the DRB review of a sketch plan application, any subdivider shall submit a preliminary plat application, for major subdivisions, or a final plat application for minor subdivisions. In the case of major subdivisions, a final plat application shall be submitted after the approval of the preliminary plat application. Preliminary and final plat applications may be considered simultaneously by the DRB with its prior requested consent at sketch plan consideration. Preliminary and final plat applications and plans, drawn to scale, submitted shall comply with Appendix G herein.

9.04–F Development Review Board Action.

(1) The DRB shall review the subdivision application in accordance with 24 V.S.A. Section 4464. The DRB shall review the application against the subdivision criteria in this Article 9 and any other applicable standards in these Regulations. If the DRB determines that the subdivision application and supporting material fail to demonstrate compliance with applicable standards, it shall deny the subdivision. However, if it further determines that with a minor modification or modifications the subdivision and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the site plan. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

(2) Upon approval, a copy of the DRB's findings of fact and order shall be sent to the applicant and recorded in the Town Clerk's office.

(3) Upon approval, the applicant shall provide a copy of the approved subdivision plans in digital format meeting the "Digital Format Requirements" in Appendix G.

9.04–G Waiver of Application Requirements. The Administrative Officer shall have the authority to waive any application requirements for subdivision approval. Any such waiver may be exercised in the event any such requirements are 1) found not to be requisite in the interest of public health, safety, or general welfare or 2) inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site or 3) will cause extraordinary and unnecessary hardship.

9.04–H Expiration of Approval.

(1) For minor subdivisions, the subdivider shall submit a final plat application within one year after the meeting on the sketch plan or the applicant shall resubmit the sketch plan prior to submitting the final plat application.

(2) For major subdivisions, the subdivider shall submit a preliminary plat application within one year after the meeting on the sketch plan or the applicant shall resubmit the sketch plan prior to submitting the preliminary plat application.

(3) For major subdivisions, the subdivider shall submit a final plat application within one year after approval of the preliminary plat application or the preliminary plat application shall become null and void.

(4) Development Review Board final plat approval shall expire if any of the following circumstances occur:

(a) if such approved plat is not duly recorded in mylar form with the office of the Town Clerk within one hundred eighty (180) days from the date of the findings of fact and order signature. Such plat shall be prepared by a licensed surveyor and shall comply with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time-to-time amended. Plats shall be in mylar form with overall dimensions of 18" by 24" with two inches (2") outside of the borderlines on the left side for binding and a one-inch (1") margin outside the border along the remaining sides. Such Mylar shall incorporate the following title block:

"Approved by Resolution of the Development Review Board of the Town of Colchester, Vermont on the ____ day of _____, 20_____, subject to the requirements and conditions of said Resolution. Signed this _____day of _____, 20_____, by _____, Chairman or Clerk."

(b) Notwithstanding the rights afforded via section 4463 Title 24 VSA Chapter 117, approved major subdivisions shall be substantially constructed within three (3) years of the date of the findings of fact and order signature, or said approval shall become null and void. The Board may consider at the time of final plat application, or under separate request prior to the three-year expiration, a phased completion schedule not to exceed ten (10) years, provided public improvements are proposed to be completed within the first three (3) years.

9.04–I Modifications. Any modification to an approved final plat plan requires an application for amendment. The DRB may require that the subdivider return to the sketch or preliminary plat stage of the approval process. Minor amendments may be processed as a final plat application. No changes, erasures, modifications, or revision shall be made on any subdivision plat after approval has been given by the DRB and endorsed in writing on the plat, unless said plat is first resubmitted to the Board and the Board approves such modification.

9.04–J Technical or Consultant Review. The DRB may require a subdivider to pay the costs and fees of an independent technical or legal review of the application, and its supporting documents, including required conveyancing and organizational documents. The DRB may table review of the application, or may withhold execution of the final approved plat pending receipt of an independent technical review.

9.04–K Escrow Requirements. Prior to issuance of any permits, the subdivider shall furnish the Town with a suitable escrow account or letter of credit to guarantee the completion of all required landscaping, site restoration, and public improvements. To this end, the subdivider shall also complete a Public Improvement Agreement acceptable to the Town Attorney prior to issuance of any permits. The amount of such guarantee shall be 110% of the cost of the improvements as listed in the Public Improvement Agreement and approved by the Town Engineer. The escrow account or letter of credit shall be sufficient to guarantee the improvements for a period of two (2) years following completion or acceptance of street, whichever is later. In the case of landscaping, a Landscape Agreement shall be signed and the escrow account or letter of credit shall be 110% of the cost of landscaping and shall be sufficient to guarantee all planting for a period of two (2) years in accordance with Section 10.04 herein. Once the landscaping or public improvements are installed or accepted, the amount bonded for may be reduced to 10% of the original amount.

9.04–L Certificate of Title. The final plat application for a minor or major subdivision, shall be accompanied by a Certificate of Title showing clarity of suitable ownership of all property and easements to be dedicated or acquired by the Town, and said Certificate of Title shall be approved by the Town Attorney. The Town Attorney shall require that the applicant shed liens or other encumbrances prior to acceptance by the Town. Copies of all proposed deeds conveying property, easements, offers of dedication, or other assets to the Town shall be approved by the Town Attorney prior to issuance of any permits; all fees associated with such approval shall be paid by the applicant. All such deeds must be accepted or refused by the Town prior to the release of any escrows or letters of credit or sections thereof.

9.04–M Design Standards. All required improvements shall be designed and installed in accordance with Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards) and Chapter Seven Colchester Code of Ordinances (Fire), these Regulations, and other applicable Town regulations and standards. Where the Director of Public Works concludes that conditions make it necessary or preferable to diverge from the Town's standards and makes such a request to the Development Review Board, but not in any other circumstances, the DRB may approve a design, installation, or location of public improvements that does not meet the applicable standards of Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), Chapter 10 of the Colchester Code of Ordinances (Sewers), Chapter Fourteen of the Colchester Code of Ordinances. Such requested modification(s) may or may not meet Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards).

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9.04–N Improvements to be Dedicated to the Town. If it is determined upon inspection of the improvements that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall report on his/her findings to the Administrative Officer. The Administrative Officer shall then notify the subdivider, and if necessary, the bank or bonding company, and take all necessary steps to preserve the Town's rights under the bond, escrow or letter of credit. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town of Colchester.

9.05 Review Standards.

The following general criteria and standards shall be used by the DRB in reviewing applications for subdivision approval.

9.05–A Required Improvement List. The following are required improvements: Monuments; lot markers; landscaping; water supply infrastructure as specified in the State of Vermont Environmental Protection Rules Chapter 1 and / or the Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards) and / or septic and / or sewage infrastructure as specified in the State of Vermont Environmental Protection Rules Chapter 1 and / or Chapter Fourteen of the Colchester Code of Ordinances and / or Chapter 10 of the Colchester Code of Ordinance; roadways and associated improvements, such as but not limited to signage, as specified in Chapter Fourteen of the Colchester Code of Ordinances; street trees as specified in Chapter Fourteen of the Colchester Code of Ordinances; sidewalks and paths as specified in Chapter Fourteen of the Colchester Code of Ordinances; street lighting as specified in Chapter Fourteen of the Colchester Code of Ordinances; stormwater infrastructure as specified in Chapter Fourteen of the Colchester Code of Ordinances; fire hydrants as specified in Chapter Fourteen of the Colchester Code of Ordinances; other capital improvements as required by the Board.

9.05–B Suitability of the Land. The DRB shall not approve an application if development is subject to adverse physical limitations which would be harmful to the safety, health and general welfare of the surrounding adjacent areas unless adequate methods to solve the physical limitations are established. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures including streets, utilities and buildings, or other hazardous conditions shall not ordinarily be developed or subdivided. The project shall not have an undue adverse effect on a National Register or National Register eligible historic site or a rare and irreplaceable natural area as defined by the Vermont Nongame and Natural Heritage Program.

9.05–C Lot Layout. Lots shall be laid out in such a way that they can be developed in full compliance for lot size, frontage, density and all other requirements of the Development Regulations and giving consideration to topography, soils and drainage conditions. Lot size, frontage, and buffer requirements may be waived or modified by the DRB for a planned unit development as defined herein. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street. Where possible the DRB shall encourage:

(1) Maintaining contiguous tracts of open land with adjoining parcels;

(2) Connections with and extend planned per the Official Map and existing road, sidewalk, path, and utility corridors;

(3) Side lot lines shall generally form right angles to the road; and

(4) Irregularly shaped lots shall not be created unless warranted by topography, surface waters, or to avoid fragmentation of significant natural or cultural features.

9.05–D Building Envelopes. The Development Review Board may require the designation of building envelopes that limit the location of buildings, structures and parking areas to one or more portions of a subdivided lot. The size and shape of each building envelope shall be established in accordance with these regulations. The DRB may also require the identification of specific building footprints, if, in its judgment, such information is needed to determine conformance with these regulations.

9.05–E Monuments and Lot Corner Markers. Permanent right-of-way monuments shall be set at all street intersections, and at all angles and curves or other critical points in street lines as will enable a land surveyor to correctly stake out any lot in the subdivision. Each monument shall be a precast concrete post four inches by four inches (4" x 4") at the top by forty-eight inches (48”) long. The top shall have a center mark which shall be the point of reference. The monuments shall be set in place after all other street improvements are completed. Lot corner markers shall be set at corners and angle points of all lots, plots, or parcels, and located in the ground to finished grade.

9.05–F Energy Conservation. In order to conserve energy, all subdivisions should use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south, and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned unit development) should be encouraged wherever feasible and in accordance with the Town Plan.

9.05–G Water. The subdivider shall demonstrate to the satisfaction of the Development Review Board that adequate potable water exists on or off site to serve the proposed subdivision and:

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(1) The subdivider shall be responsible for installing water supply and/or distribution facilities in accordance with the State of Vermont Environmental Protection Rules Chapter 1, Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), and standards of the Fire District or Water District having jurisdiction;

(2) Source protection areas shall be designated on final plat plans.

9.05–H Wastewater Disposal. The subdivider shall demonstrate to the satisfaction of the Development Review Board that wastewater collection and disposal capacity exist on or off site to serve the proposed subdivision.

(1) Municipal Sewage. For properties proposed to be serviced by municipal sewage, sewage infrastructure and / or facilities must be installed in accordance with the State of Vermont Environmental Protection Rules Chapter 1, Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), and Chapter 10 of the Colchester Code of Ordinances. Within designated sewer service areas, the subdivider may be required to provide improvements to facilitate future development. The property owner shall be required to provide such pumping and other facilities as may be necessary.

(2) On-Site Septic. Installed septic facilities must be built in accordance with the State of Vermont Environmental Protection Rules Chapter 1.

9.05–I Site Preservation and Landscaping. The development shall have adequate landscaping, screening and setbacks in regard to adjacent properties in accordance with Section 10.04 herein.

(1) Existing Features. The preservation of site amenities, such as trees, brooks or drainage-ways, historic sites, and other features that are an asset to the site and/or community, shall be preserved insofar as possible through harmonious design and appropriate construction methods. Floodplains District and Watercourse Protection District, as defined herein, and all other significant natural features shall be delineated and clearly marked with stakes and flagging or temporarily fenced before and during the excavation and construction phases of a subdivision. These lands shall not be disturbed during construction.

(2) Natural Cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of that particular subdivision.

(3) Landscaping. Subdivisions shall be adequately screened from view of adjacent roads and neighborhoods. A sufficient mixture of deciduous and coniferous trees shall be provided.

9.05–J Streets. Roadways and associated improvements, such as but not limited to signage, shall be required to service subdivisions as specified in Chapters Seven (Fire) and Fourteen (Public Works Standards) of the Colchester Code of Ordinances and Official Map. Roadways shall include but shall not be limited to: street trees, sidewalks, paths, street lighting, stormwater infrastructure, fire hydrants, etc.

(1) Arrangement - The arrangement of streets in the subdivision shall provide for the continuation of streets of adjoining subdivisions and for proper projection of streets through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. To this end, the use of a grid or block pattern for streets is encouraged. Streets in mixed-use growth centers should encourage an emphasis on pedestrian and bicycle traffic while providing accommodation for vehicular traffic. Bicycle paths may connect mixed-use growth centers with other neighboring areas. Pedestrian protection devices as provided by roadway geometry, signage, pavement markings, etc., should be encouraged to the extent permissible under the Colchester Code of Ordinances, Chapter 14, or as otherwise approved by the Department of Public Works.

(2) Topography - Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Adequate provisions shall be made to control the drainage of each street by an adequate storm water system, subject to the approval of the Town Engineer.

(3) Street Names – All streets shall be named in accordance with the requirements of Chapter 17 of the Colchester Code of Ordinances. The subdivider may recommend proposed names to the Development Review Board. The DRB, in consultation with the designated E911 coordinator, shall designate a name for a proposed road as part of its approval process. Streets shall be identified by the name on the proposed plat.

(4) Design and layout of cul-de-sacs shall provide for possible future streets and extensions to other subdivisions or other properties not yet subdivided. Where provisions are made for the continuation of a street beyond the cul-de-sac for future road development, the land outside the normal street right-of-way may revert to the abutting property owners at such time as the street is continued beyond the cul-de-sac.

(5) Where a private drive or road is proposed that has the potential to serve more than four units, provisions shall be made to accommodate for appropriate right-of-way and the drive or road so designed so as to facilitate the drive/road conversion to the appropriate public road standards as codified in Chapter Fourteen of the Colchester Code of Ordinances.

(6) Where a subdivision borders an existing narrow road (below standards set herein) or when the Official Map or Municipal Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider may be required to show areas for widening or realigning such roads on the Plat, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plat when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes shall not be counted in satisfying setback or yard or area requirements herein but shall be included to satisfy density requirements.

(7) All proposed layouts and designs shall provide safe access to and for the traveling public at all times.

(8) Where a subdivision abuts or contains an existing or proposed arterial or collector street, the DRB may require marginal access streets (street parallel to arterial or collector street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial or collector street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(9) Where a tract is subdivided into lots at least twice as large as the minimum size required in the zoning district in which a subdivision is located, the DRB may require that streets and lots be laid out so to permit future development in accordance with the requirements contained in these Regulations.

(10) The approval of the Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, offer of dedication, recreation area, or open space shown on such Subdivision Plat.

(11) The number of dwelling units served by a project sharing a common single access to a public street or road shall not exceed fifty (50) units.

(12) In no case shall a new public road be permitted where its principal access is from a private road unless that private road is upgraded to a public road in conformance with the Town of Colchester Code of Ordinance Chapter 14, Public Works Specifications and Standards roadway design standards as amended from time to time and duly accepted by the Colchester Selectboard.

9.05–K Pedestrian Access. Permanent Pedestrian easements, up to twenty feet (20') in width, may be required in order to facilitate pedestrian circulation within the subdivision, access to adjoining neighborhoods, public property, or community focal points such, but not limited to: parks, schools, shopping centers, centers of employment, and community recreation facilities, etc.

9.05–L Utilities. All utilities shall be underground. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for underground installation, both for the proposed subdivision and areas adjacent to the subdivision. Easements of sufficient width shall be provided in locations acceptable to the Town Engineer, so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

9.05–M Traffic. The development shall not cause unreasonable highway congestion or unsafe conditions with respect to use of the highways existing or proposed. A traffic impact study may be required of the project in compliance with Chapter 14 of the Colchester Code of Ordinances at the request of the Town Engineer.

9.05–N Stormwater & Erosion Control. All development shall be in conformance with Chapter Fourteen of the Colchester Code of Ordinances

9.05–O Excavation and Grading. All excavating and filling required for construction of public improvements shall be as specified within Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards). No stumps, wood, roots, other fibrous materials or refuse shall be used as fill. The DRB may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade of the project area.

9.05–P Outdoor Lighting. Illumination of areas such as streets, sidewalks, private ways, parking areas, loading and unloading areas, principal entryways and/or other locations, shall be provided in accordance with Section 10.02 herein and Chapter Fourteen of the Colchester Code of Ordinances. All proposed street lights within public rights-of-way shall be constructed so as to become the property of the Town upon acceptance of the street by the Colchester Selectboard.

9.05–Q Municipal Facilities & Recreation Areas. Land shall be set aside for municipal and recreational purposes as deemed necessary by the DRB for compliance with the planned unit development regulations herein as well as compliance with the Official Map as noted in Section 2.02 herein.

9.05–R Governmental Services. The development shall provide for efficiency of allocation and distribution of street and public facility installation, construction, and maintenance. The project shall not place an unreasonable burden on the ability of the municipality to provide municipal or governmental services, including educational services, and facilities. To this extent, cul-de-sacs are discouraged and connections to existing or planned development is required where-ever feasible.

9.05–S Aesthetics. The development shall not have an undue adverse effect on scenic or natural beauty of the area and aesthetics. The development shall be suitable for its surroundings as defined by the locations from which it can be viewed and the potential impact on open space. The development shall not be out of character with its surroundings. The development shall not significantly diminish the scenic qualities of the area.

9.05–T Town Plan. Proposed subdivisions shall conform to the Town Plan and all bylaws of the Town herein. The DRB may require reasonable modification or appropriate phasing of the proposed subdivision.

9.05–U Owners' Association. Where applicable, the DRB may require the creation of a suitable owners' association to manage and maintain private infrastructure, including, but not limited to, private roads and streets, shared drinking water, shared wastewater, shared stormwater, common area maintenance, and other obligations to be shared amongst the lot owners; such mechanism shall be included in the deeds to the affected properties. All proposed owners' association documents must meet the approval of the Town Attorney.

9.06 Integration of Procedures

9.06–A General. There may be applications where the particular circumstances of a proposed development require compliance with other procedures in these regulations, such as site plan permit or conditional use review. In such cases, the DRB shall integrate subdivision review as required by this article with the other procedural and/or submission requirements per 24 V.S.A. Section 4462. To the extent that subdivision review criteria may be duplicative with other review criteria such as site plan criteria, the criteria may be cross-referenced. Such integration of procedures may require, upon mutual written consent of the DRB and the applicant, reasonable modification of the time schedules otherwise stated in this article or in said related regulations or requirements.

9.07 Planned Unit Development

9.07–A Purpose. In accordance with the provisions of 24 V.S.A., Sec. 4417 Planned Unit Developments are designated by these Regulations to enable and encourage flexibility of design and development of land as a single entity for a variety of uses; the plan of which does not correspond to minimum dimensional requirements of the zoning district being considered. Development shall be designed in such a manner as to promote the most appropriate use of land, to preserve and maintain agricultural and forestry lands, to facilitate the adequate and economical provisions of streets and utilities, to encourage efficient construction, and to preserve the natural and scenic qualities of the open lands of the Town.

9.07–B Review and Approvals. Planned Unit Development proposals requiring any extensions of public infrastructure and/or containing five or more lots/units shall be reviewed and evaluated as major subdivisions. In addition, any dimensional modifications of the applicable Development Regulations under consideration as Planned Unit Developments shall be evaluated in accordance with the following general and specific standards herein.

9.07–C General Standards.

(1) A Planned Unit Development (PUD) may include commercial and industrial uses, or residential and commercial uses, but shall not combine residential and non-compatible uses such as industrial uses. A Planned Unit Development may include a Planned Residential Development component.

(2) A Planned Residential Development is a PUD exclusively for residential development.

(3) Minimum total area of development shall be one and one-half acres.

(4) The overall density allowable for the proposal shall be the same as for the land in the underlying district. Additional residential units achieved through density bonuses and transfer of development rights shall be exempt from this provision

(5) The proposal shall be an effective and unified treatment of the development possibilities on the project site, and the proposed development plan shall make appropriate provision for the preservation of streams and stream banks, steep slopes, Class II and III wetlands, floodplains, forested areas, agricultural land, and unique, natural and manmade features.

(6) The proposal shall be consistent with the Town's Municipal Plan and all applicable Bylaws, Regulations, and Ordinances.

(7) The proposal shall provide for the preservation of open space and/or agricultural, forestry, natural resource, or habitat lands.

(8) Buffer strip - The DRB shall require provision of a buffer zone feet at the perimeter of the Planned Unit Development within Residential Districts in accordance with Table 9.07D(2)(a) excepting front yards. The buffer zone must be kept free of buildings and structures and must be landscaped, screened, or protected by natural features so that adverse effects on surrounding areas are minimized. All road and driveway connections shall be located so as to be outside the buffer, however a singular crossing for a road, driveway, or other utility access is allowed without the need for a PUD Buffer amendment. Multiple buffer crossings or other road/drive buffer reductions may be considered by the DRB under these standards. The presence of existing structures within a proposed PUD buffer does not count as an intrusion requiring the applicant request a modification of the buffer. Utility and wastewater systems are considered intrusions into the buffer for which a modification must be requested. Recreational paths and amenities as well as walls and fencing may be located within the buffer without counting as an intrusion.

(9) A plan shall be submitted to the Development Review Board (DRB) with a preliminary subdivision plat application showing the location, height and space of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces and all other physical features accompanied by a statement setting forth the nature of all proposed modifications of the area and dimensional requirements of the applicable Development Regulations.

9.07–D Specific Standards.

(1) In a PUD the Development Review Board may, at its discretion, amend the requirements of the Dimensional Standards listed in Table A-2 provided the DRB determines that the request is in accordance with Table 9.7D(1)(a).

Table 9.07D(1)(a)	
Requirement	How should a request for alteration be evaluated?
PUD Buffer	The applicant should show the project meets the purpose of planned unit developments as stated herein on projects over three acres.
Lot Coverage	Lot coverage may be increased by up to an additional 20% if the additional impervious area is designed to retain 90 % of the one year storm or the first inch of rainfall through green infrastructure.
Public Road Frontage	For projects over three acres, the applicant should show that the project meets the purpose of planned unit developments as stated herein and that the project will result in the consolidation of curb cuts, sharing of access routes, and minimizing land disturbance. Frontage may be completely waived.
Lot Size	For projects over three acres, the applicant should show that the project meets the purpose of planned unit development as stated herein. Minimum lot size shall not be less than 10,000 sq. ft. except for Footprint Lots as defined herein.
Internal Setbacks	The applicant should show that the project meets the purpose of planned unit developments as stated herein for lots over three acres. Elevations of the proposed buildings should be provided that demonstrate the project's ability to blend with or improve the character of the area. Interior front yard setbacks may be reduced if the DRB determines such waivers will improve pedestrian circulation.

(2) In a PUD, the DRB may, at its discretion, permit reductions of the width of the buffer strip as set forth herein. In doing so the DRB shall find that the proposed landscaping and/or fencing to be provided in accordance with the table below will offer equivalent screening of the noise, light, and visual impacts of the new development. Supplemental plantings are not to be imposed unless a reduction in buffer is requested. The following conditions shall govern any modification of the PUD Buffer:

Table 9.07D(2)(a): PUD Buffer Requirements	
Parent Project Site	Buffer Requirement
0 to 3 acres R1, R2, R3, MHP, & AMU Districts	Up to 50 feet with no less than a ten (10) foot wide strip landscaped with dense evergreen trees or solid fencing and other plantings as a screen.
3+ to 10 acres R1, R2, R3, MHP, R5, & AMU Districts	Up to 50 feet with no less than 20 feet landscaped with trees as a screen.
10 + acres R1, R2, R3, MHP, & AMU Districts	Up to 50 feet with no less than 30 feet landscaped with trees as a screen.
10 + acres R5, R10, & AGR Districts	Up to 100 feet with no less than 50 feet landscaped with trees as a screen.

(3) Lot size and dimensional requirements:

(a) Within a PUD the DRB may waive the minimum lot sizes requirements if the project is consistent with the Town's Municipal Plan and Chapters Seven and Eight of the Colchester Code of Ordinances.

(b) A lot less than 10,000 sq. ft. shall only be allowed as a footprint lot as defined herein.

(c) Footprint lots shall be adequately sized so as to contain a building and all expected appurtenances such as stairs, patios, egress windows, bulkheads, decks, HVAC units, etc.

(d) A footprint lot may only bisect a building where there is a clear structural separation such as a fire wall as provided for in Chapter Four of the Colchester Code of Ordinances and the State of Vermont Fire & Building Safety Code, and which meets all applicable Town and State building code standards.

(e) Footprint lots shall not extend more than two feet beyond the building.

(4) Open Space. Open space or common land shall be set aside and made a part of any PUD subject to the below listed specific requirements:

(a) The DRB shall require a portion of the development parcel to be designated as open space except for those properties under three acres or five units in size, or properties located within the GD, COM, BD, and IND districts, as these districts are currently designated for dense commercial or mixed use. For projects 3-5 acres, up to 25% of the site may be required. For projects over 5 acres but less than 50 acres, a minimum of 25% of the site will be required to be open space. For sites over 50 acres, the DRB may reduce the required open space to less than 25% of the site but no less than 15% of the site.

(b) Open space land may, at the discretion of the DRB, be utilized fully or partially as informal recreational areas. Active recreational amenities may be located on an open space lot but shall not count toward the required open space area. In GD Districts structured recreational areas such as parks are encouraged. In all other districts, the majority of the open space should be open and devoid of significant structural improvements.

(c) In delineating proposed open space, applicants shall be guided by the Colchester Open Space Plan, as amended from time to time, the Municipal Plan, and the standards herein. Wherever feasible, the open space shall be contiguous to other open space on adjacent lots and contain natural resources as identified in the Open Space Plan. All unbuildable areas (surface waters, floodplains, wetlands and steep slopes) should be included in the designated open space. Open space should adjoin the largest practicable number of lots or units within the development and pedestrian access to the open space lot shall be provided for use by all lots or units within the development. No open space lot shall have a length to width ratio of greater than 4:1 or be less than 60 feet in width. Open space within a PUD buffer, not in common ownership, shall not count toward the open space area.

(d) Plans for development of recreational areas must be presented simultaneously with the presentation of all plans for development.

(e) Development of the open space will either be completed prior to the conveyance of lots, units, or dwelling units or an escrow or performance bond shall be posted with the Town to insure completion of the development of the open space within a period of time stipulated by the DRB.

(f) Open Space and Recreational Amenities should generally be placed on its own lot and shall always be collectively owned and accessible to the lot and/or unit owners of the project. The cost and responsibility of maintaining recreational amenities or open space shall be borne by a community association such as a homeowners' association. The applicant shall, at the time of preliminary plat application, provide draft legal documents for review and approval by the Town's Attorney providing for the upkeep of amenities or open space in perpetuity by a homeowners' association or similar association. Such mechanisms may include but shall not be limited to: dedication of development rights, conservation easements, homeowner's associations, and restrictive covenants or other appropriate grants or restrictions. Further subdivision of residual land shall be prohibited.

(g) Open space for purposes of protecting natural or archaeological resources or for agricultural or forestry purposes shall be given preference over open space preserved for purposes of recreational or other uses.

(5) Recreational Amenities. Informal recreation amenities as defined by this ordinance shall be provided for projects resulting in five or more new units or lots with sites larger than 3 acres (except for non-residential projects). Any project involving 50 or more new units shall be required to provide an active recreational amenity as defined by this ordinance.

(6) Varied types of dwellings (single, duplex, and ~~multifamily~~multi-unit) attached and detached are encouraged within a PUD. Varied yet complementary types of architectural style, construction, lot sizes, building material, and exterior colors are strongly encouraged. Identical replication of structures, textures and color is strongly discouraged.

(7) Congregate Housing Density ~~Bonuses~~. ~~The DRB may grant density bonuses for PUDs which provide~~In recognition of the special needs and limited impact of "Congregate Housing", as defined herein, the DRB may approve multi-unit dwellings with density up to four times that otherwise allowed in GD-1, GD-2, GD-3, or GD-4 Districts as a permitted use subject to PUD standards and review~~. Within these limits maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplexes.~~ To qualify for the density bonus, a development must meet the following criteria:

(a) The development must constitute "Congregate Housing", as defined in Article 12 of this Development Regulation. This definition includes the requirement that at least ~~80~~ 90 percent of all occupied units in such a project must be occupied by persons aged 55 or older ~~(the 80% requirement applies to occupants, not owners): and no person under 19 years of age shall reside in any unit for more than ninety (90) days in any calendar year, except that in the event of a person(s) under 19 years of age who is (are) disabled and is (are) dependent upon the qualified occupant (at least 55 years old), said dependent person shall be permitted to reside in the unit on a permanent basis.~~

~~(b) Executed declaration of covenants and restrictions insuring compliance with the definitional requirements of "Congregate Housing" as set forth herein and referencing the requirements of an executed "Congregate Housing Compliance Agreement" as set forth herein under Section 9.01D(5)(c) shall be provided to the DRB for review, approval and execution prior to Final Plat Approval. Language shall be included in all covenants prohibiting changes to said document without prior written approval from the DRB.~~

(b) The ~~developer~~ project applicant shall ~~submit~~ record ~~an executed~~a "Congregate Housing Compliance Agreement" ~~to~~ to the satisfaction of the Town Attorney which:

i. ~~the DRB insuring~~ makes clear the occupancy restrictions herein and which outlines age verification procedures;

ii. demonstrates the provision for and continued maintenance of significant facilities and services as outlined herein;

iii. The "Congregate Housing Compliance Agreement" shall be referenced in the executed declaration of covenants;

~~i.~~ iv. ~~Language~~ Language shall be included in this and all covenants prohibiting changes to said document without prior written approval from the DRB

(c) Significant facilities and services specifically designed to meet the physical or social needs of older persons may include~~, but are not limited to~~:

- Social and recreational programs designed for persons over the age of 55 years~~;~~
- Educational programs designed to serve the interests of persons over the age of 55 years~~;~~
- ~~Property maintenance and referral services;~~
- Information and counseling about services for persons over the age of 55 years~~;~~
- Emergency and preventative health care services~~;~~
- Accommodations for public and private transportation services within the community and to social services, shops and so forth~~;~~
- Dining facilities for ~~persons over the age of 55 years~~residents
- ~~and other services designed to encourage residents to use the services available to them.~~

~~i. In addition to meeting the 80 percent requirement in Section (a) above, and providing significant facilities and services in conjunction with congregate housing, the developer, its assigns and successors, and eventually the development, must publish and adhere to policies and procedures that demonstrate an intent to provide housing for people aged 55 and older. Examples of such documents include, but are not limited to:~~

- ~~Description of development in media and other communications;~~
- ~~Marketing materials and other sales representations;~~
- ~~Age-verification procedures;~~
- ~~Covenants or lease provisions;~~
- ~~Written rules and regulations;~~
- ~~Actual practices in enforcing the relevant lease provisions or rules and regulations.~~

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~~ii. All documents supporting these criteria shall be submitted to the DRB for review and approval prior to Final Plat approval. The "Congregate Housing Compliance Agreement" shall be referenced in the executed declaration of covenants and restrictions required herein under Section 9.01D (5) (b).~~

~~(d) Minimum acreage, open space and other PUD requirements are met.~~

(d) Units are limited as follows:

i. A maximum of two (2) bedrooms per unit;

~~i.~~ ii. A maximum of 800 square feet per unit.

~~(e) Detached Congregate Housing PUD Density Bonuses. The DRB may consider and approve detached single family unit/duplex congregate housing with density up to twice that otherwise allowed in R-1, R-2, R-3, GD-1, GD-2, GD-3, and GD-4 Districts as a permitted use subject to PUD standards and review. Maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplex or multi-family units. Within these limits, maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplexes.~~

~~(f)~~ (e) ~~Multi-Family Housing~~Unit Dwellings ~~for the Elderly as a PUD Density Bonuses. The Development Review Board may consider and approve multi-family unit housing dwellings for the elderly with density greater than three and up to four times that otherwise allowed in GD-1, GD-2, GD-3, or GD-4 Districts as a permitted use subject to PUD standards and review; where, in addition to the above criteria noted in Section 9.07D(7)(a-e), the~~ The project ~~is~~ must be served by municipal sewer, municipal water and by public transportation or other equivalent transportation alternatives to be approved by Staff. ~~Maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplex or multi-family units.~~

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Article 10: DEVELOPMENT STANDARDS

10.01 Off Street Parking, Loading, and Circulation

10.01–A Purpose. In order to minimize traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents, as well as to promote other elements of sound community planning, parking, loading spaces, circulation, and access shall be required of all structures and land uses. Parking spaces, aisles, and circulation shall be provided and kept available as an accessory use to all permitted and conditional uses of structures, lots, and land in amounts not less than those specified in Section O. The requirements of this section shall apply under the following circumstances:

(1) All new structures erected for use on a property.

(2) Any structure which is hereafter altered or enlarged.

(3) All new uses of a property.

(4) Any use of a property which is hereafter altered or enlarged.

(5) The property is located outside of the General Development Three District.

10.01–B Location of Off-Street Parking, Loading, and Vehicle Entrances.

(1) Except as provided in Section F, off street parking and loading that is required for a use or uses under this section shall be located entirely on the property on which the use or uses exist. The Development Review Board may approve required off street parking that is located off the property on which a use or uses exist, according to Section E.

(2) The location, aisle widths, and layout of interior drives shall provide for efficient interior circulation and the safety of pedestrians and vehicles.

(3) The location of parking areas and loading docks shall prevent conflicts with entering and exiting traffic onto a public street and prevent conflicts between vehicles and pedestrians. The distance between access points and parking areas shall be adequate to minimize blockage and to prevent back-ups onto the public street.

(4) All loading and unloading shall be provided off-street. To this end, no commercial or industrial use overhead doors, loading or unloading shall be permitted on the front side of properties except as provided herein. All loading and unloading should occur within the rear or side yard. Within the Industrial and Business District**s**, overhead doors may be permitted on the front of buildings provided that the following are provided:

(a) the location of the overhead doors is not out of character with the neighborhood

(b) adequate parking and circulation can be provided

(c) the unloading and loading area is adequately screened from the street and adjacent properties.

(d) Overhead doors on the front of buildings shall not be allowed along arterial or collector roads.

(5) The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape.

(6) Pedestrian Safety. Insofar as practical, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize conflicts with vehicular traffic.

(7) Vehicle Entrance. Clearly marked ingress and egress for vehicles to the site shall be provided. No curb cuts or vehicle entrance from any public street shall be constructed or maintained except in conformance with all applicable standards of the Colchester Code of Ordinances Chapter 14 and Vermont Agency of Transportation. Curb cuts shall generally be limited to one per property or project.

10.01–C Layout Requirements for Parking Spaces, Aisles, and Circulation. All parking spaces and maneuvering lanes shall be surfaced with asphalt, pervious pavement, or concrete paving and shall be striped to delineate parking spaces and lanes as per Appendix B excepting marinas, parks, and ~~one or two family~~single-unit or duplex dwellings. ~~If weather conditions preclude paving or striping, a temporary occupancy permit may be issued for a period not to exceed six (6) months.~~ The layout of parking spaces and aisles shall comply with the following requirements:

(1) Internal Landscaping of Parking Areas. Except for parking spaces accessory to a ~~one-family or two-family~~single-unit or duplex dwelling, all off-street parking areas subject to review by the Development Review Board, shall be landscaped with appropriate trees, shrubs, and other plants including ground covers, as approved by the Development Review Board. The Development Review Board shall consider the adequacy of the proposed landscaping to assure the establishment of a safe, convenient, and attractive parking area and the privacy and comfort of abutting properties.

(a) In all off-street parking areas containing twenty or more parking spaces, at least ten percent of the interior of the parking area shall be landscaped with trees, shrubs, and other plants. At least one (1) major deciduous shade tree, whose caliper is equal to or greater than three (3) inches, shall be provided within each parking area for every three thousand (3,000) square feet of paved area or every ten (10) parking spaces, whichever is greater. The trees shall be spaced evenly throughout the lot interior to provide shade and reduce glare. Overall, there shall be a mix of large canopy tree species.

(b) Planting islands

i. Planting islands shall be provided. Such islands and the landscaping within them shall be designed and arranged in such a way as to define major circulation aisles, entrances, and exits, to channel internal traffic flow, to prevent indiscriminate diagonal movement of vehicles, and to provide relief from the visual monotony and shade-less expanse of a large parking area. All islands shall be landscaped with trees, shrubs, grasses, and/or ground covers. Plant materials judged to be inappropriate by the Development Review Board will not be approved.

ii. Islands should be constructed that promote stormwater treatment or a stormwater management plan. Curbs of such islands shall be constructed of concrete, stone, or bituminous material and shall be designed to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging the plants. At the Development Review Board's discretion, curb-less parking areas and planting islands may be allowed where these specifically provide for stormwater run-off into vegetated areas for treatment.

iii. Maintenance and responsibility. All planting shown on an approved site plan shall be maintained by the property owner in a vigorous growing condition throughout the duration of the use. Plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

iv. Snow storage areas must be specified and located in an area that minimizes the potential for erosion and contaminated runoff into any adjacent or nearby surface waters.

(c) Screening shall be provided where headlights from vehicles on site may be visible and project parallel to a public street.

(2) Parking areas shall provide convenient access to building entrances and shall minimize conflict between pedestrian and vehicle circulation.

(3) The storage of merchandise, motor vehicles for sale, unregistered motor vehicles, commercial trucks, or the repair of vehicles within designated parking spaces is hereby prohibited.

(4) The placement of parking within front yards is discouraged. Except for parking spaces accessory to a single-unit or duplex ~~one-family or two-family~~ dwelling, no parking shall be permitted within the front yard setback. All parking within the front yard should be screened from the road. At no point should the majority of parking spaces on the site be located within the front yard. Within the GD1 District, existing parking areas within the front yard may remain if the following conditions are met:

(a) Parking areas shall not be located within 15 feet of the edge of the right-of-way.

(b) Suitable landscaping of the parking area shall be provided as herein required in these regulations.

(c) The extent of existing development is greater than the amount of the lot that is being redeveloped.

(5) Connections between adjacent lots are encouraged where feasible to minimize street traffic for short trips. The Development Review Board should require an applicant to construct a connection to an adjacent lot and/ or provide an easement for a future connection.

(6) Parking spaces, aisles, and circulation and other associated driveways shall be setback five feet from the property boundaries unless a shared drive or shared parking is proposed.

(7) Electric vehicle charging stations shall be incorporated into parking design for multi-~~family~~ unit dwellings ~~projects~~ of ten units or more.

(a) Subject lots shall have, at minimum, one level two charger installed per 4% of spaces, rounded up. Electric vehicle charging spaces shall be counted toward the minimum parking standards herein.

(b) Charging spaces and spaces wired for charging shall be located so as to be visible to tenants, customers, and visitors. Charging equipment shall be located so as to be protected from snow storage.

10.01–D Determination of Parking and Loading Spaces.

(1) All structures and land uses shall be provided with a sufficient amount of off-street parking to meet the needs of persons employed at or making use of such structures or land uses, and sufficient off-street loading facilities to meet the needs of such structures or land uses, but not less than the minimum standards of Section O.

(2) No certificate of occupancy or certificate of compliance shall be issued for any structure or land use until the required off-street parking and/or loading spaces have been established. Required off-street parking and/or loading facilities shall be maintained as long as the use of structure exists which the facilities are designed to serve.

(3) The following methods shall be used to determine the number of required off-street parking and loading spaces:

(a) The requirement for a single use shall be determined directly from the schedule of such requirements in Section O.

(b) The requirement for a combination use made up of several component uses (e.g., a restaurant and bar; or a retail store combined with an office building or a storage area) shall be determined by establishing the requirement for each component use from the schedule in Section O of such requirements and adding them together.

(c) When the required number of spaces is determined to result in a fraction, it shall be increased to the next highest whole number.

(d) If the use is not specifically listed in the schedule of such requirements, the requirements shall be the same as for the most similar use listed, as determined by the Administrative Officer.

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(e) When the schedule requires the number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift. In all other cases it shall mean the total number of employees on the site or who will use the site for parking at any one time.

(f) A garage or a carport may be used to meet the requirements of this section. A driveway may only be used to meet the requirements of this section where it serves a single-unit or duplex ~~one-family or two-family~~ dwelling provided that the parking is not stacked.

(g) Uses which require Development Review Board approval pursuant to Article 8 may be required to provide off-street parking spaces in excess of the requirements of this section Table 10-2.

(4) The number of parking spaces on a property shall not exceed 110% of the required number of parking spaces.

(5) Properties with a required number of parking spaces exceeding 250 spaces shall be classified large scale parking facilities. New construction or any change to existing uses that requires additional parking on site will require the applicant employ parking mitigation to reduce the number of surface parking spaces. Qualifying parking mitigation shall include but not be limited to: structured parking, parking shuttles, employee carpool plans, incentives for employees to use alternative transportation such as bicycles, a mass transportation plan for employees such as purchasing bus or train passes for employees, telecommuting plans for employees, shared parking, and other similar plans. The Development Review Board shall have the discretion to require parking mitigation for large scale facilities as appropriate taking into consideration stormwater, surface water impairment, the character of the neighborhood, traffic, pedestrian safety, landscaping, and circulation.

10.01–E Shared Parking on Two or More Lots.

(1) Required parking and loading spaces shall normally be provided upon the same lot as the use or structure to which they are accessory. However, shared parking may be allowed where a parking area or parking space is used jointly for more than one use.

(2) Off-street parking spaces required for structures or land uses on two or more adjacent lots may be provided in a single common facility on one or more of said lots provided that the Development Review Board approves a plan meeting the regulations of this sub-section.

(3) As a matter of public policy, the Town of Colchester finds that the coordination of off-street parking areas between adjoining nonresidential sites is desirable to allow for traffic circulation between sites rather than having all traffic entering and exiting the existing road system to proceed from site to site. This coordination can take various forms, from a simple paved connection to a more elaborate plan to provide both a connection and shared parking arrangements. Such connection and shared parking are not to be considered a parking waiver, but an agreement between the landowners and the Town of Colchester to affect an overall circulation and parking plan and provide the required number of parking spaces in accordance with the applicable provisions of Section O for the respective use(s). For these reasons, in its review of a site plan, the Development Review Board may, at its discretion, allow for parking spaces to be provided both on and off site, provided that:

(a) The applicant(s) provides an acceptable overall design and an accurate site plan for all properties affected by the shared parking proposal. Such design and plan shall be approved by the Development Review Board. The owner or owners of the property where the off-site parking will be provided are co-applicants to the site plan application.

The lots shall be adjacent. However, at its discretion, the Development Review Board may consider a shared parking plan where the parking serves a Planned Unit Development, college, or hospital use.

(b) The applicant shall record appropriate legal documents to ensure that the off-site parking spaces shall be available for use by the user or users for which the off-site parking spaces are being sought. Such legal documents shall be acceptable to the Town Attorney in form and content. The Town of Colchester shall be a party to the legal document.

(c) Such legal documents shall assure the continued existence of the parking lot or facility to serve said structures or land uses as long as they may exist. Such agreement shall also guarantee that upon termination of such joint use, each subsequent use of the premises will provide off-street parking for its own use in accordance with the requirements of this section and Section O.

(d) The required number of parking spaces is to be provided and spaces that are paved must be striped and must be shown on an approved plan. The number of required parking spaces may be reduced provided that a reserved parking plan is approved as per Section H.

(e) In no event shall parking and loading spaces for a non-residential use be located in any residential district.

10.01–F Shared Parking on a Single Lot. Where the Development Review Board determines that a proposed development consisting of two or more uses located on a single parcel will generate different hourly, daily and/or seasonal parking demand due to the varied hours of operation of each use and frequencies of customer and employee occupancy of available parking spaces, the Development Review Board may approve a site plan utilizing shared parking. The applicant shall provide the parking space count and justification analysis. Approved shared parking requires the present construction of a lesser number of spaces, provided that:

(1) The applicant shall provide the Development Review Board with a shared parking plan which shall be based upon the following:

(a) A complete and accurate description of the proposed uses, floor areas devoted to such uses, the number of seats or rooms assigned to each use, and the days and hours of operation of each use for each day of the week and for any seasonal variations in operations.

(b) A complete and accurate description of the number of employees and their respective shifts.

(c) A complete and accurate description of the projected total peak hour or daily period of occupancy by patrons for each proposed use during weekdays, Saturday, Sunday and any seasonal variations in peak hour or period of occupancy.

(2) In all cases, at least two-thirds (2/3s) of the number of required parking spaces shall be provided. A reserved parking plan shall be required. The Administrative Officer may order the property owner to construct the reserved parking spaces if need arises as per Section H.

(3) The approval of such shared parking shall be automatically terminated upon the termination of the operation of any of the involved uses.

10.01–G Reserved.

10.01–H Reserved Parking. In the event that an applicant can demonstrate to the Development Review Board that its present parking needs do not necessitate the construction of the number of parking spaces required herein, the Development Review Board may approve a site plan requiring the present construction of a lesser number of spaces. In such an event, the site plan shall show sufficient spaces reserved for future parking requirements with the combined number of spaces being not less than that required by Appendix B, Figure VII. In all cases, at least two-thirds (2/3s) of the number of required parking spaces shall be provided. The remaining reserved space shall remain unpaved or kept pervious until such time as it is needed, unless the reserved area is used for internal circulation. The reserved area shall be shown on any site plan. The Administrative Officer may order the property owner to install the reserved parking spaces if the need for additional spaces arises. For example, a change in the use(s) or the ownership of the parcel may be enough to require the installation of the parking spaces. In the event that the owner fails to install the additional parking spaces within one hundred twenty (120) days of being so ordered, the Administrative Officer shall revoke the certificate of occupancy for the premises, and the Town Attorney may take appropriate action in a court of competent jurisdiction to restrain the use of said premises. When this subsection is utilized, the site plan shall contain a statement, signed by the applicant in such a form as shall be approved by the Town Attorney, consenting to the provisions contained herein. In addition, the property owner shall be required to submit a covenant, for filing in the Town Clerk's office, in such a form as shall be approved by the Town Attorney indicating consent to the provisions of this subsection.

10.01–I Handicapped –Accessible Parking Spaces. Parking spaces for handicapped persons shall be provided for all non-residential uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be eight feet (8'0") wide, with an adjacent access aisle five feet (5'0") wide. One in every six (6) accessible spaces must have an access aisle eight feet (8'0") wide and must be signed "van accessible". The number of accessible spaces required is shown in Table 10-1 below. Handicapped parking spaces and aisles shall be level with surface slopes not exceeding 1:48 in all directions.

Table 10-1 Minimum Number of Accessible Parking Spaces Required	
Total parking spaces in lot	Number of accessible spaces in lot
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 1,000	2% of total number
1,001 and over	20, plus 1 for every 100, or fraction thereof, over 1,000

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10.01–J Recreational Vehicles. ~~Parking or storage facilities for recreational vehicles shall be provided in all multi-family~~ unit ~~residential developments of eighteen (18) units or more.~~ Recreational vehicles (RVs) are restricted as follows:

(1) RVs shall not be stored on any common open lands other than those specifically approved for such purpose by the DRB through the review process.

(2) ~~The Development Review Board may waive this provision only upon demonstration by the applicant that the storage and parking of recreational vehicles shall be prohibited within all private and common areas of the development.~~ Commercial properties shall only park recreational or utility vehicles in approved display or storage areas.

~~(1)~~(3) On a residential property, no person shall park, store, or use a recreational vehicle, or utility vehicle, or similar vehicular equipment unless the following requirements are met:

(a) Such vehicular equipment shall be stored in rear or side yard. Minimum five (5) foot side yard setback.

(b) Such vehicular equipment is stored or parked on private property no closer than eighteen inches to any proposed or existing public sidewalk and so as not to project into the public right-of-way;

(c) On corner lots, any such vehicular is not parked in the triangular area formed by the three points established by the intersection of property lines at the corner and the points thirty feet back from this intersection along each property line;

(d) No recreational or utility vehicle is used for the conduct of business or for living ~~or housekeeping~~ purposes except when located in an approved mobile home park or in a campground providing adequate sanitary facilities.

~~(2) Any recreational or utility vehicle parked or stored out-of-doors is adequately blocked or tied down or otherwise secured so that such vehicle does not roll off the lot and is not moved about by high winds; and~~

~~(3) No vehicular equipment regulated by this section is stored out-of-doors on a residential lot unless it is in condition for safe and effective performance of the functions for which it is intended.~~

(4) Office trailers, office/storage trailers and semi-van trailers may be allowed as temporary facilities for construction projects when approved with a building permit from the Administrative Officer. ~~No other uses of trailers shall be allowed except as a special emergency facility when approved by the Development Review Board as a conditional use.~~

~~**10.01–J**~~**10.01–K** Bicycle Parking or Storage Facility. A bicycle parking or storage facility shall be provided for properties with twenty (20) or greater parking spaces. One bicycle parking space should be provided for each twenty (20) car spaces required by these regulations. Bike racks shall be clearly visible to employees and visitors; where practicable and safe, they should be located in proximity to the main entrance of the building.

~~10.01–K~~10.01–L Structured Parking. Structured parking may be required by the Development Review Board in conjunction with approval of a site plan or PUD. Structured parking shall be defined as any structure consisting of more than one level and used to store motor vehicles. The parking structure may be stand-alone or may be part of or attached to another structure. Such structures typically comprise parking decks, garages, or roof-top parking areas. The Development Review Board may require design elements for parking structures that specifically address safety, security, lighting, landscaping, and visual aesthetics as conditions for approval.

~~10.01–L~~10.01–M Commercial Vehicles on Residential Properties. Parking of one (1) commercial vehicle per property shall be permitted subject to the following limitations:

(1) The parking or storage of any garbage truck, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement-mixer truck, or moving/hauling van is prohibited on any residential property.

(2) Any commercial vehicle parked in a residential district shall be owned and/or operated only by an occupant of the property at which it is parked.

(3) The commercial vehicle must be parked off-street in a garage, carport or approved driveway.

(4) The length of the commercial vehicle shall be less than 20’ and its height shall be less than 10’.

(5) Vehicles of ordinary passenger size and equipment, that are not generally discernable from an ordinary passenger vehicle except for a logo, sign, marker or temporary use (e.g. ride service, food delivery) are generally not considered commercial vehicles. Where these vehicles number more than two on a property, they may be considered commercial vehicles. The administrative officer shall have the final determination of vehicle type and use.

~~10.01–M~~10.01–N Exemptions, Waivers, and Modifications of Requirements.

(1) Exemptions. Existing buildings and uses are exempt as follows:

(a) Structures and land uses lawfully in existence or in use or for which zoning permits have been approved by December 21, 2004 shall not be subject to the parking or loading space requirements set forth in this section and in Section O.

(b) However, no structure or lot lawfully in use prior to December 21, 2004 shall be enlarged unless the off-street parking and truck loading space requirements of this section are complied with to the same extent as would be required if the entire pre-existing structure or use and the proposed enlargement were being submitted as if they were a new application. The Development Review Board shall require additional off-street parking and truck loading spaces with respect to the proposed enlargement, but at its discretion may not require additional spaces with respect to the preexisting part of the structure or use.

(2) Waivers. Where the Development Review Board determines that a proposed land use or structure is adequately served by existing or proposed public parking facilities, the Development Review Board may waive the off-street parking space requirements stipulated in Section O, by no more than thirty-three percent (33%) provided that a reserved parking plan is approved as per Section H.

(3) Modifications of Requirements. Where the Development Review Board determines that unique usage or special conditions exist, it may require off-street parking spaces and loading areas greater than the requirements of this section and Section O. The Development Review Board may reduce the requirements of Section O for the number of off-street parking spaces and loading areas for non-residential uses and structures if it determines that overlapping use of parking spaces or other unique characteristic cause the requirement to be unnecessarily stringent provided a reserved parking plan is provided as per Section H.

~~**10.01 N**~~**10.01 O** Parking Requirements.

Notes applicable to Table 10-2:

(1) Any spaces required as part of the operational function, such as display, storage or queuing spaces at the transfer station or service station, are in addition.

(2) Parking need varies according to type of facility and will be determined during site plan approval.

(3) Definitions applicable to Tables 10-2: "Employee" means the number of employees working at the specific location on the main shift plus any overlap from prior or later shifts.

Table 10-2: Parking Requirements

Use	Parking Space Requirement	Notes
Single-~~Family~~ Unit Dwelling	2 spaces per dwelling	
~~Two Family~~Duplex Dwelling	~~2~~ 1.5 spaces per dwelling ~~plus 1 space for every four units~~	
Multi-~~Family~~ Unit Dwelling	~~2~~ 1.5 spaces per dwelling ~~plus 1 space for every four units~~	
Accessory Dwelling Unit~~Apartment~~	1 space per dwelling	
Community Care Home & Halfway House	1 space per sleeping room plus 2 spaces	
Congregate Housing	1.2 spaces per dwelling plus 1 space for every 4 units	
Boarding House and Bed & Breakfast	1.5 per guest bedroom plus 2 spaces	
Hotel & Motel	1 per room plus .33 per max occupancy in meeting & banquet rooms	
Extended Stay Hotel	1 per room plus 1 per employee	
Campground	N/A	2
Emergency Shelter	1 space per employee plus 0.25 per maximum permitted capacity	
Home Occupation	1 space per employee plus 1	
Home Business	1 space per employee plus two	
Convenience Store	4 spaces per 1,000 SF GFA	

Shopping Center	5 spaces per 1,000 SF GFA if GFA is 400,000 SF or less; 5.5 per 1,000 SF GFA if more than 400,000 SF	
General Merchandise w/o Drive-up	4 spaces per 1,000 SF GFA	
General Merchandise w/ Drive-up	5.8 spaces per 1,000 SF GFA	1
Retail Food Establishment < 5,000 SF GFA	6.7spaces per 1,000 SF GFA	
Retail Food Establishment > 5,000 SF GFA	6 spaces per 1,000 SF GFA	
Wholesale Establishments	.5 per 1,000 SF GFA plus any requirements for office area	
Equipment Sales and / or Repair	2 spaces per 1,000 SF GFA	
Commercial Greenhouse	2 spaces per 1,000 SF GFA	
Mobile Home & Marine Sales	2 spaces per 1,000 SF GFA	
Auto & Auto Acc. Sales	2 spaces per 1,000 SF GFA	
Rental	2 spaces per 1,000 SF GFA	1
Office, General	3.5 spaces per 1,000 SF GFA	
Office, Research	3 spaces per 1,000 SF GFA	
Office, Medical	5 spaces per 1,000 SF GFA	
Radio & TV Studio	2 spaces per employee	
Financial Institution & Bank w/o Drive-up	3.6 spaces per 1,000 SF GFA	
Bank w/ Drive-up	5.8 spaces per 1,000 SF GFA	1
Personal or Business Service	2 spaces per treatment station or 4 spaces per 1,000 SF GFA whichever is greater	
Artist Production Studio	2 spaces per 1,000 SF GFA	
Funeral Home	1 space per 40 SF of assembly room	
Crematorium	2 spaces per treatment station or 4 spaces per 1,000 SF GFA whichever is greater	
Drycleaner	4 spaces per 1,000 SF GFA	
Animal Services	1 space per employee plus .5 per 1,000 SF GFA	
Auto Service & Body Work	2 spaces per 1,000 SF GFA	
Car Wash	2 spaces per 1,000 SF GFA with a minimum of 2	1
Gas Sales	5 spaces per 1,000 SF GFA	1
Printing & Binding Facility	2 spaces per 1,000 SF GFA	
Photocopy & Printing Shop	2 spaces per 1,000 SF GFA plus 5 per 1,000 SF GFA of retail area	
Manufacturing & Processing	.5 space per 1,000 SF GFA plus 1 space per employee	
Lumber & Contractor's Yard	1 space per employee plus .5 per 1,000 SF GFA	
Salvage Yard	2 spaces plus 1 per employee	1
School, Elementary & Secondary & Trade	1 space per classroom and other rooms used by students, staff, or faculty, plus .25 per student of driving age	
School, College	1 space per classroom and other rooms used by students, staff, or faculty, plus .5 per student	
Religious Use	.5 space per seat or seating capacity	

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Cultural Facilities	.33 space per maximum permitted occupancy	
Social Clubs, Bars, Nightclubs, Taverns, & Adult Use	.5 space per maximum permitted occupancy	
Recreation Facility, Indoor	.33 space per maximum permitted occupancy	
Recreation Facility, Outdoor	.33 space per seat or per person in maximum occupancy	2
Drive-In Movie Theater	N/A	2
Marinas & Yacht Clubs	.8 space per boat berth	
Residential Marine Association	1 space per boat berth	
Hospital	2 spaces per bed	
Nursing Care, Mental Health Facilities, & Correctional Facility	.3 space per bed	
Day Care	1 space per employee plus .1 per licensed enrollment capacity	
Restaurant, Standard	22 spaces per 1,000 SF GFA	
Restaurant, Short-Order & Seasonal Mobile Food Unit	12 per 1,000 SF GFA	
Auto Parking Garages, Lots, & Storage	1 space per employee	1
Storage of Materials	.5 space per 1,000 SF GFA	
Ag, Silvicultural, & Mining Operations	1 space per employee	
Cemetery	1 space per employee, minimum of 2 spaces	
Waste Facilities	1 space plus 1 per employee	1
Transit Centers	1 space per employee	1
Public Garage	.5 space per 1,000 SF GFA plus 1 space per employee	1
Municipal Facility	3 spaces per 1,000 SF GFA	
Community Center	.33 space per maximum permitted occupancy	
National Guard & Civil Defense Operations	.5 space per 1,000 SF GFA plus 1 space per employee	1
Post Office	5 spaces per 1,000 SF GFA	
Essential Service & Tower Facilities	1 space per employee, minimum of 2 spaces	

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10.02 Outdoor Illumination

10.02–A Purpose. While exterior lighting is necessary and desirable for many activities, the Town recognizes that excessive or poorly designed exterior lighting can have adverse impacts on neighboring properties, cause safety hazards on nearby streets, raise ambient light levels in the community, and generally cause environmental degradation. With this in mind, it is the intent of this section to achieve a balance between lighting needed to safely undertake the tasks being illuminated and lighting that causes adverse impacts.

10.02–B General Requirements.

(1) No outdoor lighting fixtures may be installed on commercial, industrial, multi-~~family~~ unit dwellings or mixed use properties without first obtaining approval from the Development Review Board except as provided in Subsection Two below. Where a development is seeking Site Plan Approval under this Ordinance, exterior lighting shall be included in the Site Plan Application. However, up to two additional fixtures may be added to an approved lighting plan upon approval by the Administrative Officer, provided that the standards in this section are satisfied.

(2) A residential unit may install lighting fixtures that do not exceed a cumulative impact of 6,000 initial lumens (the equivalent of three 150-watt incandescent bulbs) without Town approval. Lighting installations exceeding the 6,000 initial lumen level and lighting of private tennis courts, swimming pools, or other outdoor areas must first be approved by the Administrative Officer through the building permit process. The Administrative Officer may choose to refer an application made under this provision to the Development Review Board for approval.

(3) Except where alternatives are specifically allowed, all lighting fixtures shall be at a minimum semi-cut-off fixtures (Semi-cut-off fixtures have an intensity at 80 degrees from nadir does not exceed 200 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candela per 1000 lamp lumens).

(4) All lighting fixtures shall be fitted with appropriate shields to ensure that lighting is directed only to the area to be illuminated, and do not cast direct light beyond the boundaries of the property on which they are located.

(5) All lighting fixtures shall be fitted with incandescent, metal halide, or fluorescent lamps. Exceptions may be made to additions to existing installations if the Development Review Board determines that bringing the entire installation into conformance would be cost prohibitive.

(6) Actual or estimated illumination levels shall be measured horizontally at ground level unless otherwise specified in these regulations.

(7) The use of ornamental lighting fixtures in a unified lighting design to define a sense of place is encouraged.

10.02–C Lighting Districts. For the purpose of this Section, the Zoning Districts established in this Ordinance shall be grouped into lighting districts as follows:

(1) Lighting District 1: Commercial District, (COM), Industrial District, (I) and Business District (BD).

(2) Lighting District 2: Mobile Home Park District, Low Density/ Rural Residential Districts (RR - R10), and Low/Medium Density Residential Districts (R-1, R-2 & R-3)

(3) Lighting District 3: General Development Districts (GD-1, GD-2, GD-3, and GD-4) and Lakeshore Districts (LS1 & LS2)

(4) Lighting District 4: The Agricultural/Open Land District and Agricultural Mixed Use District.

10.02–D Parking Lot Lighting. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

(1) Alternatives to semi-cut-off fixtures: The lighting design for an area may suggest the use of fixtures of a particular "period" design or architectural style, either as an alternative to or a supplement for the semi-cut-off fixtures described above.

(a) If such fixtures are not semi-cut-off fixtures as defined above, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150 watt incandescent bulb).

(b) Mounting heights of such fixtures shall not exceed twenty (20) feet.

(c) Illumination levels must meet the requirements set forth in the table below.

(2) In Lighting Districts 2 and 4, parking areas shall not be illuminated unless there is a clear hazard to be illuminated, in which case the standards noted in the table below shall apply.

(3) At least 75 percent of all parking lot lighting fixtures shall be turned off no more than one hour after the close of business.

(4) Parking area illumination standards for the various districts are as shown in the following table. Illumination levels are to be measured in footcandles (fc), horizontally at grade level. The average illumination level is to be computed for the area of the parking lot only.

Lighting District				
	1	2	3	4
Max. Mounting Ht.	20 ft	12 ft	15 ft	10 ft
Average Illumination Level shall not exceed*	1.2 fc	1.0 fc	1.0 fc	1.0 fc
Uniformity ratio (Max To min) shall not exceed	20:1	20:1	20:1	20:1
**The average shall be measured horizontally at grade level, computed over the area of the parking lot.*				

10.02–E Lighting of Gasoline Station/Convenience Store Aprons and Canopies:

Lighting of gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations.

(1) Areas on the apron away from gasoline pump islands shall be considered to be parking areas, and illumination shall meet the standards set forth in Section 10.02D. If there are no gasoline pumps, the entire apron shall be considered to be parking area.

(2) Lighting of areas around gasoline pump islands and under canopies sheltering pump islands shall meet the following standards:

(a) The minimum illumination level shall be not less than 2.0 footcandles and the maximum illumination level shall be not more than 10.0 footcandles.

(b) Light fixtures mounted under a canopy shall be recessed so that the lens cover is recessed into or flush with the underside (ceiling) of the canopy, or must be shielded by the fascia of the canopy so that direct illumination cannot be directed above an angle of 85 degrees from vertical.

(c) No light fixtures may be mounted on the top of the canopy, and the sides of the canopy (fascia) shall be opaque and shall not be illuminated.

10.02–F Lighting of Exterior Sales/Display Areas. Illuminating levels on exterior sales/display areas shall be adequate for the activities taking place in such locations, and shall not be used to attract attention to the activity. The applicant, in conjunction with the Development Review Board, shall designate areas to be used as exterior sales/display as opposed to passive storage or parking.

(1) Areas used for passive storage or parking shall be illuminated in accordance with Section 10.02D of these Regulations.

(2) Areas designated for exterior display or sales shall have an average horizontal illumination level at grade level of no more than 5.0 footcandles and a maximum horizontal illumination at grade level of no more than 10 footcandles.

(3) The average illumination level shall be computed only for the area used for vehicle storage.

(4) Lighting fixtures may be fitted with metal halide or incandescent lamps.

(5) Fixture mounting heights shall not exceed 15 feet above grade.

(6) Exterior sales/display areas may be illuminated only when the establishment is open for business, except for lighting approved as security lighting in accordance with section 10.02G of these regulations.

10.02–G Security Lighting. Any security lighting must be a part of an overall security plan which includes illumination, surveillance, and response, and which clearly delineates the area to be illuminated for security purposes. To the extent that the designated area is illuminated for other purposes, independent security lighting is discouraged.

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(1) All applications for approval of security lighting shall include a written security plan demonstrating the need for and purposes of security lighting and a site plan showing the area to be illuminated for security purposes and the location of all security lighting fixtures.

(2) All security lighting fixtures shall be shielded and aimed so that illumination is directed only toward the designated area to be illuminated. In no case shall illumination be directed above a horizontal plane. All fixtures shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general purpose floodlighting fixtures is prohibited.

(3) Security lighting may illuminate vertical surfaces up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater.

(4) Security lighting fixtures may be mounted on poles located no more than ten (10) feet from the perimeter of the designated area being illuminated.

(5) Security lighting designed to illuminate a perimeter (such as a fence) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.

(6) Security lighting in the Lighting Districts 2 and 4 shall be allowed only if unusual hazardous conditions make it necessary. In such cases, indirect and reflected lighting techniques shall be used and all fixtures shall be shielded so that the light source or lens is not visible from adjacent properties or streets.

(7) The average illumination level of ground level areas shall be measured horizontally at grade level, and computed over the area designated as being illuminated in the security plan.

(8) The average illumination level of vertical surfaces shall be measured at a height of 5 feet above grade, and computed over the area of the surface designated to be illuminated in the security plan.

(9) Security lighting shall meet the following standards:

Lighting District				
	1	2	3	4
Max. Mounting Ht.	20 ft	Discouraged	15 ft	Discouraged
Average Horizontal Illumination level at ground level*	1.5 fc	Discouraged	1.0 fc	Discouraged
Average Vertical Illumination Level At 5' above grade**	1.5 fc	Discouraged	1.0 fc	Discouraged

**The average shall be measured horizontally at grade level, computed over the area designated in the security plan as needing illumination.*

***The average shall be measured vertically at the designated height, and, computed over the area designated in the security plan as needing illumination.*

10.02–H Walkway Lighting. In some cases, walkways not illuminated by nearby street lighting may be illuminated. In such cases, the lighting shall meet the following standards:

(1) The average illumination level on a walkway or pathway surface not exceed 0.5 footcandles, measured horizontally at grade level.

(2) The area over which the average illumination level is computed shall include the walkway surface plus an area on each side not more than three feet in width.

(3) Lighting fixtures other than full cut-off fixtures may be used but shall be designed to direct illumination downward, and light sources shall have an initial output of no more than 1,000 lumens.

10.02–I Recreational Facility Lighting. There is a variety of outdoor recreation facilities that may be illuminated to allow nighttime use. Examples include tennis courts, ball fields, golf driving ranges, swimming pools, outdoor skating rinks, and small ski areas. The regulations in this section are intended to allow illumination of such activities while minimizing adverse impacts such as glare, unwanted illumination of nearby properties and streets, and skyglow. Such lighting shall be consistent with the following regulations:

(1) A lighting plan shall be submitted, prepared by a qualified lighting professional, who documents the need for the level of illumination being provided, and which demonstrates how the desired illumination levels will be achieved while meeting the following requirements.

(2) Lighting fixtures may be other than full cut-off fixture, and shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off of the site.

(3) Light fixtures shall be shielded and/or designed so that light is not directed above a horizontal plane.

(4) Light sources shall not be directly visible from nearby streets.

(5) Lights on recreation facilities shall be turned off except when the facilities are in use or being maintained.

10.02–J Lighting of Building Facades. Low level illumination of building facades behind and beneath covered walkways may be allowed in the Lighting Districts 1 and 3. In all districts, parts of buildings may be illuminated if they have cultural or religious significance (e.g. steeples, bell towers, and clock towers). Facade lighting shall meet the following requirements:

(1) The maximum illumination level on any vertical surface shall not exceed 5.0 footcandles.

(2) If a first floor facade is illuminated by lights mounted under a canopy sheltering a walkway, the average horizontal illumination of the walkways shall not exceed 3.0 footcandles at grade level. If there is no walkway under the canopy, the average horizontal illumination shall not exceed 1.0 footcandles at grade level.

(3) Roofs shall not be illuminated.

(4) Light fixture under translucent (i.e. fabric) canopies shall be shielded so that illumination is not directed to the underside of the canopy.

(5) Ground mounted fixtures or fixtures pointing upward shall not be allowed. Downward directed lighting must be used.

(6) Lighting fixtures shall be shielded so that the light source and/or lens are not visible from adjacent properties or streets.

10.02–K Outdoor Work Site Lighting. In some cases, it may be appropriate to illuminate outdoor work sites to enable night time work. 10.02B & D notwithstanding, illumination of outdoor work sites may be approved by the Administrative Officer as a part of issuance of a Zoning/Building Permit. With the exception of temporary lighting for emergency repairs (which shall not require prior approval), illumination of work sites shall meet the following requirements:

(1) The lighting shall be installed to illuminate the actual work site and as little of the surrounding area as possible.

(2) Lighting fixtures shall not be aimed towards adjacent or nearby streets.

(3) Lighting fixtures shall be aimed and/or shielded to that light is not directed above a horizontal plane.

(4) The lighting shall be turned on not more than thirty (30) minutes before work is to start, and turned off no more than thirty (30) minutes after work is completed.

10.02–L Seasonal Holiday Lighting. Temporary seasonal holiday lighting may be displayed at residential and commercial properties, provided that the following conditions are met:

(1) Seasonal holiday lighting may not be moving or otherwise animated to the point of being distracting.

(2) Seasonal holiday lighting may be displayed only for a reasonable period before and after the holiday with which the lighting is associated.

10.02–M Nighttime Illumination of Governmental Flags. The Town encourages those who fly the Flag of the United States to observe the custom prescribed in the United States Flag Code of displaying the flag from sunrise to sunset. However, if governmental flags are to be flown at night and are to be illuminated, the regulations in this Section apply.

(1) Application. An applicant for nighttime illumination shall submit to the Administrative Officer an application for a Building Permit along with a Lighting Design Plan as described in (I) below.

(2) Flag Type. Only governmental flags may be illuminated. Nongovernmental flags may not be flown on a pole with an illuminated governmental flag. No more than three (3) governmental flags may be flown on the same pole.

(3) Dimensional Requirements. A governmental flag to be illuminated may not exceed sixty (60) square feet in size. Flagpoles may not exceed thirty-five (35) feet in height.

(4) Lighting Fixtures. A flag shall be illuminated by no more than two (2) fixtures per pole. There shall be no more than two (2) fixtures per property used to illuminate flags, irrespective of the number of flagpoles installed on a property. Only narrow beam spotlights with glare controls (such as but not limited to louvers, grids, full hoods, or "barn door" baffles) may be used. The fifty percent (50%) beam spread of the fixture(s) used shall correspond to the area of the flag(s) to be illuminated. Fixtures may be mounted at grade, on the flagpole to be illuminated, or on stanchions no more than twenty-four (24) inches above grade. Ground- or stanchion-mounted fixtures shall be located no more than fifteen (15) feet from the base of the flagpole. Wall-mounted fixtures located on adjacent buildings are prohibited.

(5) Illumination Level. An application may be based, at the applicant's discretion, on either the maximum total light level on the flag, measured in initial footcandles and determined by the geometric relationship of the flag to the proposed lighting fixture or fixtures; or the total lumen power of each lamp used to illuminate the flag. Manufacturers' data for lamps and fixtures and the Lighting Plan submitted by the applicant must provide sufficient information to make a determination on one of the applicable criteria. Maximum total illumination levels shall not exceed the following standards:

(a) Maximum light level on the flag on properties having a principal lot frontage on an arterial or collector road: one hundred (100) initial footcandles.

(b) Maximum light level on the flag, all other lots: fifty (50) initial footcandles.

(c) Total initial lumen power of each lamp used to illuminate the flag on properties having a principal lot frontage on an arterial or collector road: 36,000 initial lumens

(d) Total initial lumen power of each lamp used to illuminate the flag, all other lots: 15,000 initial lumens.

(6) Setbacks from Residential Properties. Any flagpole to be illuminated per the provisions of sub-sections 10.07.4 and 5 shall be located a minimum of one hundred (100) feet from all property lines of any adjacent parcel with a residential use.

(7) Lamp Type. Lamps used shall be metal halide or another type having a Color Rendering Index (CRI) over sixty-five (65).

(8) Glare Control. Fixtures shall be aimed directly at the flag(s) to be illuminated. No portion of the lamp(s) or reflective surfaces on the fixture(s) shall be visible from a roadway or from adjoining properties.

(9) Lighting Design Plan. An applicant shall submit a Lighting Design Plan with the following information:

(a) The location of property boundaries, nearby roadways, the flagpole to be illuminated, and the lighting fixtures to be used.

(b) The proposed mounting type, location(s) and dimensions (ground, flagpole or stanchion).

(c) A statement of the illumination level measurement to be used (initial footcandles at the flag or lumen power of the lamps) and a diagram sufficient to determine lighting levels at the flag if initial footcandles are the measurement to be used to determine compliance.

(d) An illustration of the area that will be illuminated by the proposed fixtures.

(e) The manufacturer's specifications for the lighting fixture(s) to be used, including lamp type, beam spread, Color Rendering Index, wattage, and glare controls.

10.02–N All Other Lighting. Illumination of areas or activities other than described above shall be prohibited.

10.02–O Application Materials. In addition to any special information specified above, applications for approval of exterior lighting shall include at least the following:

(1) A site plan showing the area to be illuminated and the location of all fixtures and mounting heights.

(2) A point by point analysis of anticipated illumination levels in the area to be illuminated based on use of the proposed fixtures, lamps, and mounting heights.

(3) The maximum, minimum and average illumination levels shall be shown for each area illuminated.

(4) Specifications of the fixtures to be used, including documentation of cut-off classification, horizontal and vertical light distribution patterns, and the lamp to be used in each.

(5) If vertical surfaces are to be illuminated, a point by point distribution of vertical illumination levels shall be provided, along with an indication of the maximum illumination level to be generated.

10.02–P Waiver of Lighting Standards. The Development Review Board shall have the authority to, when reasonable, modify these lighting standards provided the lighting otherwise meets the intent of the standards herein.

10.03 Outside Storage & Display

10.03–A General Requirements. Outside storage of goods, materials, vehicles, and equipment shall be subject to the following provisions:

(1) Any outside storage and/or display shall be appurtenant to the primary use of the property and shall be allowed only in nonresidential districts and upon approval of the Development Review Board in conjunction with a site plan, conditional use and/or PUD application.

(2) The Development Review Board may deny requests for outside storage for uses that do not customarily have outside storage.

(3) The Development Review Board may require that outside storage areas in connection with commercial or industrial uses be enclosed and/or screened.

(4) Storage of scrap, salvage/junk material, junk motor vehicles, trash, refuse, automotive dismantling, salvage or recycling facilities, and the storage of more than one motor vehicle without registration and/or valid Vermont State Inspection stickers may be permitted only in connection with approved automotive repair use, automotive sales, salvage yard use, or contractor's yard use.

(5) Farm equipment normally on farm land and equipment involved in construction and which is kept on an active construction site shall be excluded from this section.

10.04 Landscaping, Screening, & Street Trees

10.04–A Purpose. The Town of Colchester recognizes the importance of trees, vegetation, and well-planned green spaces and using these as a resource in promoting the health, safety, and welfare of town residents through improved drainage, water supply recharge, air quality, sun control, shade, and visual relief. Landscaping and screening shall be required for all uses subject to Development Review Board review. Street tree plantings shall be required for all streets in accordance with the Colchester Street Tree Master Plan. In evaluating landscaping and screening requirements, the Development Review Board shall promote the retention of existing trees while encouraging the use of a variety of plant species. At its discretion, the Development Review Board may refer to *Recommended Trees for Vermont Communities: A Guide to Selecting and Purchasing Street, Park, and Landscape Trees*, published by Vermont Urban and Community Forestry Program to guide landscaping and screening decisions.

10.04–B Screening or buffering. The Development Review Board will require landscaping, fencing, land shaping and/or screening along property boundaries (lot lines) whenever it determines that a) two adjacent sites are dissimilar and should be screened or buffered from each other, or b) a property's appearance should be improved, which property is covered excessively with pavement or structures or is otherwise insufficiently landscaped~~, or c) a commercial, industrial, and multi-family~~ unit dwelling ~~use abuts a residential district or institutional use.~~.

(1) All off-street parking areas, off-street loading areas, outdoor storage areas, refuse and recycling areas, and utility improvements such as transformer(s), external heating and cooling equipment shall be effectively screened.

(2) Such screening shall be a permanently maintained landscape of evergreen or a mix of evergreen and deciduous trees and shrubs, and/or a solid fence.

(3) The landscaping shall be designed to minimize erosion and stormwater runoff, and to protect neighboring residential properties from the view of uses and parking areas on the site. The landscaping shall be of such type, height, and spacing, as in the judgment of the Development Review Board, will effectively screen the activities on the lot from the view of persons standing on adjoining properties. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.

(4) A solid wall or fence, of location, height, and design approved by the Development Review Board, may be substituted for the required planting.

(5) Modifications. Where the existing topography and/or landscaping provides adequate screening or would render the normally required screening inadequate, the Development Review Board may modify the planting and/or buffer requirements by, respectively, decreasing or increasing the requirements.

(6) Recreational vehicle parking areas shall be screened with evergreen trees and shrubs and such landscaping plan shall be part of the application.

(7) Additional landscaping above and beyond the formula may be required for the purpose of adding a buffer strip along I-89 and 289 to properly screen development from the highway.

10.04–C Front Yards of Non-Residential and Multi-~~Family~~ unit Dwelling Uses. In the case of non-residential and multi-~~family~~ unit dwelling uses, the required front yard shall be suitably landscaped and maintained in good appearance.

10.04–D Site Restoration. Grading or seeding shall be required to restore the condition of any portion of a site that is disturbed during construction. A plan shall be provided for the stockpiling and restoration of topsoil removed or disturbed during construction, and any soil compaction within pervious areas of the site shall be repaired in accordance with the Vermont Department of Environmental Conservation Stormwater Program's guidelines.

10.04–E Landscaping Plan. Landscaping plans shall be prepared by a landscape architect, master gardener, nursery professional, arborist, professional landscape designer, or other landscape professional. Such plans shall be included with the site plan and shall consist of the following:

(1) A list of existing vegetation, with the location, type, and size of existing trees of six inches or greater in caliper.

(2) The location of existing natural features, such as streams, wetlands, and rock outcroppings.

(3) All proposed physical improvements, such as buildings, walls, parking areas, sidewalks, etc.

(4) Proposed landscaping materials, including vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, and treatment of the ground surface (paving, seeding, or groundcover).

(5) A landscape phasing plan. Construction phasing shall be shown on the landscape plan with landscaping and construction activities correlated.

(6) Street trees shall be depicted on the plans in accordance with the Colchester Street Tree Master Plan.

(7) All plant materials shall conform to the specifications below:

Plant Material	Minimum Caliper (at planting)	Minimum Height (at planting)	RECOMMENDED ROOTABLE SOIL VOLUME[1]	Mature or Maintained Height
Large Tree	2.5 inches for single-trunk trees (measured at 6 in above grade)	6 ft for multi-trunk trees	1,000 cubic ft	≥50 ft
Medium Tree			600 cubic ft	30 to <50 ft
Small Tree			200 cubic ft	<30 ft
Large Shrub	–	30 inches	100 cubic ft	≥6 ft
Medium Shrub	–	18 inches	40 cubic ft	3 to <6 ft
Small Shrub	–	12 inches	20 cubic ft	<3 ft

[1] Soil must be within 3 feet of the ground surface to count towards minimum rootable soil volume. If the minimum soils volume cannot be achieved due to site conditions, the applicant shall select plant material that is appropriate to the available rootable soil volume. In planting arrangements that allow multiple plants to share rooting space, the minimum rootable soil volume per plant may be reduced by 25%.

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(8) Plantings in the LS1 and LS2 Districts as well as the Shoreland Overlay District shall include a variety of primarily native plant materials informally arranged in naturalistic groupings within landscaped areas.

(9) Landscaped areas shall be used for green stormwater infrastructure practices to the maximum extent feasible given a site's soil and slope conditions by:

(a) Directing stormwater from on-site impervious driveways, parking areas, sidewalks and walkways to landscaped areas or green stormwater infrastructure practices in order to promote on-site water retention and filtration;

(b) Identifying soils on the site that are well suited for infiltration with an infiltration rate of 0.5 inches per hour or greater, and using them to the maximum extent feasible to infiltrate stormwater;

(c) Routing stormwater runoff from impervious surfaces through appropriate green stormwater infrastructure practices based on soils, precipitation, flow, and the hydrologic and geologic conditions of the site;

(d) Mimicking pre-development drainage patterns to the greatest extent feasible, especially with regard to where stormwater leaves the site, unless those existing drainage patterns already contribute to stormwater runoff-related impacts; and

(e) Improving upon, rather than mimicking, pre-development drainage conditions if those conditions already contribute to stormwater runoff impacts.

10.04–F Landscaping Budget Requirements. The Development Review Board shall require minimum planting costs for all site plans: three percent of the construction or improvement cost. In evaluating landscaping requirements, some credit may be granted for existing trees or for site improvements other than tree planting as long as the objectives of this section are not reduced. The landscaping budget shall be prepared by a landscape architect or professional landscape designer. Prior to obtaining a building permit for the project, the applicant shall provide a suitable escrow, letter of credit, or similar form of surety to guarantee the performance and completion of all planting required pursuant to the Section for a period of no less than two years from the date of landscape installation.

10.04–G Inspection. Prior to the issuance of the certificate of occupancy, the Town shall inspect all landscaping and screening. The Town shall identify all trees, shrubs, and other plants that are not in a healthy and vigorous condition or have been removed and provide a list of replacement requirements and a deadline for re-planting to the project owner. If the project owner does not comply with the replacement and re-planting requirement by said deadline the Town may utilize the surety provided by the applicant to complete replacement and re-planting. If all landscaping is in healthy and vigorous condition and planted as per the approved landscaping plan, the Town may reduce the surety to ten percent of the landscaping cost at the time of issuance of a certificate of occupancy.

10.05 Utility Cabinets and Similar Structures

10.05–A General Requirements. The construction of a utility cabinet shall only be permitted according to the following regulations.

10.05–B Specific Standards for Utility Cabinets and Similar Structures.

(1) The facility shall serve the Town of Colchester and/or immediately adjacent communities.

(2) If the parcel containing the facility is landlocked, there shall be a recorded easement or permission granting access to the utility or owner of the facility.

(3) There shall be suitable fencing to protect the public and sufficient landscaping with evergreens of sufficient height and density to screen effectively the facility from surrounding property.

(4) There shall be adequate off-street parking for maintenance, service, or other vehicles.

(5) The location of the facility shall be shown on all relevant site plans.

(6) The Development Review Board may require setbacks or attach other conditions in order to prevent any hazard to the public or noise nuisance to surrounding property.

(7) A facility that would be a nuisance to surrounding properties due to smoke, gas, heat, odor, noise, or vibration shall not be permitted in any district.

10.06 Trash Containers

10.06–A General Requirements. All commercial, industrial, and multi-~~family~~ unit dwelling unit trash containers shall be centrally located on a concrete pad and enclosed with an opaque screen that is the minimum height of the containers. The location of the trash containers shall not be in a visually prominent area and shall generally be behind a building and not visible from the right-of-way. Trash containers shall be located so as to not interfere with circulation on the site. Where feasible the trash container screening shall also include a latching gate.

10.07 Numbering Systems

10.07–A General Requirements. All properties shall comply with the Colchester Street Naming and Street Addressing Regulations within the Colchester Code of Ordinance and amended from time to time.

10.07–B Specific Requirements. Multi-~~family~~ unit dwellings~~residences~~ and commercial or industrial suites shall contain appropriate directional signs, as defined in the Colchester Sign Ordinance, and numbering systems at major entrances. All directional signage, street name signs, and unit numbers shall be installed prior to issuance of a Certificate of Occupancy.

10.08 Photovoltaic Systems

10.08–A General Requirements. Photovoltaic systems (commonly known as solar collectors) are encouraged where feasible to provide alternative energy. Net-metered systems are exempt from zoning regulations. Roof-mounted photovoltaic systems, regardless of grid connection, are subject to life-safety codes as provided for in Chapter 4 of the Colchester Code of Ordinances. The following zoning requirements apply only to those that are not net-metered.

10.08–B Specific Requirements. Photovoltaic systems (PVS) shall be permitted only where the following conditions can be met:

(1) Roof-mounted solar collectors located on front and side building roofs visible from the public right-of-way shall not extend more than twelve (12) inches above the peak of the roof plane where it is mounted and further provided that no portion of any such solar collector shall extend more than 36 inches perpendicular to the point on the roof where it is mounted.

(2) Roof-mounted solar collectors located on the rear side of the building roofs shall not extend more than twelve (12) inches above the peak of the roof plane where it is mounted and further provided that no portion of any such solar collector shall extend more than four (4) feet perpendicular to the point on the roof where it is mounted.

(3) Ground-mounted solar collectors shall not exceed twenty (20) ft. in total height and shall be located within the rear yard or side yard at least ten (10) feet inside the property line.

(4) All lines serving a ground-mounted solar system shall be located underground.

10.09 Wind Turbines

10.09–A General Requirements. Alternative energy sources are encouraged where public well-being and safety are not out at risk and aesthetic concerns can be reasonably mitigated.

10.09–B Specific Requirements. All wind turbines shall meet the following standards:

(1) The wind turbine shall have a maximum output rating of 15 kilowatts.

(2) The wind turbine shall be set back from property lines and roads at least two times the height of the overall wind turbine as measured to the top of the blade in a vertical position. In no case should the minimum setback for the wind turbine be less than the zoning district minimum required setback.

(3) Public access to the wind turbine shall be restricted through the use of a fence at least four (4) feet in height, with locked gates.

(4) Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be no larger than six (6) square feet.

(5) The wind turbine shall be operated in such a manner that it does not exceed the sound level limits of the Performance Standards herein in Appendix C.

(6) The following measures should be followed whenever feasible in order to minimize the visual impact of the project:

(a) Removal of existing vegetation should be minimized.

(b) Any accessory buildings should be painted or otherwise visually treated to blend with the surroundings.

(c) The turbine should be painted with non-reflective paint to blend with the surroundings.

(7) All lines serving a wind turbine system shall be located underground.

10.10 Telecommunications Towers & Commercial Satellite Dishes

10.10–A Authority. Under authority granted in 24 V.S.A. § 2291(19) and 24 V.S.A. Chapter 59, the Colchester Development Review Board hereby adopts the following civil ordinance concerning telecommunications facilities. Under this Ordinance, the Colchester Development Review Board shall have the power to regulate the construction, alteration, development, decommissioning or dismantling of wireless telecommunications facilities and ancillary improvements. The Board may require that bond be posted or that other acceptable security be provided in order to finance future decommissioning or dismantling activities.

10.10–B Purpose. The purposes of this Section are to advance the objectives of the Colchester Municipal Plan, to protect the public health, safety and general welfare of the Town of Colchester, and to accommodate the communication needs of the community. This regulation shall:

(1) Preserve the character and appearance of the Town of Colchester while allowing adequate telecommunications services to be developed;

(2) Protect the scenic, historic, environmental and natural resources of the town;

(3) Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring and removal of telecommunications facilities and towers;

(4) Minimize tower and antenna proliferation by requiring the sharing of existing telecommunications facilities, towers and sites where possible and appropriate;

(5) Facilitate the provision of telecommunications services to the community;

(6) Minimize the adverse visual effects of telecommunications facilities and towers through careful design and siting standards;

(7) Encourage the location of towers and antennas in non-residential areas and away from other sensitive areas such as those that have schools and child care facilities; and

(8) Encourage the use of the latest telecommunications technologies with the least intrusive equipment available at the time.

10.10–C Consistency with Federal Law. In addition to other findings required by this Ordinance, the Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This regulation:

(1) Does not prohibit or have the effect of prohibiting the provision of personal wireless services;

(2) Does not unreasonably discriminate among providers of functionally equivalent services; and

(3) Does not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with Federal Communications Commission (FCC) regulations concerning such emissions.

10.10–D Permits. Application for a permit for a telecommunications tower, facility, or commercial satellite dish shall be reviewed by the Colchester Development Review Board through the site plan application process specified in Article 8. Small Scale Facilities, as herein defined, shall be eligible for review as an administrative site plan. No construction, alteration, addition, modification, or installation of any new telecommunications tower or facility site shall commence until the applicant has received all necessary permits. This includes installation of antennas for any uses, change in the number of buildings or facilities, material change in technology used, or addition or change of any equipment resulting in greater visibility or structural wind-loading or additional height of the tower or profile change of the facility due to additional antennas not included in the original application. Telecommunications towers or facilities may be permitted upon compliance with this regulation and upon proof of compliance with all other local, state or federal laws applicable to land use and development and to such towers or facilities.

10.10–E Small Scale Facilities

The placement of wireless telecommunications antennas, commercial satellite dishes, repeaters or microcells on existing buildings, structures, roofs, or walls, and not extending more than 10 feet from the same, or the installation of ground facilities less than 20 feet in height, may be approved by the Administrative Officer through the Administrative Site Plan Process, provided the antennas meet the applicable requirements of this Section, upon submission of:

(1) A complete site plan application as specified in Article 8.

(2) A report prepared by a qualified engineer [A mechanical or structural engineer will be qualified by virtue of licensing in the State of Vermont; RF engineers, however, are not licensed by most states, including Vermont.] indicating the structure's suitability for the telecommunications facility, and that the proposed method of affixing the antenna or other device to the structure complies with standard engineering practices. Complete details of all fixtures and couplings and the exact point(s) of attachment shall be indicated.

(3) For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure.

(4) No such device may be located closer than 50' to an existing residence.

10.10–F Application Requirements. An application for a telecommunications tower or facility in the Town of Colchester shall include a completed site plan application as detailed in Article 8. Telecommunication facilities that are not deemed to be Small Scale Facilities shall require the following information:

(1) An applicant for a telecommunications tower or facility must be a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider.

(2) The name(s), address(es), fax/telephone numbers and e-mail address(es) of the persons to be contacted who are authorized to act in event of an emergency regarding the structure or safety of the tower or facility;

(3) A vicinity map showing the entire vicinity within a 2500 foot radius of the tower or facility site, including the location of the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower and/or other structures;

(4) The location of the proposed structure on a USGS Topographic Map or Survey with 20-foot elevations or a GIS-generated map compatible with VCGI standards and encompassing the area within at least a two-mile radius of the proposed tower site;

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

(6) In the case of a proposed site which is forested, the approximate average height of the existing vegetation within 200 feet of the tower base;

(7) Construction sequence and time schedule for completion of each phase of the entire project;

(8) Identify all drainage and subsurface drainage structures on the land to be affected. These should include drainage culverts, ditches and how the applicant will mitigate drainage problems as a result of construction of the facility or towers;

(9) Provide an emergency management plan that depicts how the applicant will mitigate unsafe situations such as pending failures as well as actual structural failure of the towers or their supports, problems with power lines and poles leading to the facility, terrorist threats and other acts; and how will the plan integrate with the Town of Colchester's emergency plan;

(10) Demonstrate the property and liability insurance coverage is sufficient to protect abutting property owners and other affected parties;

(11) Demonstrate that any abandoned or unused tower or other portions of the telecommunication facility has been removed from the site, and

(12) A report from a qualified and licensed engineer that:

(a) Describes the tower height, design and elevation;

(b) Documents the height above grade for all proposed mounting positions for antennas to be collocated on a telecommunications tower and the minimum separation distances between antennas;

(c) Describes the tower's proposed capacity, including the number, height and types of antennas that the tower is proposed to accommodate;

(d) Documents the steps the applicant will take to avoid interference with any established public safety telecommunications;

(e) Demonstrates that existing telecommunications towers and other existing structures within 30 miles of the proposed site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community;

(f) Describes the output frequency, number of channels and the power output per channel for each proposed antenna;

(g) Includes a written five-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate needs (if applicable), as well as plans for additional development and coverage within the Town;

(h) Demonstrates the proposed tower's, facility's and other structure's compliance with the standards set forth in this regulation or other applicable standards;

(i) Provides proof that at the proposed site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The applicant shall also prove that the proposed facility will not interfere with Town emergency services equipment. (The Development Review Board may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times, at the expense of the applicant.);

(j) Includes such other information required by the Board or its consultants necessary to evaluate the application; and

(k) Includes each engineer's stamp and registration number;

(l) Demonstrates that the applicant has analyzed the feasibility of using repeaters or micro-cells in conjunction with all facility sites listed in compliance with collocation requirements herein in Section 10.10F.

(13) A letter of intent committing the tower or facility owner and his or her successors to permit shared use of the tower if the additional user(s) agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Ordinance and all other applicable laws;

(14) In the case of an application for additional antennas or other equipment to be installed on a previously permitted tower or other structure, a copy of the executed contract with the owner of the existing structure;

(15) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.

(16) Each application shall be signed by the applicant(s) and the contributing engineer(s) under the pains and penalties of perjury.

(17) Computer generated photo simulations of the proposed facility showing the facility from public rights-of-way and any adjacent property from which it may be visible. Each photo shall be labeled with the line of sight, elevation, and the date taken imprinted on the photo. The photos must show the color of the facility and the method of screening.

10.10–G Collocation Requirements. An application for a new telecommunications tower or facility shall not be approved unless the Development Review Board finds that the antennas and other equipment planned for the proposed tower or facility cannot be accommodated on an existing or approved tower or facility due to one of the following reasons:

(1) The proposed antennas and other equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont, and the existing or approved tower or facility cannot be reinforced, modified or replaced to accommodate planned or equivalent antennas and equipment at a reasonable cost to provide coverage and capacity comparable to that of the proposed facility;

(2) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost;

(3) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create RFI in violation of federal standards or requirements;

(4) The proposed antennas and equipment, either alone or together with existing equipment and antennas would create RFR in violation of federal standards or requirements;

(5) Existing or approved towers and other structures cannot accommodate the planned antennas and equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Vermont;

(6) Aesthetic considerations make it unreasonable to locate the planned antennas and equipment upon an existing or approved tower or building;

(7) There is no existing or approved tower or other structure in the area for which coverage is sought; or

(8) Other unforeseen specific reasons make it unreasonable to locate the planned antennas and equipment upon an existing or approved tower or building.

(9) Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights where overall permitted height allows. Towers shall be designed structurally, electrically and in all other respects to accommodate both the applicant's antennas and additional antennas where overall permitted height allows.

10.10–H Height and Setback Requirements. In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower-related fixtures shall be not more than 20 feet above the average height of the tree line measured within 100 feet of the highest vertical element of the telecommunications facility. Notwithstanding the above, additional height may be approved upon a finding by the Development Review Board that the additional height is necessary in order to provide adequate coverage in the Town of Colchester or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area. In the event tower facilities are proposed in open areas, the height limit shall not exceed the height necessary to provide adequate coverage in the Town of Colchester or to accomplish collection of facilities and will not cause an undue visual impact on the scenic character or appearance of the area. The minimum distance from any telecommunications tower or facility to any property line, dwelling or other occupied structure shall be no less than the height of the tower, including antennas or other vertical appurtenances. In the event that the communications tower or equipment will be mounted on an existing structure such as a silo, church steeple or utility pole, the minimum distances from the base of that structure to any property line, dwelling or other occupied structure shall be no less than the height of the tower including antennas and other vertical appurtenances.

10.10–I Lighting and Signage Requirements. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is required by FAA or other federal or state law. If any lighting is required solely because of the height of a tower, the Development Review Board may review the plan to determine if the lighting requirement can be eliminated by a reduced height or a change in location of the tower. No commercial signs or lettering shall be placed on the tower or its appurtenances.

10.10–J Design Requirements. All telecommunications towers, antennas and their support structures shall be designed to blend into the surrounding environment through the use of color camouflaging, architectural design, and other alternative design tower structures as well as by minimal disruption of existing vegetation. The following standards shall apply to the design of telecommunication and commercial satellite facilities:

(1) Materials used for the exterior of any structure shall be of a type, color and location so as to minimize glare and the impact on any scenic or historic areas, public vantage points or abutting properties.

(2) Screening shall be required at the perimeter of the site. This may be provided by existing natural foliage or by planted new foliage or other means approved by the Development Review Board. A planted or natural vegetative screen shall be a minimum of 10 feet in depth with a minimum height of 6 feet and shall have the potential to grow to a height of at least 15 feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage-points.

(3) Where telecommunications facilities require construction of a new access road or improvement to existing access roads, to the extent practicable, roads shall follow the contour of the land. Access roads, when consistent with the purposes of this Ordinance and when economically feasible, shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall be designed and located so as to minimize or prevent disruption of the scenic character and beauty of the area.

(4) Protection of Scenic Ridges and Hillsides. The Development Review Board, in consultation with the applicant and others, shall determine the likely visual impact of any proposed telecommunications facility or tower and may require balloon tests, photographs, simulations, and any other necessary, helpful and relevant information. Based on the information presented, the Development Review Board may designate an alternative location for the facility or tower or may request a redesign in order to minimize the visual impact on the scenic character and beauty of the area. In determining whether or not a facility or tower would have an undue adverse visual impact and when setting conditions in the permit, the Development Review Board shall consider:

(a) The period of time and frequency during which it would be viewed by persons traveling on public highways in the Town of Colchester;

(b) The degree to which it will be screened by existing vegetation, the topography of the land, and existing structures;

(c) Background features that will either obscure it or make it more conspicuous;

(d) The proportion of it which will be visible above the skyline or tree line;

(e) The number of residents of Colchester who will be affected by the alteration of the scenic character and beauty of the area;

(f) The sensitivity or unique value of the particular view affected by it; and

(g) Significant disruption of a view-shed that provides context to a historic or scenic resource in the Town of Colchester.

10.10–K Continuing Obligations. Upon receiving a permit, the applicant shall annually certify on January 15th in an affidavit that it is in compliance with all FCC standards and requirements regarding RFR and provide basis for his or her representations. In addition, the applicant shall comply with the following requirements:

(1) The telecommunications facility or tower owner shall maintain adequate insurance on the facility, tower and the entire site.

(2) All facility and tower sites shall be properly fenced and identified by signage that indicates the presence of RFR and any other appropriate warnings required by the permit conditions.

10.10–L Removal of Abandoned, Unused, Obsolete, Damaged, or Dangerous Towers or Other Portions of Facilities. Abandoned or unused towers or other portions of telecommunications facilities shall be removed as follows:

(1) The owner of a tower shall annually, on January 15th, file a declaration with the Development Review Board certifying the continuing safe operation of the entire tower and other portions of the facility. Failure to file a declaration shall mean that it is no longer in use and the Development Review Board shall declare it abandoned.

(2) Abandoned or unused towers and facilities shall be removed within 180 days of cessation of operations unless a time extension is approved by the Development Review Board. If the tower is not removed within 180 days of cessation of operations at a site, the municipality shall notify the owner and may remove the tower and all associated facilities. Costs of removal shall be assessed against the property owner, tower owner and/or facility owner.

(3) Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a tower previously removed shall require a new permit.

(4) An owner who has failed to file an annual declaration with the Development Review Board by January 15 may, by February 15, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.

10.11 Satellite Dishes Other than Commercial Satellite Dishes.

10.11–A General Requirements. This section shall be applicable to satellite dishes that do not qualify as Commercial Satellite Dishes.

10.11–B Specific Standards. All satellite dishes shall be attached to a primary structure. No more than two satellite dishes shall be located on a structure without site plan approval by the Development Review Board. Every effort shall be made to screen such dishes and locate such dishes off the primary façade of a structure.

10.12 Bus Shelters

10.12–A General Requirements. The location and design of bus shelters shall require site plan approval.

10.12–B Specific Requirements. Such shelters may be constructed adjacent to or within street rights-of-way in any zoning district. The shelter shall be located to permit ample room for the bus to conveniently leave the traveled roadway to pick up or discharge passengers. The design shall be harmonious with adjacent properties.

10.13 Home Occupations and Home Businesses

10.13–A Home Occupations. Customary home occupations are permitted as accessory uses in dwelling units provided that the home occupation does not adversely affect the residential character of the property or adjacent properties and the following conditions are met:

(1) The use is conducted solely and entirely within the primary dwelling or in an accessory building, and the use is clearly incidental and secondary to the use of the dwelling unit for living purposes.

(2) The home occupation shall be owned by the principle occupant of the dwelling in which it is located. In no case may the homeowner or principle occupant rent out the business area of the dwelling.

(3) No more than twenty-five percent (25%) of the ground floor area of the dwelling, but not to exceed 500 square feet, or its equivalent elsewhere in the dwelling or in an accessory building shall be used by the home occupation.

(4) There shall be no external display or advertising of goods or services or other external evidence of such use, except for a sign. Such sign shall conform to the ~~Colchester Sign Ordinance~~provisions of Article 2.18 herein. The content of the sign shall be the name and/or address of the home occupation and/or owner of the business.

(5) The establishment of such occupation shall not require internal or external alterations or involve construction features not customarily found in dwelling units.

(6) The appliances and equipment shall be operated in such a manner that they do not produce and emit beyond the boundaries of the premises on which the use is located, dust, glare, hazardous material, heat, light, noise, odor, radiation, radio or television interference, smoke, or vibration and are in no other manner obnoxious or detrimental to the immediate neighborhood as defined in the Performance Standards herein in Appendix C.

(7) The use itself is conducted in such a manner and during such hours that it is in no way obnoxious, offensive, or detrimental to the immediate neighborhood.

(8) In the case of a music or voice instructor, the office or studio shall be so equipped and used that the sounds there from shall not be heard beyond the boundaries of the premises on which the use is located.

(9) There are not more than two (2) employees or helpers other than members of the household provided that parking spaces for such employees shall be located in side or rear yards.

(10) The home occupation use shall not generate traffic greater than 12 vehicle trip ends per day. Vehicle trip ends for the residential use shall not be included in counting trip ends for the home occupation use.

10.13–B Home Businesses. An activity which exceeds the standards for a home occupation may be considered a home business. Home businesses shall be subject to the following criteria:

(1) The Home Business shall be carried on by residents of the premises and not more than three (3) additional on-premise employees who are not residents, provided that parking spaces for such employees shall be provided off-street and shall be located in side or rear yards.

(2) The Home Business shall be carried on wholly within a primary dwelling or in an accessory building and not have external storage of supplies and equipment visible from any adjacent highways or dwelling unit, with the exception of parking spaces specified in Section 10.13B(1).

(3) A Home Business shall be clearly incidental and secondary to the use of the dwelling unit for living purposes. An activity which exceeds these requirements herein shall be prohibited.

(4) A Home Business may have one commercial vehicle exceeding the size requirements of 10.01M of the regulations herein provided that the owner of the home is also an owner of the business and the legal possessor of the vehicle.

10.14 Seasonal Dwelling Units

10.14–A General Provisions. These provisions shall apply to all structures constructed as seasonal dwelling units. Nothing herein shall prevent the continuation of seasonal use of a dwelling that was constructed as such. No new seasonal dwelling units shall be permitted.

10.14–B Seasonal Use. A summer seasonal dwelling may be occupied from April 1st through October 31st and shall be vacated at all other times. A winter seasonal dwelling is occupied from November 1st through March 31st and shall be vacated at all other times.

10.14–C Conversion. A seasonal dwelling unit may be converted to a single-unit ~~family~~ dwelling (including occupancy) if the Administrative Officer, through the Building Permit process, determines the conversion meets the following requirements:

(1) On-site Sewage Disposal. The property shall have a septic system conforming to all current Town and State regulations.

(2) Access. The property shall have adequate access in accordance with the adopted Colchester Code of Ordinances Chapter Seven and any amendments thereto. The Building Inspector shall be the reviewing authority for adequate access.

(3) Potable Water. The property shall have year-round access to potable water that meets all current State regulations.

(4) The proposed year-round residential use is a permitted or otherwise allowed in the District.

(5) Two off-street parking spaces are required per dwelling unit.

10.14–D Improvements. A seasonal dwelling unit may be rehabilitated or otherwise repaired through the building permit process so long as the footprint is maintained or reduced.

10.14–E Extension. A seasonal dwelling unit may be reconstructed or enlarged through the building permit process so long as the following conditions are met:

(1) On-site Sewage Disposal. On-site sewage disposal and potable water are subject to review by the Agency of Natural Resources. Should a permit be deemed necessary, receipt of such review and approval shall be provided prior to issuance of a building and zoning permit. The improvements shall follow the permitting requirements of the State of Vermont Environmental Protection Rules Chapter 1.

(2) The residential use is a permitted or otherwise allowed in the District.

(3) Two off-street parking spaces are required per dwelling unit.

10.14–F Seasonal Dwelling Units shall not be subject to the time limits established under Section 2.12A(3).

10.15 Change of Occupancy

10.15–A General Provisions. For any change of occupancy, excluding residential units, a zoning permit shall be obtained prior to occupancy noting the use, number of employees, business, and designated contact for the business.

10.15–B Multi-tenant Properties. For properties with more than one non-residential-occupancy, a cumulative impact statement shall be provided for a change of occupancy. The cumulative impact statement shall show the number of employees associate with the new occupancy, allocation of parking and vehicle trip ends amongst the occupancies, and anticipated water / wastewater flows for the occupancies as well as the uses, business names, and designated contacts for the occupancies.

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Article 11: ADMINISTRATION AND ENFORCEMENT

11.01 Applicability of Vermont Planning and Development Act.

The provisions of Chapter 117, Title 24 Vermont Statutes Annotated, known as the Vermont Planning and Development Act, shall apply to the administration and enforcement of these regulations, the effect of the adoption of these regulations, the appointment and powers of the Administrative Officer, the requirement for zoning permits, sign permits, subdivision approvals, and certificates of occupancy/compliance, penalties and remedies, administration and finance, public notice, appeals and granting of variances and other related matters; provided, however, the commencement and prosecution of a violation of these Development Regulations by the issuance of a municipal civil complaint ticket shall be governed by Chapter 59 of Title 24 Vermont Statutes Annotated and Chapter 29 of Title 24 Vermont Statutes Annotated.

11.02 Administrative Officer; Enforcement Officer.

The Administrative Officer shall be the enforcement officer in the enforcement of these regulations. The Administrative Officer may request other town officers and employees to assist with the enforcement of these regulations, including the Planning and Zoning staff, Department of Public Works staff, Building Inspector, Police Officers, and/or Town Attorney.

Additionally, under and pursuant to the authority granted by 24 V.S.A., Chapter 59 and 24 V.S.A. Chapter 117 to "municipal officials," the Administrative Officer shall serve as the "municipal official" or "enforcement officer" for the Town of Colchester for the purpose of enforcing these Development Regulations, and shall possess all the authority granted such official in the enforcement of said regulations. Town officers, upon being designated as deputy municipal officials by, and subject to the general supervision and overall direction of, the Administrative Officer, shall serve as municipal officials and shall possess all the authority of a municipal official in the enforcement of said regulations.

11.03 Zoning Permits, Sign Permits, Water & Wastewater Permits, and Subdivisions Approvals.

11.03–A Zoning Permit Required. No land development, accessory apartment, daycare facility, nursing care home, non-residential change of occupancy, home business or occupation may be commenced without a zoning permit issued by the Administrative Officer.

(1) No zoning permit may be issued by the Administrative Officer except in conformance with these regulations and the provisions of the Vermont Planning and Development Act.

(2) Any applicant for a zoning permit shall provide the Administrative Officer with any and all information the Administrative Officer deems necessary to ascertain compliance with these Development Regulations in digital format in accordance with Appendix G herein unless waived by the Director of Planning & Zoning.

(3) The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s).

(4) Such permit shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.

11.03–B Water & Wastewater Permit Required. No individual subsurface sewage disposal system, no shared or community subsurface sewage disposal system shall be constructed, altered or used except in conformance with the State of Vermont Environmental Protection Rules Chapter 1 as amended from time to time. No permit for the construction of any building to be used for human habitation or for the alteration of any building so as to render it usable for human habitation shall be issued unless:

(1) Each dwelling unit is connected to either a municipal sewer main or an approved and permitted private sewage disposal system and;

(2) The plan demonstrates the availability of one toilet, one bathroom sink, one tub or shower bath and one kitchen-type sink, all plumbed into the permitted wastewater disposal system.

11.03–C Sign Permit Required. It shall be unlawful for any person to erect, alter or relocate within the Town of Colchester any sign as defined in this Ordinance, without first obtaining a sign permit from the Administrative Officer in digital format in accordance with Appendix G herein. The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Any sign not expressly permitted by, or exempted from, the provisions of this Ordinance is prohibited. Permanent sign permits shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.

11.03–D Subdivision Approval Required. No subdivision may be commenced without final approval issued by the Development Review Board. Any applicant for subdivision shall provide the Administrative Officer with any and all information the Administrative Officer deems necessary to ascertain compliance with these Development Regulations in digital format in accordance with Appendix G herein unless waived by the Director of Planning & Zoning. The land owner and, where applicable, building owner of the property shall sign the application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Such approval shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.

11.04 Certificates of Occupancy

It shall be unlawful to use, occupy or permit the use or occupancy of any land or structure or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use until the Administrative Officer or designee issues a certificate of occupancy.

11.04–A Issuance of a Certificate of Occupancy. The Administrative Officer, Building Inspector, or designee shall not issue a certificate of occupancy for any structure or use unless such structure, wastewater disposal system, new or upgraded potable water supply, or other land development conforms to all approved plans and specifications, the permits issued in application thereof, and the requirements of these regulations.

(1) For land development permitted in accordance with a DRB approval, the built conditions must meet all stipulations enumerated in the Findings of Fact and Order.

(2) For wastewater disposal systems and new potable water supplies, the applicant must provide all associated design certifications, inspection reports and test results as may be required by any state or local permits.

(3) The issuance of a zoning permit shall not imply that a state approved water supply or wastewater system will be free of malfunction. The provisions of this section shall not create liability on the part of the municipality or any municipal official.

11.04–B Temporary Certificates of Occupancy.

(1) The Administrative Officer may issue a temporary certificate of occupancy provided the applicant can demonstrate that the site complies with related approvals to the fullest extent possible, barring uncontrollable factors such as:

(a) Seasonal weather conditions that have delayed installation of required landscaping;

(b) Inclement or seasonal weather that has delayed required final line paving. In this case, temporary paint markings are still required to the extent necessary to facilitate safe and orderly parking and circulation;

(c) At the sole discretion of the Administrative Officer, seasonal conditions preventing comprehensive review of the site's compliance with its related plan and approval.

~~(3)~~(2) The temporary certificate of occupancy shall remain in effect for a period not to exceed six (6) months at which time the applicant must obtain a certificate of occupancy as provided in Section 11.04-A. No more than one (1) temporary certificate of occupancy may be granted at the applicant's request. The property will be considered in violation of these Regulations if a timely certificate of occupancy is not sought and obtained.

11.05 Expiration of Permits and Approvals.

11.05–A Zoning Permits and Sign Permits

A zoning permit or sign permit shall expire eighteen (18) months from the date of issuance unless fifty (50) percent of the work to be done under it shall have been completed, or 50% of the budget for the work has been committed, and the work is continuing during such period. ~~Provided, however, if construction has not commenced or continued, the~~The Administrative Officer may extend the permit for a specified period (not to exceed twelve (12) months) upon finding of objective evidence of the intent and effort to pursue the project for which the permit was issued.

11.05–B Other Approvals.

(1) An applicant must obtain a zoning permit for work approved under conditional use, variance, or site plan application within one year from the date of issuance of final approval of said application, except as modified or extended pursuant to Article Eight, or else the approval is null and void.

(2) Approval of subdivisions shall expire unless the plat is duly recorded in mylar form with the office of the Town Clerk within one hundred eighty (180) days from the date of findings of fact and order approval after being signed by the Chair of the Development Review Board in the Title Block for Subdivision.

11.06 Fees.

The Selectboard shall establish, and may revise, by ordinance or resolution, reasonable fees to be charged with respect to the administration of this Regulation.

11.07 Violations; Prosecution; Penalties.

A violation of these regulations shall constitute a civil ordinance violation. Each day that a violation continues shall constitute a separate offense. Offenses may be prosecuted through the issuance of a municipal civil complaint ticket or the commencement of an enforcement action as described below.

11.07–A Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A. Chapter 59 and 24 V.S.A. Chapter 29, any designated enforcement officer, as referenced in section 11.02 above, may commence prosecution for any zoning violation by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars ($200.00), the waiver fee shall be one hundred dollars ($100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars ($400.00), the waiver fee shall be two hundred dollars ($200.00); a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars ($800.00), the waiver fee shall be four hundred dollars ($400.00). Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to the Environmental Court, or any other court of competent jurisdiction.

11.07–B Enforcement Action under 24 V.S.A. Chapter 117.

An enforcement action may be brought under 24 V.S.A. Section 4451 for any violation of this ordinance. Pursuant to an enforcement action, any person who violates this ordinance shall be fined not more than two hundred dollars ($200) for each offense. No action may be brought under this subsection unless the alleged offender has had at least seven (7) days' 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 of the by-law or ordinance 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. In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation, shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these regulations shall be paid over to the Town.

11.07–C Unsafe Signs.

Any sign that is unsafe or insecure, or is a menace to the public, or has been constructed, erected or is being maintained in violation of the provisions of this Ordinance, the owner of the property shall be duly notified per either subsection A or B above and provided such opportunity to cure the violation. If the owner fails to cure the violation within the time set forth in the notice, the Administrative Officer may order said sign to be removed at the expense of the owner of the property upon which it is located. The Administrative Officer may cause any sign which is an immediate peril to person or property, to be removed without notice.

11.08 Revocations of Permits.

Omission or misstatement of any material fact by applicant or agent stated on the application or at any hearing, which would have warranted refusing the permit, shall be grounds for the Administrative Officer or designee to revoke the permit at any time.

11.09 Appeals.

Appeals in the case of the issuance of a ticket under Section 11.07(A) above shall be governed by the provisions of 24 V.S.A. Chapter 29. The provisions of Title 24 Vermont Statutes Annotated, Chapter 117, shall govern all other appeals. All appeal applications shall be submitted in accordance with Appendix G herein.

11.10 Records Maintenance

The Colchester Department of Planning and Zoning shall be responsible for the maintenance of the public records and documents associated with the administration and enforcement of these regulations per 1 V.S.A. Sections 310 to 320 including but not limited to:

11.10–A All Findings of Fact and Order including but not limited to Variances, Conditional Uses, Site Plans, Subdivisions, Appeals of the Administrator's Decisions, Certificates of Appropriateness as rendered by the Development Review Board;

11.10–B Zoning Violations;

11.10–C All permits issued under these regulations;

11.10–D Elevation Certificates with as-built elevations (consistent with the datum of the elevation on the current Flood Insurance Rate Maps) of the lowest floor, including basement, of all new, substantially improved or flood proofed structures in the Flood Plain District;

11.10–E All flood proofing and other certifications required per Section 6.03 herein.

11.11 Removal of Signs

Any sign that no longer identifies a bona fide project, business, or activity soon to be conducted on the lot, shall be taken down and removed by the owner of the lot upon which such sign is located within ninety (90) days after the project, business, or activity ceases. Upon failure to comply within the time specified, the Administrative Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the lot.

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Article 12: DEFINITIONS

12.01 Construction of Language, Intent, and Usage

12.01–A In the construction of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:

(1) Words used in the present tense shall include the future and words used in the future tense shall include the present.

(2) Words in the singular number shall include the plural and words in the plural number shall include the singular number.

(3) In case of any difference of meaning or implication between the text of this Regulation and any caption, preamble or illustration, the text shall control.

(4) The masculine gender shall include the feminine and neuter.

(5) "Built" includes "erected," "constructed," "reconstructed," "altered," "enlarged," or "moved."

(6) “Existing” means the conditions existing on the effective date of these regulations.

(7) “For example” shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures.

(8) "Includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(9) "May" and "should" are permissive.

(10) Must" is mandatory and not optional or merely directory.

(11) “Occupied" includes the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.

(12) "Original" means the conditions existing on the effective date of these regulations.

(13) "Person" includes an individual, firm, association, corporation, partnership, trust, company or other organization, governmental body or agency, and any other legal entity.

(14) "Premises" shall include land and structures thereon.

(15) “Shall" is mandatory and not optional or merely directory.

(16) “Such as” shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures.

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(17) "Town" is the Town of Colchester, Vermont.

(18) 18. "Used" includes the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.

12.01–B Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) "Either...or" indicates that the connected item, conditions, provisions, or events shall apply singly but not in combination.

12.01–C References made to officials and official bodies shall mean officials and official bodies of the Town of Colchester, unless the natural construction of the wording indicates otherwise.

12.01–D The word "regulation," "these regulations," "this ordinance," or “this bylaw” means the "Town of Colchester Development Regulations."

12.01–E Any word or phrase which is defined in this section, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

12.01–F Any word or phrase that is not defined in this section, or elsewhere in these regulations, shall have its plain and commonly accepted meaning.

12.01–G Definitions contained in Chapter 117, Vermont Statutes Annotated, shall be applicable throughout these regulations.

12.02 Specific Definitions

ACCESSORY DWELLING UNIT: A subordinate residential unit authorized by Title 24 VSA Section 4412(1)(E), does not consume allowable density on a parcel, and is further governed by these regulations.

ACCESSORY BUILDING: A building, the use of which is incidental to the principal use of the premise. Freight containers shall not constitute an accessory building.

ACCESSORY ON-FARM BUSINESS: Shall be defined as in 24 V.S.A. Section 4412.

ACCESSORY STRUCTURE: A structure, the use of which is incidental to the principal use of the premise.

ACTION SIGN: shall mean a sign or any portion thereof that moves, such as, rotating, revolving, moving up or down or any other type of action involving a change of position of the sign body or segment thereof, whether caused by mechanical or any other means.

ADDITION: An extension (enlargement) or increase in the area by extending on a side or by increasing in height the size of a building or structure.

ADMINISTRATIVE OFFICER: Zoning Administrator for the Town of Colchester.

ADJACENT: Either abutting or directly across the street.

ADULT ENTERTAINMENT: An establishment (such as a nightclub, bar, restaurant, supper club, lounge, live or movie theater, cabaret, bookstore, or other) in which a person or persons appear in a state of nudity in the performance of their duties or material is available depicting person or persons in a state of nudity as defined herein.

AFFORDABLE HOUSING: Means either of the following:

(A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following:

(i) the county median income, as defined by the U.S. Department of Housing and Urban Development;

(ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or

(iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

(B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:

(i) the county median income, as defined by the U.S. Department of Housing and Urban Development;

(ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or

(iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

AFFORDABLE HOUSING DEVELOPMENT: A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

AGRICULTURAL OPERATIONS: Accepted agricultural practices, including the construction of farm structures, as defined by the Vermont Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation under 10 V.S.A. Sections 1021(f) and 1259(f) and 6 V.S.A Section 4810. Agricultural Operations shall include necessary accessory uses such as packing, treating, and storing the produce. The operation of any such accessory use shall be secondary to that of the normal agricultural activity. Agricultural Operations shall exclude Silvicultural Operations (see definition herein)

ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

ALTERATION: Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, partition walls, or any enlargement to or diminution of a structure. An alteration shall also be any change, rearrangement, or reconfiguration, of the roof or exterior walls. An alteration also shall be the moving of a building or structure from one location to another.

ANIMAL SHELTER: An establishment where animals are provided with shelter prior to placement with a new owner or prior to euthanasia, typically operated by a non-profit organization. Such establishment may allow sales or placement of the animals under care, and may conduct on-site euthanasia but shall not be allowed to permanently dispose of euthanized animals on-site. Such establishment may have an educational component as an accessory use. Outside amenities such as dog runs are customary with this use.

ANIMATED SIGN: shall mean any sign lighted on an intermittent or flashing circuit or the movement of any light used in connection with any sign, such as, a blinking, traveling, flaring or changing degree of intensity.

APPURTANANCES: The visible, functional, or ornamental objects accessory to, and part of, buildings or structures. These include decks, porches, overhangs, and stairs. These are typically not considered finished spaces.

ARCHIVAL STORAGE: The indoor storage of records or documents in a particular order or filing system. Appointments are typically needed for retrieval.

ARTIST PRODUCTION STUDIO: An establishment for the application, teaching or performance of fine and /or visual arts such as, but not limited to, vocal or instrumental music, dance, or the creation of original handmade art or craft items. Accessory retail sales are customary. Artist production studio also includes graphic designers, desktop publishing, and recording studios but specifically excludes music halls, movie theaters, and theaters.

ATHLETIC FACILITY: An establishment for the conduct of sports and other recreational activities wholly within an enclosed building for the benefit of persons not residing on the lot on which the facility is located. Accessory uses or structures may include snack bars, locker rooms, and pro shops for the patrons of the primary use. Examples include but are not limited to public or private health clubs, tennis or other racquet courts, swimming pools, health or fitness centers, indoor play areas, training studios for group recreation activities such as martial arts, gymnastics, and dance, bowling alleys, shooting ranges, skating rinks, rock climbing walls, and billiard halls.

AUTOMOBILE: A car, truck, bus, plane, scooters, mopeds, motorcycle, or vehicle other than defined as equipment, marine or recreational vehicles herein. Wheelchairs and bicycles are not automobiles.

AUTOMOTIVE SERVICE & REPAIR: An establishment offering automotive maintenance and repair services. All work is not customarily conducted outside a fully enclosed building.

AUTOMOTIVE BODY WORK: An establishment providing the painting, fiberglass work, undercoating of automobiles, spray-bed-liners, or collision service such as body, frame, or fender straightening for automobiles. All work is not customarily conducted outside a fully enclosed building.

AUTOMOBILE SALES: An establishment engaged in selling or leasing of two or more automobiles where automobiles may be stored or displayed outside a fully enclosed structure.

AUTOMOTIVE ACCESSORY SALES: An establishment engaged in selling accessories for automobiles such as tires, sunroofs, stereo equipment, and decorative add-ons. Installation of automotive accessories may include applying of decals but shall not include painting, fiberglass work, spray-on bed-liners or other bodywork. This use does not have outside storage or outside installation.

AWNING: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. Construction of awnings shall be considered land development as defined herein.

BANK: A depository institution in which the majority of business conducted on-premise is related to walk-in customers (e.g., banks, credit unions, savings and loans). Walk-up automated teller machines may be provided within or outside the building. No drive-up facilities are allowed.

BANK, DRIVE-UP: A depository institution in which the majority of business conducted on premise is related to walk-in or drive-up customers (e.g., banks, credit unions, savings and loans). Walk-up or drive-up automated teller machines may be provided within or outside the building. Drive-up facilities are customary.

BANNERS: shall mean signs affixed to poles, wires or ropes, such as banners, pennants, streamers, wind operated propellers, string lighting or other similar advertising media, but not to include displayed flags of town, state or country or Prisoners of War flag attached to a building or pole.

BAR: An establishment for the sale or dispensing of alcohol by the drink for on-site consumption, where food may be available for consumption on the premises as accessory to the principal use, and where alcoholic beverages are available after 11:00 p.m. To differentiate a bar from a restaurant, bars are also classified as any establishment selling or dispensing alcohol after 11:00 p.m. A bar may have live music, karaoke, dancing, or recreational amenities.

BASE FLOOD: The flood having a one 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: A story in a building, the structural ceiling level of which is four (4) feet or more above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street, and the floor level of which is below finished grade at any point on the periphery of the building. (See diagram, Appendix B)

BASIC AMENITIES (for determining a seasonal dwelling unit) – Shall consist of a sewage system and water supply in full conformance with the Regulations for a year-round system, toilet, shower or bathtub, wall and ceiling insulation, year-round heating source, refrigerator and stove.

BED AND BREAKFAST: A dwelling unit, or portion thereof, with five or fewer guestrooms, where short-term lodging rooms and meals are provided for overnight guests. The operator of the bed and breakfast shall live on the premises. For the purposes of this definition, short-term shall mean up to one (1) week.

BEDROOM: Any room with a window and a closet, and which is physically separated from other rooms.

BERTH: A slip, mooring or space to accommodate a boat or vessel.

BILLBOARD: shall mean any structure bearing a sign which is not related to any business conducted on the property where the billboard is located.

BOARDING HOUSE: An establishment, other than a hotel, inn, motel, tourist court or lodging house, where not more than two (2) rooms are let and where meals may be regularly served by pre-arrangement for compensations. A boarding house is not open to transient guests, in contrast to hotels, restaurants and tourist homes, which are open to transients. The facility shall be licensed and operated in accordance with applicable law.

BUILDING: A structure designed to be used as a place of occupancy, storage or shelter.

BUILDING AREA: The portion of a lot remaining after required yards have been provided.

BUILDING COVERAGE: The part or percent of the lot occupied by buildings or structures including accessory buildings.

BUILDING ENVELOPE: The area delineated on an approved final plat plan of a project as meeting the approved minimum setbacks from lot lines, natural features, and any other restricted areas such as planned unit development buffers. All principal buildings and septic systems~~,~~ shall occur within the building envelope.

BUILDING FOOTPRINT: The area delineated on an approved final plat plan of a project as where a specific structure shall be placed so as to be in conformance with minimum setbacks from lot lines, natural features, and any other restricted areas such as planned unit development buffers. This is distinct and separate from the definition of 'FOOTPRINT' as defined here.

BUILDING HEIGHT: The vertical distance of a building measured from the average preconstruction grade level at the base of the building to the highest point of the roof. (See Figure II in Appendix B: General Provisions Diagrams)

BUILDING LINE: A line formed by the face of a building. (See diagram, Appendix B)

BUILDING, PRINCIPAL: The primary building on a lot or the building that houses the principal use.

BUSINESS SERVICE: Establishments primarily engaged in rendering services to businesses on a fee or contract basis. Examples include but are not limited to advertising and mailing, building maintenance, employment service, management and consulting service, protective service, commercial research, photocopy facilities in which majority of business conducted on premise is related to walk-in customers, and personal supply service.

BUS STATION: Establishments engaged primarily in furnishing local, statewide and interstate bus service, passenger service, charter service, and terminal. Roadside bus stops shall be excluded from this use. A bus station customarily has an associated structure with accessory retail.

CAMPGROUND: Any lot occupied for vacation or recreational purposes by more than three (3) automobile trailers, campers, recreational vehicles, tent sites or temporary cabins. A campground includes non-commercial (no charge, no service) and commercial operations. A mobile home used as a residence is considered to be a dwelling and this definition is not applicable.

CAMPGROUND, PRIMITIVE: Any lot occupied by more than three (3) tent sites (for a brief period) for vacation or recreational purposes. Bathhouses or outhouses are customary at a primitive campground whereas laundry facilities and retail uses are not customary. A primitive campground includes non-commercial (no charge, no service) and commercial operations.

CANOPY: shall mean structures comprised of a fabric and frame attached to a building or a freestanding fabric (or other similar material) and frame that is attached to a building, which structures are used for seasonal and/or advertising purposes, and may or may not contain graphics or sign information for a particular establishment.

CAR WASH: An establishment for washing automobiles, whether by automatic device or self-service.

CELLAR: Any space in a building, the structural ceiling level of which is less than four (4) feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street. A cellar should not be considered in determining the permissible number of stories. (See diagram, Appendix B)

CEMETERY: A lot or establishment for the interring of the dead.

CIVIL DEFENSE OPERATION: A lot or establishment utilized by the Federal government for, or in conjunction with, defensive or offensive military operations. The military, as referred to herein, shall include all Federal branches of the military and the Coast Guard. Dormitories, warehouses, cafeterias, and outdoor storage are customary accessory uses.

COLISEUM: A structure designed to seat or accommodate more than 1,000 people for spectator sports, exhibitions, and cultural events.

COMMERCIAL GREENHOUSE (S): An establishment (retail and/or wholesale) comprised of enclosed glass or plastic structure(s) and sales outlet for the cultivation and sale of tender plants (such as flowers and vegetables). Commercial greenhouses with on-site sales shall have frontage along and primary access from a public road. Commercial greenhouse operations shall require a minimum lot size of five (5) acres.

COMMERCIAL VEHICLE: A vehicle used for business purposes including but not limited to a vehicle which carries goods, equipment or passengers for hire. Vehicles, which display advertising (other than identification of the vehicle's manufacturer, make or dealer), shall be considered commercial vehicles.

COMMUNITY CENTER: A government owned establishment or lot used for recreational, social, educational, and cultural activities that is open, partially or fully, to the public, including senior centers and teen-centers, schools and cultural facilities.

COMMUNITY SEPTIC: For the purposes of determining density and minimum lot size per Table A-2 herein, a community septic system shall be defined as a septic system that serves more than one dwelling unit.

CONDITIONAL USE: A use that is allowed in a particular district only after review and approval by the Development Review Board per 24 V.S.A. Sections 4414(3) and 4464 under Article Eight herein and subject to specific standards of the particular district.

CONGREGATE HOUSING: ~~Detached or multi-family unit housing~~Housing that provides facilities and services specifically designed to meet the physical or social needs of older persons and which at least 90% of units are occupied by older persons, defined as age 55 and older. Significant facilities and services~~, may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventative health care programs, elderly dining facilities and transportation to social services. Such housing shall be in an accessible physical environment. At least 80 percent of all occupied units must be occupied by persons aged 55 or older (the 80% requirement applies to occupants, not owners); and no person under 19 years of age shall reside in any unit for more than ninety (90) days in any calendar year, except that in the event of a person(s) under 19 years of age who is (are) disabled and is (are) dependent upon the qualified occupant (at least 55 years old), said dependent person shall be permitted to reside in the unit on a permanent basis.~~along with other restrictions and expectations, are set forth in Chapter 9.07. Congregate housing shall include assisted living residences as defined in 33 V.S.A. Section 7102

CONSTRUCTION SIGN: shall mean any sign erected on a project site prior to or during a construction project.

CONTRACTOR'S YARD: An establishment engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or where persons such as agents or brokers, buy merchandise for or sell merchandise to such individual, users, or companies. A contractor's yard is typically a wholesale trade operation, but may also have retail trade or have some portion allocated to retail trade. Typical uses include lumber yards, mill work yards, and stone or masonry yards. Outside storage is customary. This is a use that customarily requires periphery screening.

CONTRACTOR'S YARD, LANDSCAPE: An establishment that is engaged in rendering landscaping services to individuals on a fee or contract basis and/or that sells landscape materials such as but not limited to mulch, fencing, and stone. A landscape contractor's yard is typically a wholesale trade operation, but may also have retail trade or have some portion allocated to retail trade. Outside storage is customary. This is a use that customarily requires periphery screening.

CONVENIENCE STORE: A retail store designed and stocked primarily to sell food, beverages, and other groceries to customers containing less than 3,000 square feet of Floor Area, Gross. A convenience store may include gasoline sales as provided in Appendix Table A-1, the table of permissible uses herein.

CORRECTIONAL FACILITY: A place of confinement for persons held in the penal custody of a municipality, state, or federal entity. A correctional facility may also provide facilities for the treatment and rehabilitation of persons convicted of criminal acts. Facilities that include treatment and rehabilitation services customarily include dormitories, recreational amenities, educational facilities, cultural amenities, manufacturing and processing, accessory office space, cafeterias, and clinics.

CREMATORIUM: An establishment where waste or human remains are burned in a furnace. All crematoriums shall follow State of Vermont protocol, licensing and all other applicable regulations.

CULTURAL FACILITY: An establishment that documents the social and religious structures and intellectual and artistic manifestations that characterize a society including libraries, museums, art galleries, and botanical and zoological gardens of a natural, historic, educational, or cultural interest. This use customarily includes associated educational and instructional activities and accessory retail space.

CUT-OUT LETTERS: shall mean letters, numbers, emblems and symbols which are detached or separately molded from the material from which they were made.

DAY CARE FACILITY, HOME-BASED: A state registered or licensed family child care home serving six (6) or fewer children as referenced in 24 V.S.A. Section 4412(5) as amended from time to time. A home-based day care facility shall be considered to constitute a permitted single-~~family~~ unit residential use of the property.

DAY CARE FACILITY, INTERMEDIATE: A state registered or licensed family child care home serving no more than six (6) children full-time and four part-time children as referenced in 24 V.S.A. Section 4412(5) as amended from time to time. An intermediate day care facility shall be subject to site plan approval.

DAY CARE FACILITY, LARGE: 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 homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian or relative. A day care facility that is not registered or licensed by the state or serves seven (7) or more children full-time or more than ten (10) children combined shall constitute a large day care facility. A large day care facility excludes home-based and intermediate day care facilities. This definition encompasses facilities generally known as child care center, day care center, pre-school, nursery school, and similar programs and facilities for infants and children, but does not include schools as defined herein. All centers shall be licensed and operated in accordance with applicable law.

DEGREE OF ENCROACHMENT: The linear infringement into the 'Lakeside Zone' (100 ft as illustrated in the Vermont Shoreland Protection Act handbook) by the closest point of the existing, nonconforming primary structure, AND the square footage of the footprint of this same structure within this 'Lakeside Zone'. Conversion of appurtenances in lawful existence at the time of application to new finished space shall be considered as increased encroachment, whereas replacement of same total square footage of appurtenances shall not. This definition shall only pertain to Section 7.03 Shoreland District and is illustrated in Appendix B, figure IIX, herein.

DEVELOPMENT: Any human-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials and all other activities as defined in 44 CFR 59.1 and in the definition of Land Development as defined herein. This definition shall only pertain to Section 6.03, Flood Plain District, herein.

DEVELOPMENT REVIEW BOARD (DRB): An appropriate municipal panel as authorized under the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A. Section 4460.

DOCK: A wharf, pier, or other structure that allows passage from the shore, whether floating or not, including all "els", "T"s or posts which may be a part thereof whether fixed or adjacent to the principal dock structure.

DIRECTIONAL SIGN: shall mean a sign not exceeding three (3) square feet and with lettering not exceeding six (6) inches in height, designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas, or similar wording of an informational nature. Logos, business names, and commercial messages shall be prohibited on directional signs.

DIRECTORY SIGN: shall mean a freestanding sign erected at an entrance to one property or multiple properties served by a common curb-cut and listing those businesses, organizations or entities at that location.

DISTRIBUTION FACILITY: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle. A distribution facility may include a truck terminal but shall not include truck repair.

DISTRICT: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply. These districts shall include and be limited to those listed in Section 2.01 herein.

DORMITORY: A residential building used as group living quarters for a school-use listed under Section Five of the Table of Uses herein. A dormitory shall not exceed 14,000 gross square footage in size.

DRIVE-UP: An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or goods while remaining in their vehicles. The drive-up use may be the principal or accessory use on a lot.

DRYCLEANER: See Laundromat.

DWELLING, DUPLEX: A detached residential building containing two (2) dwelling units within the same building, and neither unit is an Accessory Dwelling Unit. ~~designed for occupancy by not more than two (2) families.~~

DWELLING, MOBILE HOME: A detached dwelling unit designed for transportation on streets or highways, on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A mobile home is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems. A travel trailer is not considered as a mobile home.

DWELLING, MODULAR: A dwelling unit constructed in accordance with the codes and standards set forth in Chapter Four of the Colchester Code of Ordinances for site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. This definition shall include manufactured homes.

DWELLING, MULTI-~~FAMILY~~UNIT: -A building that contains three or more dwelling units in the same building. ~~A building, designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.~~

DWELLING, SEASONAL: A dwelling unit that is not approved for year-round occupancy or that lacks one or more of the basic amenities or utilities required for year-round occupancy. A summer seasonal dwelling is occupied from April 1st through October 31st. A winter seasonal dwelling is occupied from November 1st through March 31st.

DWELLING, SINGLE ~~FAMILY~~UNIT: A detached ~~dwelling unit designed for and occupied by one (1) family~~residential building that has one dwelling unit.

DWELLING, TEMPORARY EMERGENCY, CONSTRUCTION, OR REPAIR: A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (iii) persons having construction or security responsibilities over such construction site.

DWELLING UNIT: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

DWELLING, YEAR-ROUND: A dwelling unit continuously occupied from January 1st through December 31st.

EASEMENT: The authorization of a property owner for the use by another, and for a specific purpose, of any designated part of his/her property.

EMERGENCY SHELTER: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

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EQUIPMENT, LARGE: Construction equipment including cranes, bucket-loaders, bulldozers, agricultural equipment, recreational vehicles and other equipment intended to be operated under its own power. Large equipment excludes automobiles and marine vehicles.

EQUIPMENT, SMALL: Lawnmowers, utility trailers, hand tools, all-terrain vehicles, golf carts, snowmobiles, lawn maintenance machines, snow maintenance machines, audio-visual equipment, and other similar equipment. Small equipment excludes automobiles and marine vehicles and associated accessories.

ESSENTIAL SERVICES, COMMUNITY: The erection, construction, alteration or maintenance of structures, generating or processing plants, gas plants, bus stops, transportation infrastructure, water tanks, gas lines, distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, pumping stations, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or local, state, or federal governmental agencies or for the public health or safety or general welfare intended to service more than 25% of Colchester's population or acreage or a population or acreage outside of the Town of Colchester.

ESSENTIAL SERVICES, NEIGHBORHOOD: The erection, construction, alteration or maintenance of structures, generating or processing plants, bus stops, transportation infrastructure, distribution systems, including poles, wires, mains, drains, gas lines, sewers, pumping stations, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or local, state, or federal governmental agencies or for the public health or safety or general welfare of a specific location.

ESTABLISHMENT: A business, firm, club, institution, or residence, including its members, occupants, possessions, or employees.

EVENT FACILITY: A facility that primarily functions to host business or social gatherings that typically consists of one or more multi-purpose meeting rooms, kitchen facilities and/or recreational facilities that are available for use by various private groups for conferences, meetings, parties, weddings, receptions, reunions and similar group functions.

EXCAVATION: Any breaking of ground, except common household gardening and ground care, excluding work associated with wastewater systems.

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EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by Colchester. This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition shall also include Mobile Home Park as defined herein.

EXPANSION TO AN EXISITNG MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing lots on which the manufactured homes are to be affixed (including the installation of utilities, the constructions of streets, and either final site grading or the pouring of concrete pads). This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition shall also include Land Development as defined herein.

EXTENSION: An increase in the amount of floor area or in the amount of building coverage or lot coverage.

~~FAMILY: See household.~~

FCC: Federal Communications Commission. The federal government agency responsible for regulating telecommunications in the United States.

FENCE: ~~Any enclosing structure, other than part of a building, of sufficient strength and dimensions to prevent straying from within or intrusion from without, except enclosures of tennis courts~~Any material or combination of materials erected to enclose, screen, or separate areas of land. ~~.~~

FINAL SUBDIVISION PLAT - The final drawings on which the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town Clerk.

FINANCIAL INSTITUTION: An establishment in which financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to non-depository institutions (e.g., credit agencies, loan brokers), holding companies (but not predominantly operating companies), depository institutions where the majority of business conducted on premise is not related to walk-in or drive-up customers (e.g., banks, credit unions, savings and loans), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

FIRING RANGE, INDOOR: A facility providing a place for the discharge of various types of firearms or the practice of archery within a fully enclosed building. An indoor firing range is not considered to be: 1) target practice by individuals on property owned the individuals; 2) sighting of weapons for purposes of hunting; 3) or the taking of animals as defined by 10 V.S.A. Chapter 101, Section 4001. All firing ranges shall comply with the provisions of Colchester Code of Ordinances Chapter Nine. All firing ranges should generally be constructed in accordance with Section One Chapter One of the National Rifle Association Range Source Book.

FIRING RANGE, OUTDOOR: A facility providing a place for the discharge of various types of firearms or the practice of archery outside a fully enclosed structure. An outdoor firing range is not considered to be: 1) target practice by individuals on property owned the individuals; 2) sighting of weapons for purposes of hunting; or 3) the taking of animals as defined by 10 V.S.A. Chapter 101, Section 4001. All firing ranges shall comply with the provisions of Colchester Code of Ordinances Chapter Nine. All firing ranges should generally be constructed in accordance with Section One Chapter One of the National Rifle Association Range Source Book.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: 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.

FLOOD PLAIN: That land which would be subject to flooding by the 100 year flood or that flood which would have a 1% chance of occurring each year – Zone A on the Flood Boundary and Floodway Map.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

FLOODWAY, REGULATORY IN THE TOWN OF COLCHESTER: See Floodway.

FLOOR AREA, GROSS: The gross area of all floors of all principal and accessory buildings on a lot, measured from the exterior face of the exterior walls, or in the case of a common wall separating two buildings, from the center line of such common walls. Gross floor area shall include such features as porches, balconies, breezeways, walkways, and raised platforms.

FOOTPRINT: The area encompassed by a structure's outer foundation wall at ground level, excluding appurtenances. This definition shall only pertain to Section 7.03 Shoreland District, herein. This definition is distinct and separate from the definition of "BUILDING FOOTPRINT" as defined herein.

FOOTPRINT LOT: A lot created through the Planned Unit Development subdivision permit process that is generally designed to be contemporaneous with the footprint of a building or a portion of a building. A footprint lot is a form of ownership and conveyance but shall not be recognized for the purposes of zoning included but not limited to lot coverage maximums, setbacks, frontage, etc.

FRONTAGE: That boundary of a lot which abuts on a public street or way. The Interstate and Circumferential Highway rights-of-way and public waters shall not be considered frontage.

FLORESCENT COLORS: shall mean colors that reflect not only their own color, but also convert the shorter wave lengths into radiant energy causing them to appear 3 to 4 times as bright as ordinary color. These colors do not reflect light toward its source in the intense manner that reflectorized materials do, but rather in an amount similar to a white painted surface.

FREE-STANDING SIGN: shall mean a sign detached from any building.

FUNERAL HOME: An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, AUTOMOBILE PARKING: This use may be a structured parking garage or a parking lot that is publicly or privately operated. Parking shall be open to the general public for parking with or without an associated fee. Parking may not necessarily be located on a lot on which there is another principal use to which the parking is related.

GARAGE, PRIVATE: An accessory structure for parking or storage of not more than that number of vehicles as may be required in connection with the permitted use of the principal building or structure.

GARAGE, PUBLIC: A structure owned or operated by a local or state government used primarily for the parking, storing, and servicing of vehicles. Vehicle servicing within a fully enclosed building and gasoline storage and dispensing are customary. Storage of sand, salt, and materials employed in municipal or state maintenance of infrastructure and municipal services is customary.

GASOLINE SALES: An establishment engaged in selling or dispensing motor fuels directly to users of motor vehicles. This use does not customarily have outside storage.

GREEN STORMWATER INFRASTRUCTURE: Stormwater management systems and practices that restore and maintain natural hydrologic processes in order to reduce the volume and water quality impacts of the built environment while providing multiple societal benefits.

GREENING: Retrofitting previously developed sites to improve their environmental and aesthetic performance by introducing green space, infrastructure and buildings through measures such as providing generous landscaped areas with good quality soil, planting trees, managing stormwater on-site, reducing the urban heat island effect, enhancing pedestrian and bicycle circulation, and using sustainable materials and technologies.

GROOMING FACILITY: An establishment in which more than four (4) dogs, cats, or other domesticated animals are groomed, washed, or otherwise cleaned for a fee or compensation a day.

GROUP QUARTERS: A dwelling that houses individuals who are unrelated by marriage, blood, adoption, fosterage, or guardianship in a group living arrangement of intentionally structured housing by an organization or institution. This definition excludes dormitories.

HALFWAY HOUSE: An establishment intended to provide for transitional group living arrangements for persons discharged from hospitals, prison mental institutions or other similar facilities, or in lieu of hospitalization or imprisonment, characterized by the presence of live-in staff, emphasizing the development of skills necessary for more independent living and shall be licensed and operated in accordance with applicable law. Halfway homes shall have a clearly stated maximum occupancy.

HAZARDOUS MATERIALS: Any substance or combination of substances of a solid, liquid, gaseous or semi-solid from which may be explosive, flammable, toxic, acidic, corrosive, caustic, pathogenic or radioactive and are present in sufficient quantity or combination thereof or are being handled, stored, manufactured, processed, transported or disposed of in such a manner that it can be reasonably assumed such conditions constitute a peril to buildings, structures, or the general public.

HIGHWAY, ARTERIAL: Major thoroughfares that carry traffic between communities; to include Routes 2A, 2, 7, 15 and I-89, Circumferential Highway (Vermont Route 289).

HIGHWAY, COLLECTOR: Roads or streets that carry the major internal traffic of the community and which link trip origin and arterial highways. These highways include all those listed in Section 2.05 herein.

HISTORIC STRUCTURE: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

HOME BUSINESS: An occupation carried on within a dwelling unit which is incidental and secondary to the primary use of the building for dwelling purposes which does not change the character of the neighborhood, in which it may employ up to three (3) on-premises employees who are not residents of the dwelling. At least one person involved in the business shall be a resident of the dwelling. Automotive repair and automotive accessory installation shall not be considered home business uses.

HOME OCCUPATION: An occupation carried on within a dwelling unit which is incidental and secondary to the primary use of the building for dwelling purposes, is not visible or noticeable in any manner or form from outside the walls of the dwellings, and which does not change the character thereof which it may employ up to two (2) on-premises employees who are not residents of the dwelling. At least one person involved in the business shall be a resident of the dwelling. Automotive repair and automotive accessory installation are not home occupations.

HOSPICE CARE HOME: An establishment that provides skilled symptom management and supportive nursing care by licensed medical staff for terminally ill patients with the expected prognosis of six months or less. This definition shall include facilities for the terminally ill as provided for in 33 V.S.A. Section 7102.

HOSPITAL: A licensed institution providing primary health care services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions requiring medical treatment, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities. Hospitals customarily include the retail sale of pharmaceuticals and medical supplies an accessory use.

HOTEL: An establishment in which (a) living or sleeping accommodations are primarily for transient occupancy on a daily basis for compensation available to the general public, and (b) one or more common entrances serve all such living or sleeping units. Hotel services may include 24 hour desk service, housekeeping, or other similar services. Permitted accessory uses include restaurants or other public dining facility, bars or lounges, public banquet halls, ballrooms, meeting rooms, pools, and recreational facilities customary to such use.

HOTEL, EXTENDED STAY: A residential hotel containing small furnished apartment type units rented on a short term basis usually each with a kitchen, bath, living space and separate bedroom/sleeping space. Hotel services may include a common area, business support facilities, guest only breakfast facilities, lobby, or recreation space and amenities. Hotel services shall exclude public restaurant(s), cocktail lounge(s), or banquet meeting rooms containing more than fifty (50) seats. No more than fifteen percent (15%) of the units shall contain more than one bedroom. Units must be available on a daily, weekly and monthly basis and shall not be rented to the same occupant for more than one hundred eighty (180) days in any three hundred sixty-five (365) day period.

~~HOUSEHOLD: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. A household has common access to and use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.~~

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, gravel, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INCIDENTAL SIGN: shall mean a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "loading only", "telephone", or other similar directives. Incidental signs do not contain commercial messages. Traffic warning signs such as "Stop" or "Right Turn Only" or entrance signs such as "enter" or "exit" shall not be considered incidental.

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INN: An establishment containing at least 6 rooms, but no more than 20 (twenty) rooms for living or sleeping accommodations primarily for transient occupancy for compensation available to the general public. No more than 40% of the rooms may contain typical apartment type furnishings such as a kitchen, bath, living space and separate bedroom. Units must be available on a daily, weekly and monthly basis and shall not be rented to the same occupant for more than thirty (3~~0~~0) days in any three hundred sixty-five (365) day period. An inn shall offer services typical to the use, ~~which may include twenty-four~~including at least 12 hours per day of on-site ~~hour desk~~ registration and similar hosting services,~~service~~ as well as~~,~~ housekeeping~~, or bellhop service, or the furnishing or laundering of linens~~. Inns shall provide for at least one indoor common area available to all guests and of sufficient size, attraction, and usability, such as a dining area, lounge, game room or library. Permitted accessory (and clearly incidental) uses include restaurants or other public dining facility, bars or lounges, meeting rooms, pools, and recreational facilities customary to such use.

JUNK MOTOR VEHICLE: A discarded, dismantled, wrecked, scrapped, inoperable, unregistered, or ruined automobile, equipment, marine vehicle, or recreational vehicle or parts thereof.

KENNEL: An establishment used for the breeding, training, sale, or boarding of more than four (4) dogs, cats, or other small domestic animals belonging to a person or persons other than the owner of the lot. Kennel use includes pet daycare but does not include a veterinary clinic or animal shelter or sale of general merchandise. Kennels customarily have outside amenities such as dog runs. A kennel shall follow State of Vermont protocol, licensing and all other applicable regulations.

LAND DEVELOPMENT: The division of a lot into two or more lots, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building, sign, or other structure; any of any mining, excavation, or landfill, and any change in the use of any building or structure, or land, or extension of the use of land. This includes the definition of Development herein.

LANDFILL, RECLAMATION: A lot previously used for disposal and depositing of refuse and earth or other suitable cover material. The lot may be adapted for alternative uses in accordance with all applicable Federal, State, or Municipal rules and regulations.

LANDFILL, SANITARY: A lot for solid waste disposal in which the solid waste is spread in thin layers, compacted to reduce its volume, and covered with earth at the end of each working day. The site shall be operated in accordance with all applicable Federal, State, or Municipal rules and regulations.

LANDSCAPE CONTRACTOR'S YARD: See CONTRACTOR'S YARD, LANDSCAPE

LAUNDROMAT: An establishment providing washing, drying, or dry-cleaning machines for the cleaning of clothing, linens, or fabric on the premises.

LEGISLATIVE BODY - Means the Selectboard of the Town of Colchester.

LIGHTING FIXTURE: A lighting fixture is an assemblage of ballast, lamp receptacles, wiring, reflectors, refractors, prisms, lenses, etc., all contained within a single housing or casing, and designed to be mounted as a single unit. A fixture may be designed to accept one or more lamps. One or more fixtures may be mounted to a single support.

LOT: The plot, piece, parcel of land or assemblage of recorded contiguous parcels of land, the latter all in common ownership and designated as a single parcel, established and recorded by plat, subdivision, or otherwise permitted by law of a size sufficiently large to lawfully construct a principal building or a group of such buildings and accessory buildings, or of a size sufficiently large to lawfully be utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations herein. Lot boundaries are (A) established by a deed or deeds recorded in the land records of the Town of Colchester; or (B) shown on a plat approved by the Colchester Development Review Board pursuant to Colchester Subdivision Regulations, provided such approval has not expired. The definition of the term "lot" shall not include any portion of a dedicated right-of-way or areas of land appended to a lot by leasehold, license, or otherwise, except by boundary line adjustments approved by the Town.

LOT AREA: A total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot located at the intersection of two or more streets or abutting a curved street in such a way that the front building line meets either side lot line at interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner. A corner lot shall be deemed to have two front yards and two side yards and no rear yard.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings, structures, driveway, vehicle travel lanes, sidewalks, designated storage areas including storage areas for boats, trailers, other vehicles and off-street parking areas, and all impervious areas. Green stormwater infrastructure, as defined herein, shall not be considered lot coverage.

LOT DEPTH: The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line, every ten feet and averaging the length of these lines.

LOT LINES: The lines bounding a lot as defined herein.

Front Lot Line: The line separating said lot from the street, public road, public way or required setback of the Shoreland District.

Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) ft. long lying farthest from the front line and wholly within the lot.

Side Lot Line: Any lot lines other than the front lot lines or rear lot lines.

LOT, INTERIOR: Any lot other than a corner lot with frontage only on one street, public road, or public way.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a duly recorded plat on file with the Town Clerk.

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

LOWEST HORIZONTAL MEMBER: The lowest point of a structure or building including but not limited to machinery, equipment, and building systems.

LUMBER YARD: See contractor's yard.

LUMINESCENT: shall mean any lighting of a sign, produced by the action of electricity in an enclosed gas, such as neon and argon.

LUMINOUS MATERIAL: shall mean a material that stores light and glows in the dark. The glow can be described as a weak soft light.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition does not include Recreational Vehicle as herein defined. This definition shall also include Dwelling, Mobile Home; and Dwelling, Modular.

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition shall also include Mobile Home Park as defined herein.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials. Storage inside a fully enclosed building and shipment processes related to the manufacturing use are customary.

MANUFACTURING, SMALL-SCALE: the custom manufacturing of certain products in limited quantities for distribution primarily to a local or regional market; including but not limited to: confections and other custom made food and beverage items, furniture, candles, and similar products, utilizing a space no larger than 5,000 square feet and provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. This use does not include automotive or small engine repair, slaughterhouses, or similar activities. Retail sales items manufactured on-site and a short order restaurant may be accessory uses.

MARINA: Any shoreline property used to provide one (1) or more of the following:

(a) Access to public waters for docking or mooring of five (5) or more boats with or without other services; or,

(b) A small-craft harbor complex providing access to public water characterized by such activities as boat manufacture, construction or repairs, sales, rentals, chartering, derricks, docks, wharves, moorings, marine railways, boat storage and other marine-type facilities and commercial services which may include the sale of food or other services clearly incidental to the operation of the marine based activities.

A Marina shall require 150 feet of shoreline frontage. Any Marina that accommodates boats with sleeping facilities shall also provide for on-shore based facilities for pumping and / or disposal of wastes. A Marina shall not interfere with or prevent use of adjacent shoreland property or its access to and from the water. A Marina shall be compatible with adjacent land uses and shall not be a source of nuisance by reason of noise or fumes. A marina includes the accessory uses defined under the following categories of Appendix A of the Development Regulations: 2.130 Retail Sales; 2.140 Retail Food Establishment; 2.300 Marine Sales; 2.640 Marine Rental; 5.500 Social Clubs; and 9.250 Marine Storage Outside; and 9.260 Marine Storage Inside.

MARINE ASSOCIATION, RESIDENTIAL: Any commonly held shoreline property which is a common element of or an appurtenance to a residential development on the same or adjacent property that:

(c) provides access to public water for docking or mooring of five (5) or more boats; and

(d) is strictly limited to use by the owner of residences in the associated residential development and the immediate family of the owners according to and limited by recorded covenants in the land records; and

(e) which does not provide or allow such services incidental to the operation of commercial marinas as characterized by such activities as boat manufacture, construction or repairs, sales, rentals, chartering, derricks, marine railways, and other marine-type facilities and commercial services which may include the sale of food or other services clearly incidental to the operation of the marine based activities.

A Residential Marine Association shall require 150 feet of shoreline frontage. Any association that accommodates boats with sleeping facilities shall also provide for on or off-shore based facilities for pumping and / or disposal of wastes. A Residential Marine Association shall not interfere with or prevent use of adjacent shoreland property or its access to and from the water. A Residential Marine Association shall be compatible with adjacent land uses and shall not be a source of nuisance by reason of noise or fumes.

MARINE SALES: An establishment engaged in selling, renting or leasing of boats and watercraft. Boats and watercraft may be stored on the site that is for sale, rent, or lease. This use customarily has outside storage but does not include the winter storage of boats and watercraft that are not for sale, rent, or lease. This use includes accessory retail sales of marine equipment.

MEAN WATERMARK: The terms “mean water mark”, “mean water level”, and “normal mean water mark” is considered to be one and the same. For Lake Champlain the mean watermark has been established as 95.5 ft above mean sea level. For Colchester Pond the mean watermark has been established as the elevation of the spillway for a mean water level of 383.0 ft. above mean sea level. For the Winooski River and Lamoille River the mean water mark shall be as determined by the property owner and the Town’s Administrative Officer based on data published by the U.S. Army Corps of Engineers “Flood Plain Information”.

MEMORIAL SIGN: shall mean a monument, tablet, plaque or similar structure memorializing a person, event, building or site.

MENTAL HEALTH FACILITY: An establishment that has the primary focus of providing licensed, skilled, full-time care and related services for patients with mental health problems. The facility may provide extended and/or intermediate care for those who by reason of mental condition need acute, chronic, or convalescent care. Patients include both at will and not at will admissions. Mental health facilities shall also include therapeutic community residences as defined in 33 V.S.A. Section 7102.

MINI-STORAGE: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Mini-Storage shall not include outside storage or archival storage. Only the storage of goods, materials, and merchandise is allowed within mini-storage structures. Perimeter fencing is customary.

MINING OPERATIONS: The excavation or extraction of sand, gravel, clay, slate, marble, granite, other stone material or rock, or any other earth product for commercial purposes. Mining operations shall include borrow pits and quarrying operations. On-site sales are customary. Structures are not customary.

MOBILE FOOD UNIT: A short-order restaurant establishment that is open for business usually seasonally and capable of being driven or towed off-site without much difficulty. Food is customarily consumed off premise. Outdoor seating, when permitted in accordance with the regulations herein, may consist of benches and chairs that are not permanently affixed to the ground Mobile food units are customarily operated between 10AM and 9PM and are usually removed from the premise between November 1st and March 31st. Restrooms are not customarily provided in conjunction with the mobile food unit use. All accessory items, such as dumpsters, are customarily removed from the premise when the mobile food unit is removed.

MOBILE HOME PARK: A lot upon which two (2) or more mobile homes are parked and occupied for living purposes. All mobile home parks shall be reviewed as Planned Residential Developments as per Article Nine. All mobile home parks shall also be reviewed, evaluated, and subject to the requirements of Title 10 of Vermont State Statues, Chapter 15 entitle "Mobile Home Parks" as modified from time to time.

MOBILE HOME SALES: An establishment engaged in selling, renting or leasing of mobile homes. Mobile homes may be stored on the site without fixed foundations. Mobile homes stored on site shall not be occupied. Mobile homes sales include accessory office space and customarily includes outside storage.

MOTEL: An establishment which (A) contains six or more rooms containing living and sleeping accommodations used primarily for transient occupancy to the general public on a daily basis for compensation, with the exception of the manager's or caretaker's unit, and (B) has convenient access to parking spaces for the use of the unit's occupants by way of separate entrances or groups of separate entrances, outside the main building, into the individual units.

MOVIE THEATER: An establishment that shows picture films to the general public.

MULTIPLEX, SMALL: A single, detached, multi-unit residential building that includes three or four dwelling units on a single lot with shared front, side, and rear yards, as well as shared parking. A small multiplex shall be considered a multi-~~family~~ unit dwelling as defined herein.

MUNICIPAL OR PUBLIC FACILITIES: These facilities are generally public facilities owned by the Town of Colchester, the State of Vermont, the United States Government, Colchester Fire Districts, or utility companies such as the Champlain Water District, Green Mountain Power and VELCO. Specifically excluded from municipal facilities are: replaced infrastructure; parks and natural areas; cemeteries; public garages; town halls; community centers; police and fire stations; rescue squads and ambulance services; extensions of sidewalks and paths, storm drainage or stormwater facilities; extensions of utilities to a single residential or commercial unit; temporary structures; and facilities required in response to emergency situations ; the Town may only regulate such facilities to the extent permitted by 24 V.S.A. § 4413 as may be amended from time to time.

MUNICIPALITY - Town of Colchester.

NAME PLATE SIGN: shall mean any sign not more than one (1) square foot in area used to identify the owner or owners of a private residence.

NATIONAL GUARD CENTER: An establishment or lot utilized by the State government for, or in conjunction with, defensive or offensive military operations. The military, as referred to herein, shall include all branches of the National Guard and all branches of the Federal military reserves. Dormitories, warehouses, cafeterias, or outdoor storage are customary accessory uses.

NEW CONSTRUCTION: structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the Town and includes any subsequent improvements to such structures. This definition shall only pertain to Section 6.03, Flood Plain District, herein.

NEW MANUFACTURED HOME PARK OR NEW MANUFACTURED HOME SUBDIVISION: A manufactured home park or manufactured home subdivision for which the construction is completed after the effective date of the floodplain management regulations as herein adopted in Section 6.03. This definition shall only pertain to Section 6.03, Flood Plain District, herein. This definition shall also include Land Development as defined herein.

NIGHT CLUB: A bar or restaurant that charges for admission for entertainment.

NON-CONFORMING LOT: A lot or parcel that does not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws; including a lot or parcel improperly authorized as a result of error by the Administrative Officer.

NON-CONFORMING SIGN: shall mean a sign which does not comply with this Ordinance as amended, but did comply with all applicable laws, ordinances, and regulations prior to the enactment of the sign ordinance, or if applicable, an amendment of said Ordinance.

NON-CONFORMING STRUCTURE: A structure or a part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws; including a structure improperly authorized as a result of error by the administrative officer.

NON-CONFORMING USE: A use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws; including a use improperly authorized as a result of error by the Administrative Officer.

NUDITY: Full or partial revelation of a person's breast or genitals. Partial revelation shall be as so as to be distinguishable to the eye.

NURSING CARE HOME: An establishment providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than five persons.

NURSING CARE INSTITUTION: An establishment that provides licensed, skilled, full-time nursing care and related services for patients who require medical, nursing, and/or rehabilitative services. The institution shall provide extended and/or intermediate care for those who by reason of advanced age, illness, infirmity, or mental impairments need acute, chronic, or convalescent care. Such institution shall also be known as a nursing home as per 33 V.S.A. Section 7102, convalescent facility, or long-term care facility.

OFFICIAL MAP: The legally adopted Official Map of the Town of Colchester pursuant to section 4421 Title 24 VSA Chapter 117, as amended.

OFFICE, GENERAL: An establishment for conducting the affairs of a business, profession, service, industry, or government, or like activity, that may include ancillary services for employees and visitors such as a restaurant or coffee shop, and newspaper/candy stand as permitted by these Regulations. This may also be known as a professional building. Building occupancy may be limited to one tenant or more tenants and/or the building's owner.

OFFICE, MEDICAL: An establishment where human patients are examined and treated by doctors, dentists or other medical professionals but not hospitalized overnight. Medical office may include as an ancillary use the assembly, fitting, testing and sale of products directly related to the medical service provided in the same establishment.

OFFICE, MEDICAL CLINIC: An ambulatory care facility where human patients are examined and treated customarily on a walk-in, out-patient basis, but where no overnight hospitalization is provided.

OPEN SPACE: Any area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. Open space includes informal recreational uses, habitat preservation, scenic vista or landscape protection.

ORPHANAGE: An establishment licensed by the State of Vermont to serve as an orphanage for children or young adults.

PARAPET WALL: means a low wall along the edge of a roof, and being a portion of the wall which extends above the line of the roof, with the exterior to the extension forming a continuous plane with the wall below.

PERSONAL SERVICES: An establishment providing services involving the care of a person or his or her apparel, such as barber, hairdresser, beauty or nail salon, shoe shine or repair, day spa, photographic studio, or seamstress. Personal service shall not include establishments providing tattoo, body piercing services or medical.

PLANNED RESIDENTIAL DEVELOPMENT: A planned unit development exclusively for residential use.

PLANNED UNIT DEVELOPMENT: An area of land controlled by one or more landowners to be developed as a single entity, the plan for which may propose any combination of density or intensity increases, or the mixing of land uses, and which need not correspond to bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

PLATE LINE: shall mean the point at which any part of the roof structure first touches, or bears upon, an external wall.

POOLHOUSE: A poolhouse is accessory to a pool. It is located within 15 feet of the pool therefore not subject to the setback from a primary building within Section 2.09A(4) herein. A poolhouse shall be sized to accommodate mechanical equipment and accessory storage for a pool.

POST OFFICE: An establishment providing the services of the United States Postal Service to the general public through retail services. A post-office as defined herein shall exclude distribution facilities and similar facilities that do not primarily serve walk-in customers through retail services.

PLAT: A plan prepared by a licensed surveyor complying with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time-to-time amended. Plats in mylar form shall have overall dimensions of 18" by 24" with two inches (2") outside of the borderlines on the left side for binding and a one-inch (1") margin outside the border along the remaining sides.

PRE-CONSTRUCTION GRADE. For the purpose of regulating height under this section, pre-construction grade shall be defined as the grade existing on property on the date of an application under the Colchester Development Regulations for any development approval (variance, conditional use approval, building permit, site plan approval), unless another grade has been established as the pre-construction grade pursuant to Section 2.13 Alteration of Existing Grade or Impervious Area below.

PRELIMINARY SUBDIVISION PLAT: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

PRINTING SHOP: An establishment rendering the services of photocopying, reproduction, or binding of printed materials to business services on a fee or contract basis in which the majority of business conducted on premise is not related to walk-in customers. Accessory retail for walk-in customers is not customary.

PRIVATE ROAD: Any road which is not a duly accepted public road.

PROFESSIONAL OCCUPATIONS: Any recognized professional licenses by the State of Vermont, including but not limited to doctor, dentist, lawyer, engineer, certified public accountant, real estate appraiser, architect, chiropractor and similar professions excluding veterinarians and personal services such as barbers, hairdressers and the like.

PROMOTIONAL SIGN: shall mean any freestanding sign designed in such a fashion as to permit a change of the information thereon so that such sign conveys to the public updated information concerning sales, prices, new products, etc.

PROJECTING SIGN: means any wall sign attached to a building or other structure and extending in whole or in part more than nine (9) inches from any portion of the structure's façade. This definition also includes perpendicular signs.

PUBLIC HEARING - Any meeting held by the Development Review Board, Planning Commission, or the Colchester legislative body with public notice.

PUBLIC NOTICE - Means the form of notice prescribed by 24 V.S.A. 4303(21).

PUBLIC UTILITY: Any person, entity, firm or corporation, municipal department, board or commission, duly authorized to furnish and furnishing under Federal, State or Municipal Regulations to the public, gas, steam, electricity, sewage disposal, communications, telegraph, or water.

PUBLIC WATER: Lake Champlain, Lamoille River, Winooski River and Colchester Pond.

RACE TRACK: A course for racing machines including but not limited to automobiles and motorcycles.

READER BOARD: means a sign designed for messages or as a directory, to be viewed primarily by pedestrians, and not used primarily for the purpose of advertising commercial goods, products or services.

RECREATIONAL AMENITY, ACTIVE: means a structured recreation opportunity that involves facilities such as courts, fields, playground, or other structures for organized sports such as but not limited to soccer, baseball, lacrosse, basketball, pickleball, tennis, or volleyball fields / courts.

RECREATIONAL AMENITY, INFORMAL: means non-motorized outdoor recreation that is characterized by minimal infrastructure or services and results in minimal environmental impact. Informal recreational amenities include but are not limited to walking paths, mountain bike trails, horseback riding trails, picnic areas, wildlife viewing areas, or community gardens.

RECREATIONAL FACILITY, PRIVATE: A privately owned establishment for the conduct of sports and leisure-activities primarily outside enclosed buildings including but not limited to golf courses and associated club houses, country clubs, paint-ball, tennis courts, basketball courts, skating rinks, and other similar uses for fee or through membership. This use excludes marinas, horseback riding stables and arenas, racetracks, outdoor markets, drive-in theaters, and recreational facilities constructed as a requirement of planned residential developments.

RECREATIONAL FACILITY, PUBLIC: A lot or establishment owned by a municipality, state or federal government designed and equipped for the conduct of sports and leisure-activities primarily outside enclosed buildings either for free or for fee. This facility includes golf courses and associated club houses, country clubs, paint-ball, tennis courts, basketball courts, skating rinks, and other similar uses. This use excludes marinas, horseback riding stables and arenas, racetracks, outdoor markets, and drive-in theaters. This use excludes recreational facilities constructed as a requirement of planned residential developments or a school.

RECREATIONAL VEHICLE: A vehicle without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including travel trailers, truck campers, camping trailers and self-propelled motor homes. This definition shall include all such recreational vehicles as defined by 44 CFR 59.1.

REFLECTORIZED: shall mean any material that reflects light back toward its source in an intensity many times greater than would be reflected by a white painted surface. These materials include but are not limited to: reflective sheeting, glass beads and glass or plastic reflectors.

RELIGIOUS USE: An establishment where worship services, ceremonies, rituals, and education activities related to a particular system of beliefs are held. A religious building may have an associated residence and accessory office space. This use does not include school uses.

RENTAL FACILITY: An establishment engaged in renting or leasing of merchandise stored on the premise. General merchandise rental is customarily the rental of retail goods such as videos, DVDs, furniture, and sporting equipment. General merchandise rental customarily does not have outside storage. Equipment rental is the rental of small and large equipment where outside storage is customary. Automotive rental is the rental of automobiles where outside storage is customary.

RESIDENTIAL CARE HOME: An establishment operated under state licensing or registration and as defined in 33 V.S.A Section 7102 and serving not more than eight (8) persons who have a handicap or disability as defined in 9 V.S.A Section 4501. A residential care home shall not be located within 1,000 feet of another residential care home. This establishment is typically located in a single-~~family~~ unit dwelling, which provides for profit or otherwise, room, board and personal care to residents unrelated to the principal resident (operator) of the premises.

RESIDUAL LAND: A lot or lots, or portion(s) thereof, that is not designated for development, but that contributes to the total land area used for the purpose of meeting the density requirements of a particular Zoning District.

RESTAURANT, SHORT-ORDER: An establishment offering the sale of a limited line of specialized, pre-prepared or rapidly prepared foods or beverages directly to the customer in a ready-to consume form and whose operation is characterized by (A) service of food or beverage principally in containers or in paper, plastic or other disposable containers or wrappers, (B) availability of food or beverages for consumption immediately or within a brief period after ordering, or (C) insufficient seating facilities within the restaurant building for the total volume of food sold. Short-order restaurants may also include catering, food delivery services and shall include bakeries and delicatessens. Short-order restaurants customarily have carry-out and delivery service. This establishment may sell alcohol by the drink for consumption on premise until 11PM (see Bar).

RESTAURANT, STANDARD: An establishment offering the sale of foods or beverages for consumption within the restaurant building and whose operation is characterized by service by a restaurant employee at the same table or counter at which food or beverage is to be consumed. Standard restaurants shall have no substantial carry-out, no substantial delivery service, and no drive-up service. This establishment may sell alcohol by the drink for consumption on premise until 11PM (see Bar).

RESTORATION: The replication or reconstruction of a structure's original architectural features.

RETAIL SALES: An establishment engaged in selling goods or merchandise to the general public at retail and rendering services incidental to the sale of such goods. Typically such an establishment (A) is a place of business and is engaged in activity to attract the general public to buy, (B) buys and receives as well as sells merchandise, (C) may process or manufacture some of the products for sale, such as a jeweler or baker, but such production or manufacture is incidental and subordinate to the selling activities, and (D) sells to customers for their own personal, household, or business use. Such an establishment may have a retail food establishment as an accessory use located entirely within the principal structure and with no dedicated exterior entrance of its own.

RETAIL FOOD ESTABLISHMENT: An establishment which by design of physical facilities or by service and packaging procedures permits or encourages the purchase of prepared foods intended primarily to be prepared and consumed off the premises. A short-order restaurant with up to eight (8) seats may be an accessory use.

ROAD-SIDE STAND: A retail establishment accessory to an agricultural or horticultural operation for the sale of produce grown on the premise.

ROOF SIGN: shall mean any sign or portion thereof, erected in any way upon a structure which extends above any portion of the roof of the structure.

SALVAGE YARDS: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes automobile wrecking yards and includes any area of more than 200-sq. ft. for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Salvage yards include junkyards and automobile graveyards. This is a use that customarily requires periphery screening.

SCHOOL, COLLEGE: An establishment for college or university education or instruction in a branch of knowledge. The school may be public, private, or parochial. A college is a school that meets the state standards and requirements for colleges and universities. A college customarily has dormitories and associated athletic fields.

SCHOOL, ELEMENTARY & SECONDARY: An establishment for elementary or secondary education or instruction in a branch of knowledge. The school may be public, private, or parochial. Elementary schools are any schools that meet state standards and requirements for elementary education. Secondary schools are any schools that meet state standards and requirements for secondary education. Such use shall not include vocational or trade school; these are termed trade schools.

SCHOOL, TRADE: An establishment primarily engaged in providing instruction however excluding colleges, primary and secondary schools. Such instruction may be in any branch of knowledge and may include business schools, trade schools, vocational schools, drivers' education, and schools of dance, gymnastics, martial arts, and similar pursuits.

SCOREBOARD: shall mean a sign that is primarily intended to display the score of a game or match located in, on or near an athletic field or court so as to be visible to spectators and participants, and shall not be interpreted to include signs displayed on, affixed to or supported by a scoreboard that are not oriented towards the field or court.

SEMI-CUTOFF FIXTURE: An exterior light fixtures with an intensity at 80 degrees from nadir that does not exceed 200 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candela per 1000 lamp lumens.

SETBACK: The distance required to meet the front, side or rear yard open space provisions of this Regulation.

SEWAGE DISPOSAL SYSTEMS, CROSS-DISTRICT: A sewage disposal system located in a zoning district, which serves a use, located in a different zoning district.

SHOPPING CENTER (WITHOUT DRIVE-UP): A lot or lots containing a group of two (2) or more general merchandise, retail establishments, standard restaurant, short-order restaurant no drive-up, a retail food establishment, general office, or general services uses of any size having a unified design of buildings, coordinated parking and service areas, and development plan in accordance with the requirements of the zoning district in which it is located, and where customer and employee parking are provided on-site. The shopping center shall be planned, constructed, and developed and/or managed as a unified entity.

SHOPPING CENTER WITH DRIVE-UP: A lot or lots of 1.5 acres or more containing a group of two (2) or more general merchandise, retail establishments, standard restaurant, short-order restaurant, a retail food establishment, general office, or general services uses of any size having a unified design of buildings, coordinated parking and service areas, and development plan in accordance with the requirements of the zoning district in which it is located, and where customer and employee parking are provided on-site. The shopping center shall be planned, constructed, and developed and/or managed as a unified entity. The shopping center may have one drive-up facility per center for retail, restaurant, or general services.

SHORELAND: A strip of land around Lake Champlain and Colchester Pond and adjacent to the Winooski and Lamoille Rivers extending inland to a line 500 ft. from and running parallel to the normal mean water mark herein called the shoreline.

SHORELINE: The line marked as the line by the mean water level with those lands adjacent to Lake Champlain, Colchester Pond, and the Winooski and Lamoille Rivers. Measurements required to be made from the shoreline shall be made from the mean watermark.

SIGN: shall mean and include every sign, billboard, bulletin-board, freestanding sign, wall sign, window sign, roof sign, illuminated sign and projecting sign, and shall include any letter, word, number, model, mural decoration, banner, flag, pennant, clock, thermometer, insignia, light or combination of lights or other visual display, used or placed as an announcement or declaration to identify, advertise or promote the interest of any person when the same is placed where it may be viewed by the general public from outside the structure on which the sign is placed.

SIGNABLE WALL AREA: shall mean the area of wall on the front or principal facade of the building. In the case of multiple occupancy buildings, only the front of the particular section of building occupied by the applicant shall be considered in determining signable wall area.

SILVICULTURAL OPERATIONS: The development and/or maintenance of a forest or wooded preserve, including the harvesting of trees. This definition is for the harvesting of more than 100 trees 3 inches or greater in diameter as measured 4.5 feet above the ground and/or effecting more than one (1) acre in any one (1) year period. Excluded from silvicultural operations is site development approved as part of a site plan or subdivision.

SKETCH PLAN - An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to save time and expense in reaching general agreement with the Development Review Board as to the form of subdivision and objectives and requirements of these Regulations.

SLAUGHTER HOUSE: An establishment where animals are butchered.

SOCIAL CLUB: An establishment for the gathering or meeting of a group of people organized for a common purpose to pursue common goals, interests, or activities, usually for social, recreational, or educational purposes. Such association or organization is usually characterized by certain formal membership qualifications, payment of fees or dues, regular meetings, and a constitution and /or by-laws. Such associations or organizations may also be known as clubs, civic, social, fraternal organizations, trade associations, professional organizations, unions, political organizations, and religious organizations, and may include such groups as local civic clubs and associations or local chapters of national associations, and fraternal organizations. The building or facility may have accessory uses such as recreational facilities or banquet facilities but not including the sale of goods and services to the public on the premises on a regular basis or commercial outdoor recreational or entertainment activities. Associations or organizations shall not include establishments operated for pecuniary gain, such as tennis or health clubs.

SPECIAL FLOOD HAZARD AREA: The land in the floodplain within a community subject to a one 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".

STABLE, HORSE: An establishment offering boarding, breeding, and other related services for five or more horses. This use customarily includes barns, arenas, trails, paddocks, courses, and accessory storage.

STADIUM: See Coliseum.

START OF CONSTRUCTION: for purposes of floodplain management determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building. This definition shall only pertain to Section 6.03, Flood Plain District, herein.

STORY: That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one (1) finished floor and the level of the next higher finished floor, or; if there be no higher finished floor, then the part of the building comprised between the level of the highest finished floor and the top of the roof beams. (See Appendix B Diagram).

STORY HALF: Any space partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven (7) ft. six (6) inches or more. (See Appendix B Diagram).

STREET: Any road, highway, avenue, street, parkway, lane or other way between right of way lines, commonly used by the public for vehicular traffic.

STREET, MINOR: Those private and public streets not included as Arterial or Collector Highways.

STRUCTURE: Any construction, erection, assemblage or other combination of materials upon the land, including but not limited to, buildings, mobile homes, swimming pools, tennis courts, antennas, satellite dishes not exceeding 3 feet in diameter, gas/liquid storage tanks, utility sheds, trailers, billboards, signs, walls or fences over four feet in height, or fences and walls opaque in nature. A structure may be erected for use, occupancy, or ornamentation, and the use of which requires permanent or temporary location on, above, or below the surface of the ground. By definition, all buildings are structures, but not all structures are buildings. All patios, driveways, sidewalks, and parking lots shall be considered structures and require permits.

STRUCTURE, TEMPORARY: A structure without any foundations or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Tents larger than 150 square feet are specifically included within this definition. All temporary structures to remain over ten (10) consecutive days shall require a building permit as well as any other applicable permits.

STUDIO, RADIO & TELEVISION: A broadcasting facility for radio and / or television with accessory office space. A studio does not include towers, antennas, and dishes associated with transmitting station signals.

SUBDIVIDER: Any person, firm, corporation, partnership, or association, who shall layout for the purpose of sale or development any subdivision or part thereof as defined herein. The term shall include an applicant for subdivision approval.

SUBDIVISION:

(a) Division of a tract or parcel of land into two (2) or more lots, residential, commercial or industrial building sites, or other divisions including without limitation, condominiums and cooperatives for the purpose, whether immediate or future, of sale, lease, contract, legacy or building development.

(b) Division of land and/or any development of a parcel of land involving the installation, extension, relocation or modification of municipal facilities such as streets, sewer or water mains, public utility transmission lines.

(c) The term Subdivision includes amended subdivision, re-subdivision, and as appropriate in these regulations shall refer to the process of subdividing land or to the land sub-divider.

(d) Any development of a parcel of land such as a multi-~~family project~~unit dwelling, planned residential development or planned unit development.

(e) The following are specifically not included within this definition:

i. Any adjustment of boundary lines between existing lots.
ii. A duplex unit to be constructed on a single lot and not as part of a subdivision as above defined.
iii. The conversion of a building on a tract of land from single ownership to multiple ownership without any change to the physical structure of the building.

SUBDIVISION, MAJOR: Any residential subdivision containing five (5) or more lots or units, any non-residential subdivision, or any subdivision requiring any installation of new streets, or the extension of municipal facilities.

SUBDIVISION, MINOR: Any residential subdivision containing less than five (5) lots or units which does not require a new public street or the extension of municipal facilities.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred. This definition shall only pertain to Section 6.03, Flood Plain District, herein.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any 5 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include 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 state or local code enforcement official and which are the minimum necessary to ensure safe conditions, or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure". This definition shall only pertain to Section 6.03, Flood Plain District, herein.

SUPERMARKET OR GROCERY STORE: See retail food establishment.

TELECOMMUNICATIONS ADEQUATE CAPACITY: Capacity is considered to be "adequate" if the grade of service is p.05 or better for a least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(s).

TELECOMMUNICATIONS ADEQUATE COVERAGE: Coverage is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least -90dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

TELECOMMUNICATIONS ALTERNATIVE DESIGN TOWER STRUCTURE: Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (See also: Telecommunication Stealth Facility.)

TELECOMMUNICATIONS ANTENNA: A device which is attached to a tower or other structure for transmitting and receiving electromagnetic waves.

TELECOMMUNICATIONS ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at the average preconstruction grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

TELECOMMUNICATIONS AVAILABLE SPACE: The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

TELECOMMUNICATIONS BASE STATION: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications providers can be located on a single tower or structure.

TELECOMMUNICATIONS CELLULAR SERVICE: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

TELECOMMUNICATIONS CELLULAR TELECOMMUNICATIONS: A commercial Low Power Mobile Radio Service bandwidth licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

TELECOMMUNICATIONS CELLULAR TELECOMMUNICATIONS FACILITY: A cellular telecommunications facility consists of the equipment and structures at a particular site involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

TELECOMMUNICATIONS CHANNEL: The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

TELECOMMUNICATIONS COLLOCATION: Locating wireless communications equipment from more than one provider on a single site.

TELECOMMUNICATIONS COMMUNICATION TOWER: A guyed, monopole, or self-supporting vertical structure, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

TELECOMMUNICATIONS COMMERCIAL SATELLITE DISH: A satellite dish over three feet in diameter used for a communications transmission system.

TELECOMMUNICATIONS DIRECTIONAL ANTENNA: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

TELECOMMUNICATIONS ELECTROMAGNETICALLY ABLE: The determination that the signal from and to the proposed new antenna will not significantly interfere with the existing signals from and to other facilities or antennas located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

TELECOMMUNICATIONS FACILITY: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves which carry their services regardless of height. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

TELECOMMUNICATIONS FREQUENCY: The number of cycles completed each second by an electromagnetic wave measured in Hertz (Hz).

TELECOMMUNICATIONS MONITORING: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities, towers, antennas or repeaters.

TELECOMMUNICATIONS MONITORING PROTOCOL: The testing protocol, such as the Cobbs Protocol (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119), which is to be used to monitor the emissions and determine exposure risk from telecommunications facilities.

TELECOMMUNICATIONS MONOPOLE: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations.

TELECOMMUNICATIONS PERSONAL WIRELESS SERVICES: Commercial mobile services, unlicensed wireless exchange access services. These services include cellular services, personal communications services, specialized mobile radio services, and paging services.

TELECOMMUNICATIONS REPEATER: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

TELECOMMUNICATIONS STEALTH FACILITY: Any communications facility which is designed to blend into the surrounding environment. Examples include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

TELECOMMUNICATIONS STRUCTURALLY ABLE: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas under all reasonable predictable conditions as determined by professional structural engineering analysis.

TELECOMMUNICATIONS SYSTEM: The communications transmission system operated by a telecommunications service provider in the municipality or region.

TELECOMMUNICATIONS TEMPORARY WIRELESS COMMUNICATION FACILITY: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

TELECOMMUNICATIONS VIEW CORRIDOR: A three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

TELECOMMUNICATIONS WHIP ANTENNA: A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more). Also called omnidirectional, stick or pipe antennas.

TEMPORARY SIGN: shall mean any sign erected for a limited period of time.

THEATER: An establishment for dramatic, dance, musical, or other live performances.

TITLE BLOCK, SUBDIVISION: All plats that have received final approval from the Development Review Board shall incorporate the following:

> "Approved by Resolution of the Development Review Board of the Town of Colchester, Vermont on the _____ day of _____, 20_____, subject to the requirements and conditions of said Resolution. Signed this _____day of _____, 20_____, by _____, Chairman or Clerk."

TOWER: A structure on which transmitting and/or receiving antenna (e) are located. Such antenna (e) may be used for commercial, industrial, municipal, county or state telecommunication purposes. Such structure may be a purpose-built free-standing tower, guyed tower, monopole, camouflaged or "stealth" design tower, a roof with mounted antenna (e), or any building façade of steeple, water tower, silo, sign, or other similar structure.

TOWN HALL: An establishment used for municipal services such as general office space, meeting facilities, and related storage.

TOWNHOUSE: An attached housing type, sometimes referred to as a rowhouse, in which 3-6 relatively narrow dwelling units, each separated by a common dividing wall, form a single row of housing that fronts on the street, common space, or shared courtyard. Each townhouse unit has a separate entrance, front and rear yard. This housing type typically shares a uniform plane and architectural elements, but may also incorporate some variation between individual units. Townhouses shall be considered multi-~~family~~ unit dwellings as defined herein.

TRAIN STATION: An establishment primarily engaged in furnishing passenger train transportation. A train station is customarily a fully enclosed structure. A train station may include accessory retail.

TRAIN YARD: A lot, establishment, or area engaged primarily in freight train service, unloading, loading, storage, repair, and maintenance. This use customarily does not have structures. An area with more than two track lines running through it that is not a train station, as herein defined, shall be considered a train yard.

TRANSFER STATION: An intermediate destination for solid waste or recyclable materials. Solid waste or recyclable materials shall not be stored on site for more than one month. Walk-in and delivery services are customary. This use shall include drop-off recycling terminals.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) ft.

USE, ACCESSORY: A use which is incidental to, customarily found in connection with, and located on the same lot as, the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

~~(a) Swimming pools for the use of the occupants of a residence, or their guests.~~

(a) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

(b) Storage of merchandise normally carried in stock in connection with an establishment, unless such storage is excluded in the applicable regulations.

(c) Storage of goods used in or produced by industrial uses or related activities unless such storage is excluded in the applicable district regulations.

(d) Accessory off-street parking spaces, open or enclosed, subject to the parking regulations for the district in which the zoning lot is located.

(e) Uses incidental to a main use such as, but not limited to: offices of an establishment located on the site of the establishment.

(f) Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.

USE, PRINCIPAL: A use listed in the Table of Permissible Uses.

VARIANCE: An allowed deviation from specific requirements pertaining to a district granted by the Development Review Board to an applicant pursuant to 24 V.S.A. Section 4469.

VETERINARY CLINIC: An establishment where animals are given medical care and the boarding of animals is limited to short-term care incidental to the medical care received. A veterinary clinic customarily has outside amenities such as dog runs and paddocks for large animals such as horses, cows, llamas, etc.

VICINITY MAP - A detailed map which shows, within a prescribed area, the relation of the proposed development or subdivision to adjacent properties and the surrounding area, indicating curb cuts, property and building lines, streets, easements, etc.

VIOLATION: The failure of a structure or other development to be fully compliant with these regulations herein. 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. This definition shall only pertain to Section 6.03, Flood Plain District, herein.

WALL SIGN: shall mean a sign attached to, painted on, or erected against the wall of a building or structure including any interior wall whether attached to windows or otherwise which is placed in view of the general public from outside the structure. A wall sign shall not include signs that project from the wall in excess of nine (9) inches.

WALL: shall mean the surface area of any façade of any side or face of a building, or portion thereof.

WAREHOUSING: The indoor storage of goods, materials, and merchandise for shipment to or processing on another property. Warehousing shall exclude distribution and truck terminal facilities. No outside storage is allowed.

WET BAR: A counter top area with a sink and/or sometimes containing a dishwasher or under counter fridge. A wet bar does not contain a heating element for food such as a range, oven, burner, microwave, or toaster oven.

WHOLESALE SALES: An establishment engaged in selling goods, products, material, and merchandise stored on the premises to retailers or persons who are the intermediaries between the producer and the consumer; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND TURBINE: A device which converts the kinetic energy of the wind into a useable form of electrical energy. Wind turbines shall also include all accessory structures required for the function thereof.

WINDOW SIGN: shall mean a wall sign attached to, painted on, or erected on the interior of a window with the exposed face of the sign in a plane parallel to the face of said window, including any stand, shelving, counter or other structure which is placed in view of the general public from outside the structure.

YARD: The open spaces on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this regulation and as defined herein (See also Appendix B Diagrams):

(a) Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

(b) Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

(c) Side Yard: An open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

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GENERAL CATEGORIES	SPECIFIC USE		R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
1.000 RESIDENTIAL																							
1.100 Single-~~Family~~ Unit Dwelling	1.110 Detached, one dwelling unit per lot	1.111 Site-built and modular structure	P	P	P	P	P	P	P	C	P	P	~~C~~P	P	P	P				P			P
		1.112 Mobile home	P	P	P	P	P	P	P	C	P	P	~~C~~P	P	P	P				P	P		P
		1.113 Occupant is directly engaged with on-premises commercial use						P	P	C	P	P	C	P			P						
	1.120 Detached, more than one dwelling per lot	1.121 Site-built	P1	P1	P1	P1	P1	P1	P1	C1	P1	P1	C1	P	P	P				P1			P1
		1.122 Mobile home park																			P1		
1.200 ~~Two-Family~~Duplex Dwelling	1.210 Duplex		P	P	P	P	P	P	P	P	P	P	~~C~~P	P	P	P				P			P
	~~1.220 Primary residence with accessory apartment~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~	~~P~~	~~P~~	~~C~~	~~P~~	~~P~~	~~P~~				~~P~~			~~P~~
1.300 Multi-~~Family~~ Unit Dwelling	1.310 Multi-~~family~~ unit residence		P1	P1	P1	P1	P1	P1	P1	P1	P1	P1	C1	C		P2				P1			P1
1.400 Dwellings Emphasizing Special Services, Treatment or Supervision	1.410 Residential Care Home		P	P	P	P	P	P	P	C	P	P								P			P
	1.440 Halfway house																C						
	1.450 Congregate Housing		P1	P1	P1	C	C	P1	P1	P1	P1	P1					C1			C			C
	1.460 Group Quarters							***C***	***C***	***C***	***C***	***C***											
1.500 Miscellaneous, Rooms for Rent Situations	1.510 Boarding house		P	P	P	C	C	P	P	P	C	C			C	C				C			C
	1.520 Bed & Breakfast		P	P	P	P	P	P	P	P	P	P	C	P	C	C				P			P
	1.530 Hotel & Motel									C	C	C		C			C						
	1.540 Extended Stay Hotel									C	C	C					C						
	1.550 Inn												C	P									
	1.560 Campground							C			C	C		C			P						
	1.570 Primitive Campground																			C			C

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Blank =Not Allowed
For specific conditions and exceptions & GD3 District see text.

GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
1.600 Temporary Emergency, Construction and Repair Residences			P	P	P	P	P	P	P	P	P	P					P	P	P	P	P		P
1.700 Home Businesses	1.710 Home occupations		P	P	P	P	P	P	P	P	P	P	~~C~~P	P	P	P				P	~~C~~P		P
	1.720 Home businesses		C	C	C	C	C	C	P	C	C	C	C	C	C	C				C			C
1.800 Emergency Shelter										P													
2.000 SALES AND RENTAL OF GOODS																							
2.100 General Sales	2.110 Convenience store	2.111 With gasoline sales							C			C					P	C	C				
		2.112 Without gasoline sales						P	P	P	P	P					P		P				
	2.120 Shopping Center	2.121 Without drive-up						P	P		P	P					P		P				
		2.122 With drive-up						C	C	C							C		C				
	2.130 Retail Sales	2.131 With store area less than 10,000 s.f. without drive-up						P	P	P	P	P		P			P		P				
		2.132 With store area less than 10,000 s.f. with drive-up						C	C	C	C	P					P		P				
		2.133 With store area more than 10,000 s.f. but less than 50,000 s.f. without drive-up							C								P		P				

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		2.134 With store area more than 10,000 s.f. but less than 50,000 s.f. with drive-up							C								P		P				
		2.135 With store area greater than 50,000 s.f. without drive-up															P		P				
		2.136 With store area greater than 50,000 s.f. with drive-up															P		P				
		2.137 Retail sales with a significant component of goods sold being ag or produced on the premises						P	P	P	P	P					P		P				P
	2.140 Retail Food Establishment	2.141 With store area less than 5,000 s.f.						P	P	P	P	P		P			P		P				
		2.142 With store area greater than 5,000 s.f. & supermarkets						C	C	C		C					P		P				
	2.150 Wholesale Establishment	2.151 With store area less than 10,000 s.f.						C	C	C	C	C					P	P	P				
		2.152 With store area more than 10,000 s.f. but less than 50,000 s.f.							C								P	P	P				

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GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
		2.152 With store area greater than 50,000 s.f.															P	P	P				
	2.170 Equipment sales with associated repair	2.171 Small equipment								C		C					P	C	P				
		2.172 Large equipment								C		C					P	P	P				
	2.180 Commercial Greenhouse	No on-premises sales permitted				P	P	P	P	P	P	P					P		P	P			P
		On-premises sales permitted				P	P	P	P	C	P	P					P		P	P			P
	2.190 Roadside stands for the sale of produce grown on the premises					P	P	P	P											P			P
2.200 Mobile Home Sales & Rental																	C	C	C		C		
2.300 Marine Sales	2.310 Without associated service & repair							C	C					P			P	C	C				
	2.320 With associated service & repair							C	C					C			C	C	C				
2.400 Automobile Sales	2.410 Without associated service & repair								C								C	C	C				
	2.420 With associated service & repair								C								C	C	C				
2.500 Automotive Accessory Sales	2.510 Without installation							P	P	P	P	P					P	C	C				

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	2.520 With installation							C	C	C		C					P	C	C				
2.600 Rental	2.6100 General Merchandise							C	C	C	P	P					P	P	P				
	2.620 Equipment									C		C					P	P	P				
	2.630 Automobile								C								C	P	P				
	2.640 Marine												P	P									
3.000 OFFICE & SERVICES																							
3.100 Office	3.110 General Office							P	P	P	P	P		P			P	C	C				
	3.120 Research Facility or Laboratory							C	C	C	C	C		C			P	P	P				
	3.130 Medical Office	3.131 With not more than 10,000 square feet of gross floor area						P	P	P	P	P		C			P		C				
		3.132 With greater than 10,000 square feet of gross floor area						C	C	P	C	C					P		C				
		3.133 With Clinic						C	C	C	C	C					P		C				
3.200 General Services	3.210 Radio & Television Studio							P	P	P	P	P					P	P	P				
	3.220 Financial Institution							P	P	P	P	P		C			P	C	C				
	3.230 Banks	3.231 With drive-up windows						C	C	C	C	P					P		C				
		3.232 Without drive-up windows						P	P	P	P	P		P			P		C				
	3.240 Personal or Business Service							P	P	P	P	P		P			P		P				
	3.250 Artist Production Studio					C	C	P	P	P	P	P	C	P		C	P	C	P	C			C

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GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
	3.260 Funeral home							P	P	P	P	P					P						
	3.270 Crematorium																	C					
	3.280 Drycleaner & Laundromat	3.281 Majority of business is walk-in or self-serve						C	C	P	P	P		C			P		C				
		3.282 Majority of business is not walk-in						C	C		C	C					P	P	P				
	3.290 Animal Services	3.291 Veterinary Clinic				C	C	C	C	C	P	P		C			P		C	C			C
		3.292 Kennel				P	P		C		C	C					P	C	C	P			P
		3.293 Grooming Facility				C	C	C	C	C	P	P		C			P		C	C			C
		3.294 Animal Shelter				C	C		C		C	C					P		C	C			C
3.300 Automotive Services	3.310 Service & Repair	3.311 Without body work							C	C	C	P					P	P	P				
		3.312 With body work							C			C					C	P	P				
	3.320 Body Work								C			C					C	P	P				
	3.330 Car Wash								C			C					P	C	C				
	3.340 Gasoline Sales	3.341 Without Service & Repair							C			C					P	C	C				
		3.342 With Service & Repair							C								P	C	C				

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GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
4.000 MANUFACTURING & PROCESSING, OF GOODS, MERCHANDISE AND EQUIPMENT																							
4.100 All operations conducted entirely within fully enclosed building	4.110 Printing & binding production facilities								C		C	P					P	P	P				
	4.120 Photocopy & printing shop with accessory retail							C	C	C	C	P					P		P				
	4.130 Equipment repair	4.131 Small equipment								C	P	P		C			P	P	P				
		4.132 Large equipment										P					P	P	P				
	4.140 Manufacturing & processing with related distribution & warehousing								C	C	C	C		C				P	P				
	4.150 Small-Scale Manufacturing							P	P	P	P	P		P			P	P	P				
4.200 Operations conducted within & outside fully enclosed building																							
	4.210 Lumber & contractor's yard								C	***C***	C	C					P	P	P				
	4.220 Salvage yard																	C	C				
	4.230 Landscape contractor's yard				C	C	***C***	*C*	***C***	***C***							P	P	P	C			P
4.3 Slaughter House																		C					
5.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																							

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GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
5.100 Schools	5.110 Elementary and secondary including associated grounds and athletic and other facilities		C	C	C	C	C	P	P	P	P	P		C						C			C
	5.120 Trade or vocational schools							P	P	P	P	P					P	P	P				
	5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)							P	P	P	P	P					C		C				
5.200 Religious Use such as churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)			C	C	C	C	C	P	P	P	P	P		P			P		C	C			C
5.300 Orphanage								C	C	C	C	C											
5.400 Cultural Facilities such as libraries, museums, art galleries, art centers and similar uses	5.410 Located within a building having a gross floor area not exceeding 500 square feet		P	P	P	P	P	P	P	P	P	P		P			P		C				C
	5.420 Within a building having a gross floor area exceeding 500 square feet		C	C	C	C	C	P	P	P	P	P		P			P		C				C
5.500 Social clubs such as, union halls, fraternal clubs and lodges								C	C	C	P	P	C	P			P		C				
6.000 RECREATION & ENTERTAINMENT																							
6.100 Activity conducted entirely within building or substantial structure	6.110 Athletic facility							P	P	P	P	P	P	P			P	C	P				
	6.120 Movie theaters	6.121 Seating capacity of not more than 300						P	P	P	P	P		C			P		C				
		6.122 Seating capacity of more than 300						C	C	C	C	C					P		C				
	6.130 Theaters & Music Halls	6.131 Seating capacity of not more than 300						C	C	C	C	C		C			P		C				

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		6.132 Seating capacity of more than 300							C	C	C	C					P		C				
	6.140 Adult Entertainment																C						
	6.150 Event Facility							P	P	P	P	P	C	P			P		P	C			C
	6.160 Indoor Firing Range					C			C	C	C	C					C	C	C	C			C
6.200 Activity conducted primarily outside enclosed buildings or structures	6.210 Recreational facilities –privately owned facilities such as golf and country clubs, etc.					C	C	C	C	C	P	P	P	P			P		C	C		C	C
	6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc.		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		C	C
	6.230 Stables and arenas for horses					P	P	C	C	C	P	P								P			P
	6.240 Racing tracks - automobile and motorcycle																	C					
	6.250 Open air markets, farm and craft markets,, produce markets					C	C	P	P	P	P	P	P	P			P		C	P			P
	6.260 Drive-in movie theaters							C	C		C	C					P						
	6.270 Water-based facilities	6.271 Marinas and yacht clubs				C	C	C	C		C	C	P	C			P						
		6.272 Residential Marine Associations	C	C	C	C	C	C	C				P	P									
	6.280 Outdoor Firing Range					C	C				C									C			C
6.300 Coliseums, stadiums and all other facilities listed in the 6.100 & 6.200 classifications designed to seat or accommodate more than 1,000 people											C	C					P	C	C				

P=Permitted Use C=Conditional Use 1 = Subject to PUD Standards 2 = See zoning district text for additional restrictions
Blank =Not Allowed
For specific conditions and exceptions & GD3 District see text.

GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
7.000 INSTITUTIONAL RESIDENCE, CARE, OR CONFINEMENT FACILITIES																							
7.100 Hospital								C	C	P	C	C					P						
7.200 Nursing Care Home			P	P	P	P	P	P	P		P	P								P			P
7.300 Nursing care institution								C	C	P	P	P					C						
7.400 Mental Health Facility (other than halfway houses)								C	C	C							C						
7.500 Correctional facilities																		C					
7.600 Home-based day care facilities up to six children			P	P	P	P	P	P	P	P	P	P	C	P	P	P				P	P		P
7.700 Intermediate day care facilities			P	P	P	P	P	P	P	P	P	P		P			C	C	C	P	C		P
7.800 Large day care facilities			C	C	C	C	C	P	P	P	P	P		C			C	C	C	C	C		C
7.900 Hospice Care Home						C	C	P	P	P	P	P					P	C	P	C			
8.000 RESTAURANTS, BARS, NIGHT CLUBS																							
8.100 Restaurants	8.110 Standard	8.111 With outdoor seating						P	P	P	P	P	C	P			P		C				
		8.112 Without outdoor seating						P	P	P	P	P	C	C			P		C				
	8.120 Short-Order	8.121 No drive-up service						C	C	C	C	P		C			P	C	C				

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GENERAL CATEGORIES		SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
		8.122 With outdoor seating						C	C	C	C	P					P	C	C				
		8.123 Drive-up service allowed							C			C					C		C				
8.200 Bars								C	C	C	C	C	C	C			C						
8.300 Night Clubs									C			C	C	C			C						
8.400 Mobile Food Units								C	C	C	C	C		C			C	C	C				P
9.000 STORAGE AND PARKING																							
9.100 Automobile parking garages or parking lots not located on a lot on which there is another principle use to which the parking is related								C	C	C	C	C		C			P	P	P				
9.200 Storage of goods not related to the sale or use of those goods on the same lot where they are stored	9.210 Warehousing with all storage within completely enclosed structures									***C***							C	P	P				P
	9.220 Mini-storage with all storage within completely enclosed structures								C								C	C	C				
	9.230 Archival Facility								C	***C***	C						P	P	P				
	9.240 Distribution Facility										C	C					P	P	P				P
	9.250 Auto, marine, or equipment storage outside completely enclosed structures								C			C		C			P	P	P				C
	9.260 Marine storage inside												C	C									
10.000 AGRICULTURAL, SILVICULTURAL, MINING, QUARRYING OPERATIONS																							
10.100 Agricultural operations	10.110 Excluding livestock					P	P	P	P		P	P								P		C	P
	10.120 Including livestock					P	P	C	C		P	P								P		C	P

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GENERAL CATEGORIES	SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
10.200 Silvicultural operations		C	C	C	P	P	P	P	C	P	P					P	P	P	P	C		P
10.300 Mining operations					C	C										C	P		C			C
10.400 Reclamation landfill																	P	C				
10.500 Accessory on-farm business				*P*	*P*	*P*	*P*			*P*									*P*			*P*
11.000 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES																						
11.100 Cemetery		P	P	P	P	P	P	P	P	P	P		C			C			C			C
11.200 Waste Processing	11.210 Sanitary Landfill																C					
	11.220 Transfer Station																C	C				
11.300 Transit Centers	11.310 Train Station						P	P	P	P	P					P	P					
	11.320 Train Yard																C					
	11.330 Bus Station						C	C	C	C	C					P	P	P				
11.400 Public Garage	11.410 Local						C	C			C					C	P	P				
	11.420 State								C		C					C	P	P				
11.500 Municipal Services	11.510 Town Hall	C	C	C	C	C	P	P	P	P	P					P		C				
	11.520 Community Center	C	C	C	C	C	P	P	P	P	P	P	P			P		C	C			C
	11.530 Police stations	C	C	C	C	C	P	P	P	P	P					P	C	C	C			C
	11.540 Fire stations	C	C	C	C	C	P	P	P	P	P					P	C	C	C			C
	11.550 Rescue squad, ambulance services	C	C	C	C	C	P	P	P	P	P					P	C	C	C			C
11.600 National guard center							C	C	C		C					C	P	C				
11.700 Civil defense operations							C	C	C								C	C				
11.800 Post Office							P	P	P	P	P					P	P	P				
11.900 Essential Service Facility	11.910 Neighborhood	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	C	P
	11.920 Community or regional	C	C	C	P	P	C	C	C	C	C	C	C	C	C	P	P	P	P		C	P

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For specific conditions and exceptions & GD3 District see text.

GENERAL CATEGORIES	SPECIFIC USE	R3	R2	R1	R5	R10	GD1	GD1C	GD2	GD4	GD4C	LS1	LS2	LS3	LS4	COM	IND	BD	AGR	MHP	FP	AMU
12.000 TOWERS AND RELATED STRUCTURES																						
12.100 Tower	12.110 Less than 50 feet tall	C	C	C	P	P	P	P	P	P	P					P	P	P	P	C		P
	12.120 50 feet tall or greater	C	C	C	C	C	C	C	C	C	C					P	P	P	C	C		C
	12.130 Wind Turbine	C	C	C	C	C				C						C	C	C	C			C
13.000 TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILDING OR FOR SOME NON-RECURRING PURPOSE		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P

P=Permitted Use C=Conditional Use 1 = Subject to PUD Standards 2 = See zoning district text for additional restrictions
Blank =Not Allowed
For specific conditions and exceptions & GD3 District see text.

District	Density	Minimum Lot Size	Frontage	Primary Front Yard Setback	Primary Side Yard Setback	Primary Rear Yard Setback	Total Lot Coverage Max	Primary Building Height Max
R3 Class I	1 DU/10,000 sf	10,000 sf	~~1 du./100~~ 50 feet	30 ft	15 ft	25 ft	30%	40 ft ridge 35 ft flat
R3 Class II	1 DU/15,000 sf	15,000 sf	~~1 du./100~~ 50 feet	30 ft	15 ft	25 ft	30%	40 ft ridge 35 ft flat
R2 Class I	1 DU/15,000 sf	15,000 sf	~~1 du./125~~ 60 feet	30 ft	15 ft	25 ft	30%	40 ft ridge 35 ft flat
R2 Class II	1 DU/20,000sf	20,000 sf	~~1 du./125~~ 60 feet	30 ft	15 ft	25 ft	30%	40 ft ridge 35 ft flat
R1 Class I	1 DU/30,000 sf	30,000 sf	~~1 du./150~~ 75 ft	30 ft	15 ft	25 ft	30%	40 ft ridge 35 ft flat
R1 Class II	1 DU/40,000sf	40,000 sf	~~1 du./150~~ 75 ft	30 ft	15 ft	25 ft	30%	40 ft ridge 35 ft flat
R5	1 DU/5 acres	40,000 sf	~~1 du./300~~ 150 ft	75 ft	50 ft	100 ft	20%	40 ft ridge 35 ft flat
R10	1 DU/10 acres	40,000 sf	~~1 du./300~~ 150 ft	75 ft	50 ft	100 ft	20%	40 ft ridge 35 ft flat
GD1 Class I	1 DU/10,000 sf	10,000 sf	~~1 du./100~~ 50 ft	30 ft	10 ft	30 ft	60%	40 ft ridge 35 ft flat
GD1 Class II	1 DU/20,000sf	20,000 sf	~~1 du./100~~ 50 ft	30 ft	10 ft	30 ft	60%	40 ft ridge 35 ft flat
GD2 Class I	(MU) 1 DU/ 4,356 sf	20,000 sf	~~1 du./100~~ 50ft	30 ft	15 ft	30 ft	70 %	40 ft ridge 35 ft flat
GD2 Class II	(MU) 1 DU/ 10,890 sf	20,000 sf	~~1 du./100~~ 50 ft	30 ft	15 ft	30 ft	70 %	40 ft ridge 35 ft flat
GD4	1 DU/10,000sf	10,000 sf	~~1 du./100~~ 50 ft	30	15 ft	25 ft	60%	20 ft eave 34 ft ridge 24 flat rooflines
BD		10,000 sf	100 ft	25 ft.	15 ft.	25 ft.	80%	0 ft ridge 35 ft flat
COM		20,000 sf	100 ft	45 ft	15 ft	30 ft	Class I 70% Class II 60%	40 ft ridge 35 ft flat
IND		40,000 sf	150 ft	45 ft	20 ft	25 ft	80%	0 ft ridge 35 ft flat
AGR	1 DU/25 acres	40,000 sf	~~1 du./~~ ~~300~~ 150 ft	75 ft	50 ft	100 ft	20%	40 ft ridge 35 ft flat

District	Density	Min Lot Size	Frontage	Primary Front Yard Setback	Primary Side Yard Setback	Primary Rear Yard Setback	Total Building Coverage Max	Primary Building Height Max	
MHP	1 DU/ 15,000sf	15,000 sf	1 du./ 100 50 ft	15 ft	10 ft	10 ft		40 ft ridge 35 ft flat	
FP		40,000 sf	300 ft	200 ft	200 ft	200 ft		40 ft ridge 35 ft flat	
AMU	1 DU/ 40,000sf	40,000 sf	150 ft	30 ft	15 ft	25 ft		40 ft ridge 35 ft flat	
LS1	1 DU/ 30,000 sf	30,000 sf	120 60 ft	15 ft	15ft	15 ft	40%	40 ft ridge com. 35 ft flat com. 20 ft. ridge res.	
LS2	1 DU/ 10,000 sf	10,000 sf	100ft50ft	20 ft	15 ft	15 ft	40%	40 ft ridge com. 35 ft flat com. 20 ft. ridge res.	
LS3	1 DU/ 20,000 sf	20,000 sf	125 60 ft	15 ft	15 ft	15 ft	40%	28 ft ridge 23 ft flat	
LS4	1 DU/ 20,000 sf	20,000 sf	125 60 ft	20 ft	15 ft	15 ft	40%	40 ft ridge 35 ft flat	

Additional Considerations

(1) = In all districts, total front yard coverage shall not exceed 30%.
(2) = 45 foot front yard setback required for primary and accessory structures on highways (see Article 2.05 Setbacks & Buffers)
(3) = Minimum lot size and setbacks may be reduced when approved in accordance with Article Nine
(4) = In the Agricultural District, silos and grain elevators shall be excluded from height restrictions.
(5) = The height of buildings may be increased in accordance with Article Two Section Seven.
(6) = Multi-family = MU and Dwelling Unit = DU
(7) Please consult associated Article and Section in Development Regulations for additional considerations and requirements.
(8) Section 2.06 and 2.09 herein shall govern the height of accessory apparatus and accessory structures.(9) The AMU District has a minimum .5 acre lot size and maximum 1 acre lot size for residential lots. Lot coverage in the AMU District may be increased in accordance with Section 6.04E.
(10) The dimensional standards for the GD3 District can be found in Section 4.03 of the Development Regulations.
(11) For lots accessed off a private drive or road, the front yard setback shall also apply to that section of the lot that fronts the private road or drive.

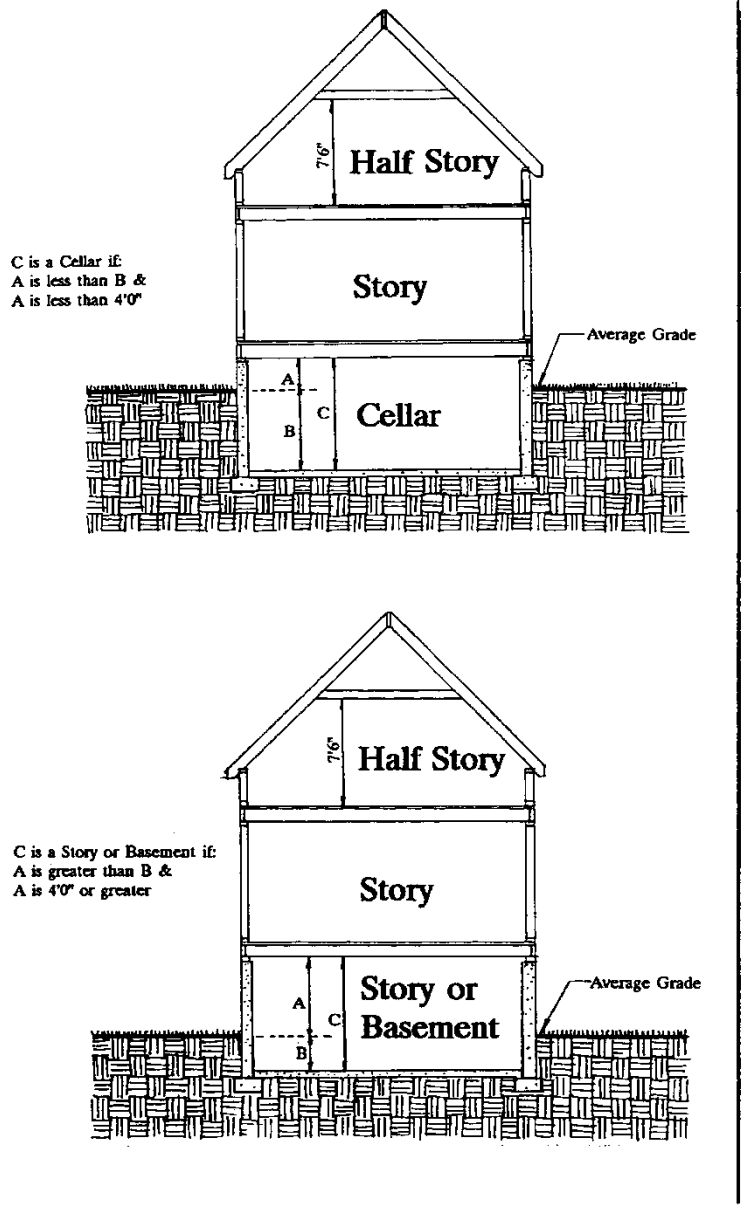
Class I = Municipal water and either municipal sewer or community septic *Class II =Individual on-site septic*

APPENDIX B: GENERAL PROVISIONS DIAGRAMS

Cellar, Basement, & Story

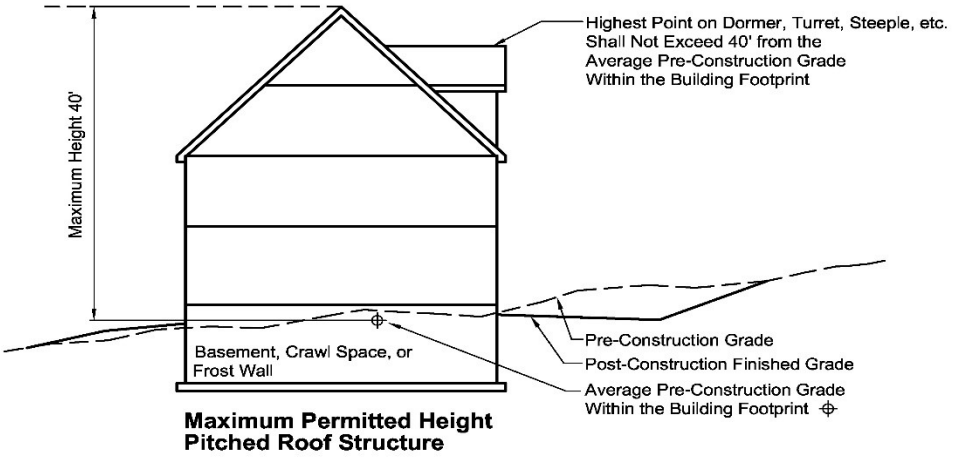
Figure I

Diagram

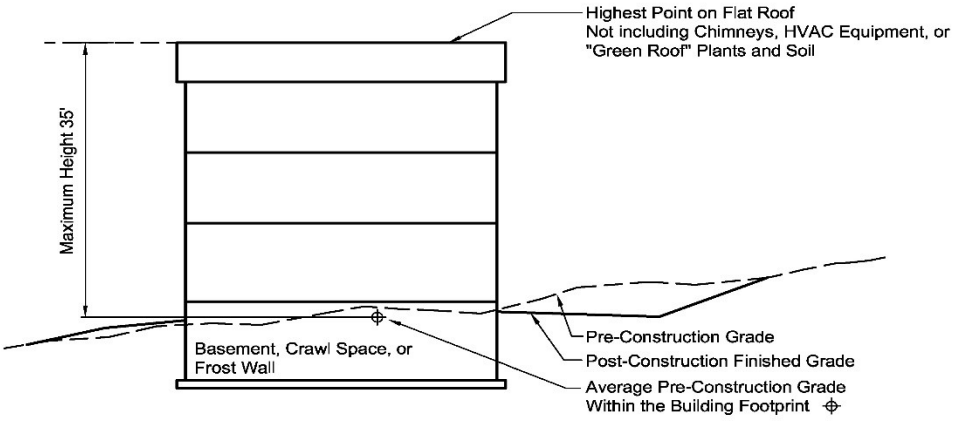


Building Height

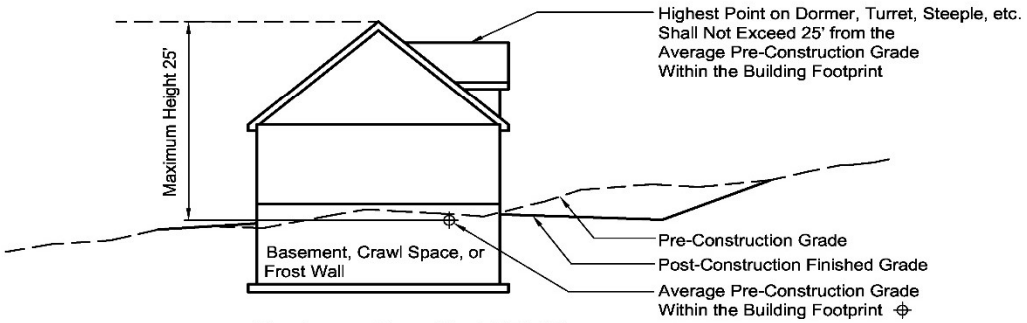
Figure II



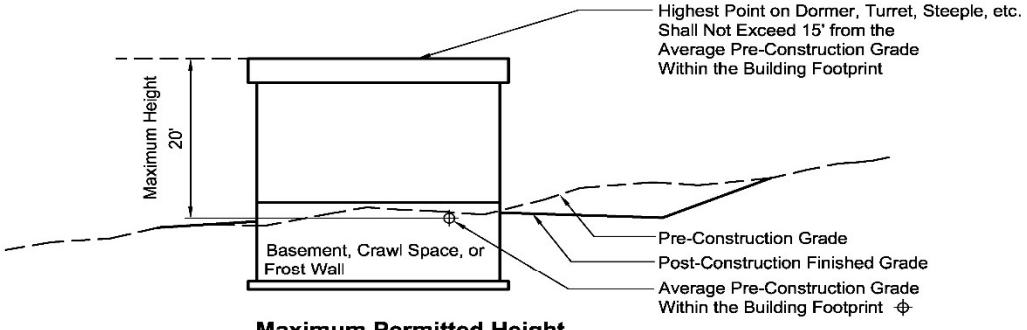
Maximum Permitted Height
Pitched Roof Structure



Maximum Permitted Height
Flat Roof Structure



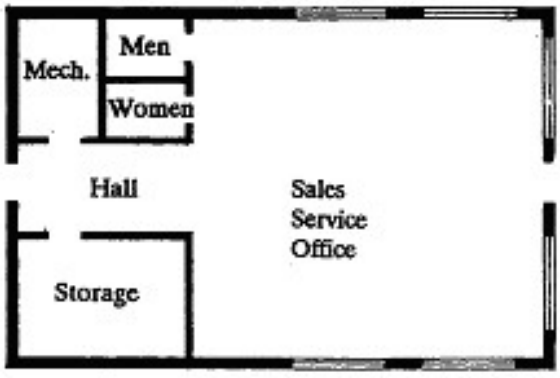
Maximum Permitted Height
Pitched Roof Accessory Structure



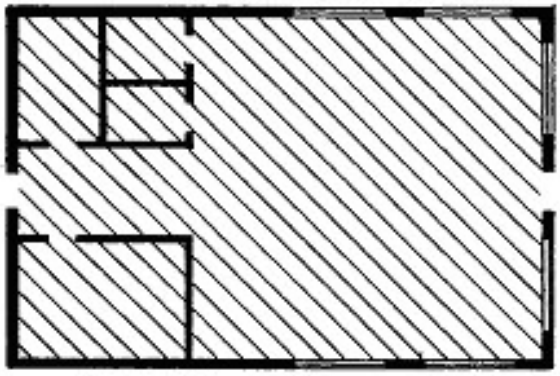
Maximum Permitted Height
Flat Roof Accessory Structure

Floor Area

Figure III



Typical Floor Plan

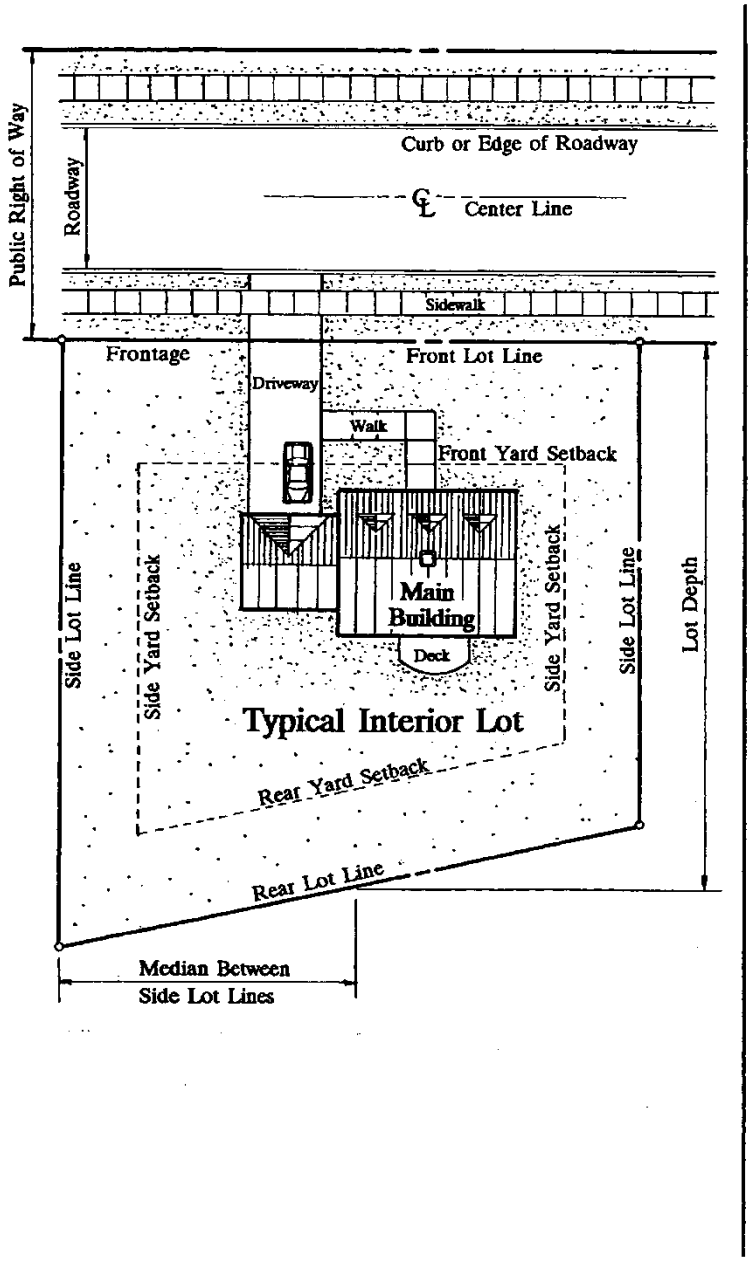


Gross Floor Area

Lots & Areas

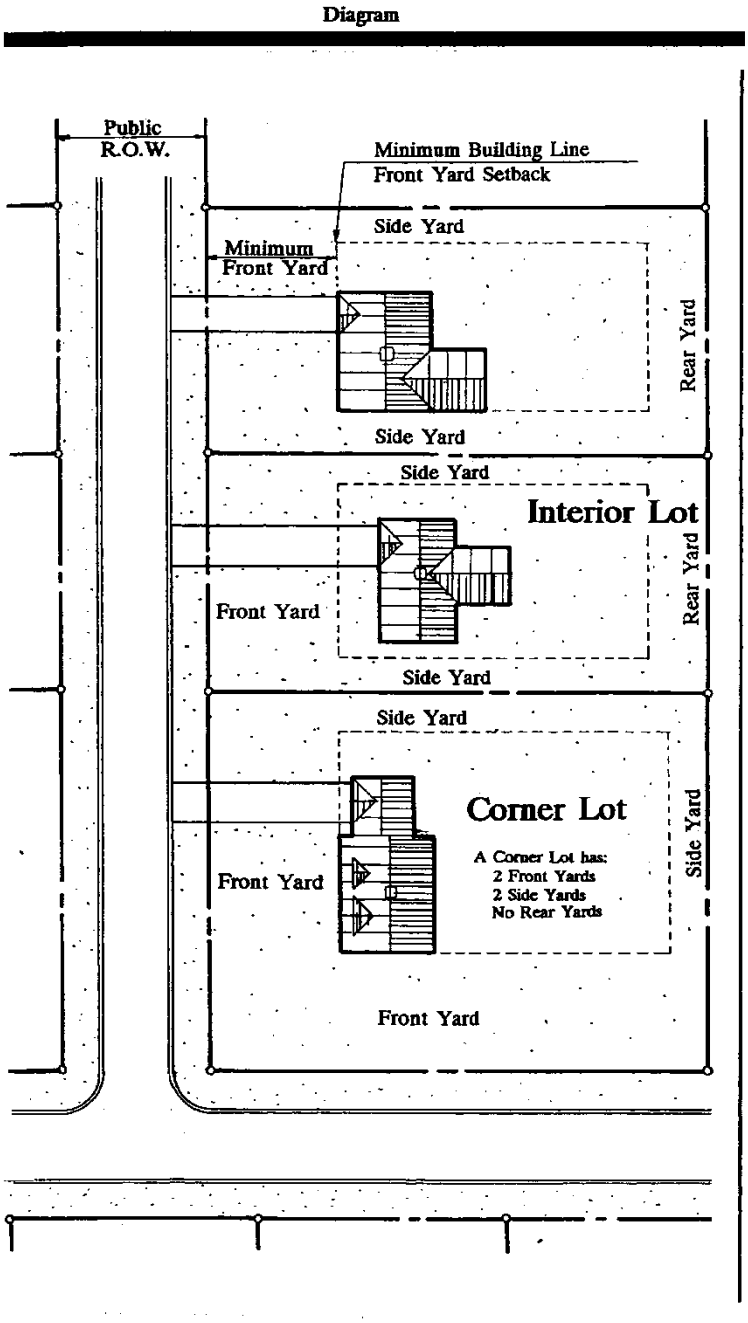
Figure IV

Diagram



Yards

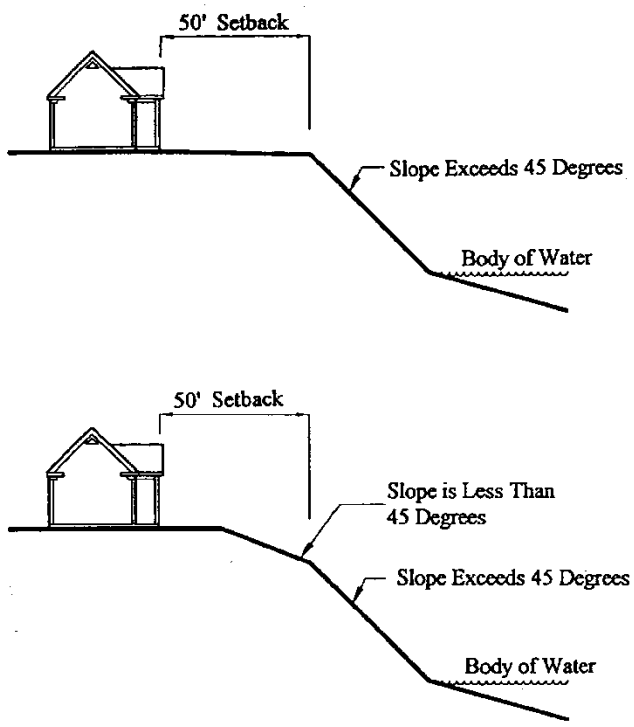
Figure V



Setback from Top of Banks (Slopes)

Figure VI

Diagram

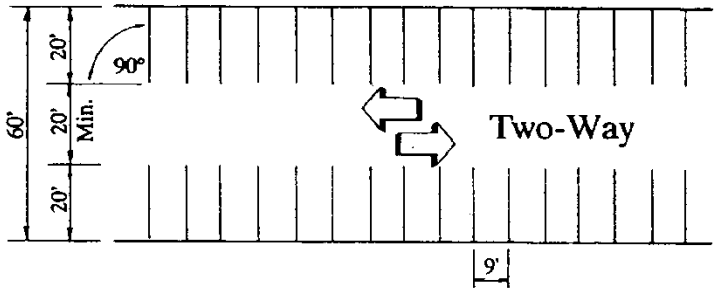


Parking Layouts

Figure VII

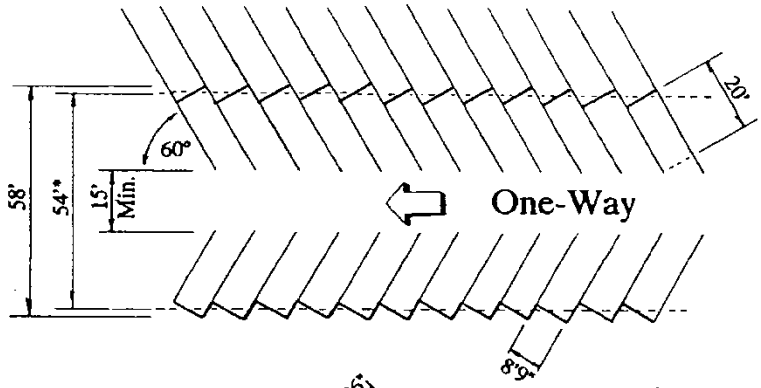
Diagrams

90 Degree Layout



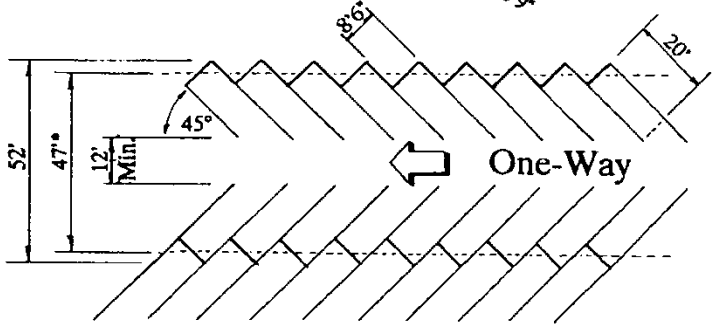
60 Degree Layout

* Overlapping Dimension

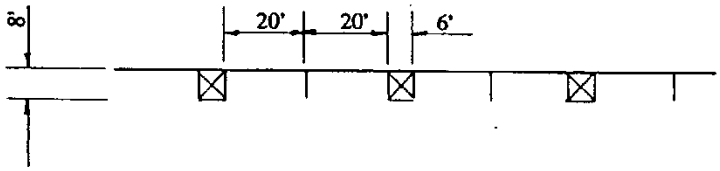


45 Degree Layout

* Overlapping Dimension



Parallel Layout

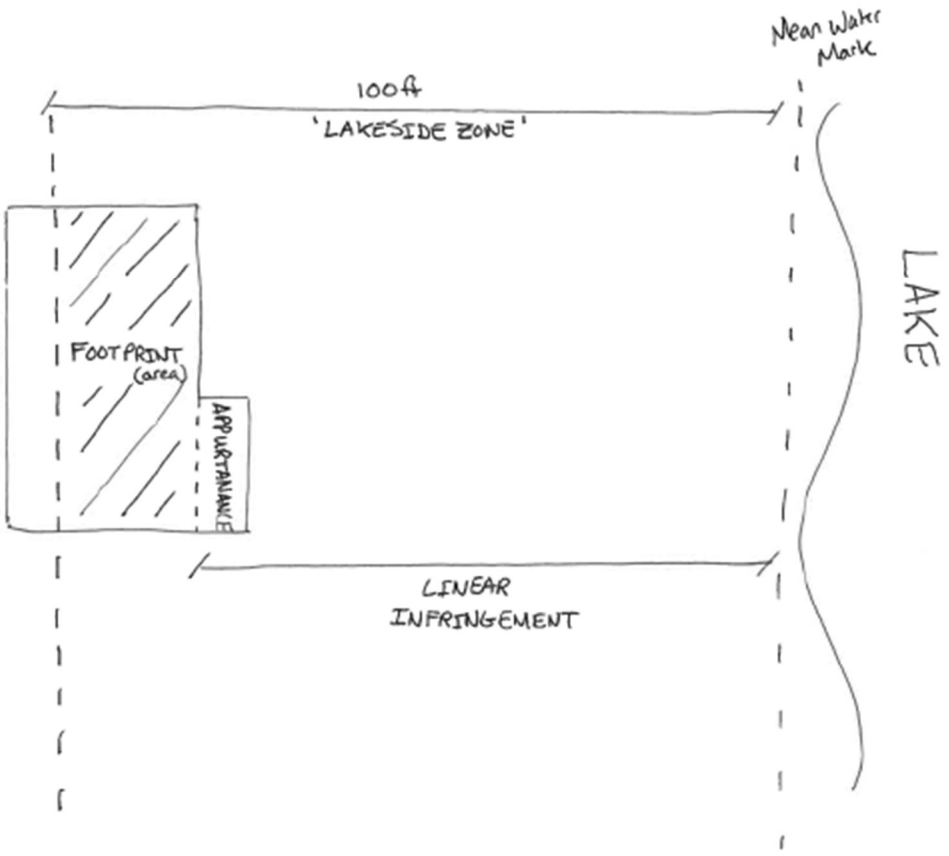


Degree of Encroachment

Shoreland Overlay District

Figure IIX

Diagram



APPENDIX C: PERFORMANCE STANDARDS

A. Purpose. No use otherwise allowed, shall be permitted within any district, which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

Land Use Category	Time Period	One hour Average dBA
Undeveloped tracts of land in all Zoning Districts	7:00 am to 9:00 pm	70
Undeveloped tracts of land in all Zoning Districts	9:00 pm to 7:00 am	45
Residences, motels, hotels, inns, municipal services, schools, religious institutions, libraries, hospitals, parks, outdoor recreation facilities, playgrounds, active recreational amenities in all Zoning Districts	7:00 am to 9:00 pm	75
Residences, motels, hotels, inns, municipal services, schools, religious institutions, libraries, hospitals, parks, outdoor recreation facilities, playgrounds, active recreational amenities in all Zoning Districts	9:00 pm to 7:00 am	45
Developed lands, properties, or activities not included in the above two categories in all Zoning Districts	7:00 am to 9:00 pm	75
Developed lands, properties, or activities not included in the above two categories in all Zoning Districts	9:00 pm to 7:00 am	75

B. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall proceed with, and be provided with, adequate safety devices against the hazards of fire and explosion, and such adequate fire-fighting and fire suppression equipment and devices as are standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State of local laws and regulations shall also apply.

C. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instrument at or beyond the lot lines; nor shall any vibration produced exceed 0.002g peak at up to 60 cps. frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cps. frequency or periodic vibrations shall not induce accelerations exceeding .001 g. Single impulse periodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

D. Noise. No excessive, unnecessary, unreasonably loud noise or disturbance shall be made, cause to be made, or assisted in making that disturbs, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Sound level measurements shall be taken with a sound level meter meeting the minimum American Standards Institute (ANSI) requirements for Type I and II accuracy, and shall use the fast response setting. Noise measurements shall be made at the property line. The noise measurements shall not exceed the following stated limits during the stated time periods for noise generated on properties within each land category.

E. Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringle-Mann Chart, published by McGraw-Hill Publishing Company, Inc. and copyright 1954 (being a direct facsimile reduction of the standard Ringle-Mann Chart as issued by the United States Bureau of Mines), except that visible gray smoke of a shade equal to No. 2 on said chart may be emitted for four (4) minutes in any 30 minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity. Wood or coal burning for residential heating uses is accepted.

F. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detected when diluted in the ratio of one (1) volume of odorous air emitted to four (4) volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds". In Chapter 5, "Air Pollution Abatement Manuals", copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C.

G. Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health to animals, vegetation or other forms or property, or which can cause any excessive soiling at

any point on the property of others, and in no event any emission from any chimney, or otherwise, of any solid or liquid particles in concentrations exceeding .022 parts per million (PPM) of 60 micrograms/cu. meter of the conveying gas. Sulfur dioxide contact shall not exceed .022 PPM or 60 micrograms/cu. meter. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to stack temperature of 500 degrees Fahrenheit and 50% excess air.

H. Electromagnetic Radiation. It shall be unlawful to operate, or cause to be operated, a planner or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current Regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that government owned plants, the Regulations of the Interdepartmental Radio Advisory committee shall take precedence over the Regulations of the Federal Communication Commission regarding such sources or electromagnetic radiation. Further said operation in compliance with the Federal Communications Commission, or the Interdepartmental Radio Advisory Committee Regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and of "quality and property design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the institute of Electrical and Electronic Engineers. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply:

1. The Institute of Electrical and Electronic Engineers.

I. Radioactive Radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radio-active materials shall be in conformance with Regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20-Standards for Protection Against Radiation, as amended; and all applicable Regulations of the State of Vermont, enforced on the date of the adoption of this Ordinance.

J. Heat. For the purpose of these Regulations, heat is defined as thermal energy of a radioactive, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property,

whether such change by in the air or the ground in a natural stream or lake, or in any structure on such adjacent property.

K. Liquid or Solid. No discharge shall be permitted at any point into any sewage disposal system or watercourse, or lake, or into the ground, except in accord with standards approved by the State Department of Health, Environmental Control Board, or other regulation department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conductive to the breeding of rodents or insects.

L. Other Requirements. Other requirements found elsewhere in these Regulations shall also apply, as well as other local or State Ordinances, Statutes or Regulations, and Federal Law, Statutes and Regulations.

APPENDIX D: TRAFFIC GENERATION DATA and CALCULATION PROCEDURES

A. General Standards. In evaluating traffic impacts, specific data contained in the ITE TRIP GENERATION MANUAL, SIXTH EDITION shall apply. All calculations shall be based on Trip Generation Rates for the PM peak hour of adjacent street traffic or, if not available, the PM peak hour of generator. Sizes are expressed in terms of gross square footage of floor area (GFA) or gross square footage of leasable area (GLA). The rates are subject to change and any subsequently issued ITE trip generation rates shall be applicable in place of those listed below.

B. Specific Standards. The applicant may submit a traffic study certified by an engineer licensed in the field of traffic or otherwise considered to be a traffic engineer in accordance with the Secretary of State's standards. This traffic study may incorporate similar traffic counts. The Town may also choose to hire, at the applicant's expense, an outside third-party consultant to evaluate or produce traffic standards. All traffic studies shall meet the standards set in Chapter 14 of the Colchester Code of Ordinances as a minimum.

APPENDIX E: DEVELOPMENT REGULATION AMENDMENTS: Historical

SUPPLEMENT 46

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	XX/XX/2024	XX/XX/2024	XX/XX/2024	XX/XX/2024
1. Modify temporary uses and structures exempt from review [§2.07-E]; 2. Modify requirements for accessory buildings and add new section for accessory structures exempt from permitting [§2.09-A]; 3. Align requirements for Accessory Dwelling Units with state statute [§2.09-B(1)]; 4. Define permitting thresholds and requirements for heights of fences, delete duplicative language, modify exemptions, and update definition [§2.10, Article 12]; 5. Modify Sign Regulations to reduce situations where electronic message signs are allowed, remove reference to "nits" for internally illuminated signs, remove compatibility requirement, modify standards for sign bases, and modify signs for gasoline sales [§2.18]; 6. Update GD3/FBC Street Tables to accommodate required additional floor bonus for affordable housing development per S.100, and add definitions [§4.03 Tables 2, 3, and 4 and Article 12]; 7. Amend and restructure regulations pertaining to Congregate Housing Density Bonus [§9.07-D, Article 12]; 8. Add new section on Temporary Certificates of Occupancy, include and relocate allowance for a temporary certificate of occupancy under Article 10 to this section [§10.01-C, §11.04-B]; 9. Remove requirement for demonstrated RV parking for 18+ unit proposals [§10.01-J]; 10. Decrease parking requirements for Duplex and Multi-Unit Dwellings per S.100 [§10.01-O, Table 10-2]; 11. Remove duplicative section for landscaping screening & buffering requirements [§10.04-B]; 12. Add "Emergency Shelter" as a Use and add definition [Article 12 and Table A-1]; 13. Allow use 2.172, Large Equipment Sales" as a conditional use in the GD2 zoning district [Table A-1]; 14. Change single unit and duplex residential use from Conditional use to Permitted use in the LS1 zoning district [Table A-1] 15. Modify Frontage Requirements to remove dwelling unit ratio and reduce frontage requirements for each District [Table A-2]; 16. Amend definition of 'Inn" [Article 12]; 17. Minor Amendments for Clarity and Consistency: a. Modify sections and definitions throughout to change references from "Single-Family Dwelling" to "Single-Unit Dwelling," "Two-Family Dwelling" to "Duplex," and "Multi-Family Dwelling" to "Multi-Unit Dwelling." Delete definitions of "Family" and "Household." [throughout] b. Clarify language regarding structure exempt from setback requirements [§2.05-G] c. Update title referencing "Fire Prevention Ordinance" [§2.16]				

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d. Update language referencing "Sign Ordinance" [§10.13] e. Clarify language allowing extensions of Zoning Permit approvals [§11.05-A] f. Remove Swimming Pools as an Accessory Use [Article 12]

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SUPPLEMENT 45

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	02/21/2023	03/14/2023	04/11/2023	05/3/2023
1. Update and clarify sections pertaining to water and wastewater infrastructure, as necessitated by warned changes to Chapter 8 of the Colchester Code of Ordinances [2.04E, 2.05J, 2.07E, 2.14, 2.15, 3.06B, 3.07B, 4.05E, 7.03C, 7.04E(3), 9.02B(1), 9.05A, 9.05G, 9.05H, 9.07C, 10.14, 11.01, 11.02, 11.03B, 11.04A, 11.05A and 12]; 2. Reorganization of application requirements for Site Plan, Conditional Use, and Subdivision applications; add language regarding responsibility of adjoining landowner notifications [8.05D, 8.05G, 9.04D, 9.04E, and Appendix G]; 3. Add language regarding required setbacks from public infrastructure [2.07, 2.19C, 11.02]; 4. New definitions, including "Appurtenances," Degree of Encroachment" and "Footprint" [Article 12]. 5. Add to Appendix B a figure illustrating "Degree of Encroachment."				

SUPPLEMENT 44

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	9/20/2022	10/5/2022	10/27/2022	11/15/2022
1. Create new residential zoning districts Lakeshore 3 (LS3) and Lakeshore 4 (LS4). [Chapters 3.06 and 3.07, Table A-1, Table A-2, new residential building types]; 2. Reorganization of statutory references to Municipal Plan, Permitted Uses and Conditional uses to reduce redundancy [Chapter 1.07 and throughout]; 3. Updates to process for zone change requests to align with PC policy adopted February 2022 [2.03D]				

4. Clarifications and minor substantive adjustments related to dimensional standards of accessory structures, including height and placement. [2.09 and Table A-2];
5. Minor changes to language related to accessory dwelling units: change from use of "apartment" and "residential unit" to be consistent with statute; clarity with respect to obtaining a wastewater permit prior to issuance of a zoning permit [2.09B and definitions, 12.02];
6. Clarify how heights of fences are measured [2.10B]
7. Changes to status of non-conforming use status to provide for limited extension [2.12];
8. Explicitly connect wastewater requirements of Chapter 4 of the Code of Ordinances to the Development Regulations [2.15]
9. Update reference to Building Code subsection to reflect changes in Chapter 4 of the Code of Ordinances [2.17];
10. Clarify that the Severance Corners Form Based District is the General Development 3 (GD3) District [4.03];
11. Amend Water Protection District to include exemptions permitted under state statute for stormwater management systems [7.04C];
12. Include regulations related to electric vehicle charging stations [10.01 C (7-9)];
13. Extend expiration period for major subdivisions and clarify rights associated with 24 VSA 4463 for subdivision plats [9.04H];
14. Updates related to bicycle parking [10.01K];
15. Amend commercial vehicle definitions and parking standards [10.01M];
16. Amend Photovoltaic Systems (solar collectors) for consistency with statute and Chapter 4 of the Code of Ordinances [10.08];
17. Updates related to non net-metered Photovoltaic systems to provide for increased height and reduced screening requirements of ground-mounted systems [10.08B3];
18. Updates to fence and setback requirements for wind turbines [10.09];
19. Clarifications related to requirements for water and wastewater permits [11.03B];
20. Extend expiration period for zoning, sign, water, and wastewater permits [11.04 &11.05];
21. Amend definition of "Inn" to reduce number of allowed rooms and length of stay [Chapter 12];
22. Amend definition of "Excavation" to exclude work exempt from or authorized under State permitting [Chapter 12];
23. Various, non-substantive grammatical and organizational adjustments [text and Table A-1];
24. Zoning Map; includes changes to R2, creation of LS3 and LS4 districts.

SUPPLEMENT 43

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE

	6/15/21	9/08/2021	9/28/2021	10/19/21

1. Added Section 2.07E(10) exempting small chicken coops from permits.
2. Clarified in Section 2.09A standards for accessory buildings exceeding 50% of principal structure size.
3. Amend Section 2.09B(1)(e) to exclude unenclosed structures from max allowable sq. footage of accessory apartments.
4. Amend Section 6.03F(1) from one foot to two feet.
5. Clarified Section 8.03B to reference 24 V.S.A. Section 4413.
6. Amended Section 9.02 and 9.04 to require parcel IDs on subdivision plans.
7. Clarify Section 9.07D(4) exemption is for all GD Districts and not just GD3.
8. Clarify pavement types in Section 10.01C.
9. Amended Section 10.08B(3) to be 10 ft. max height for solar panel instead of 8 ft.
10. Clarified Section 11.05A expirations to be for tank wastewater permits.
11. Amend Section 12.20 definitions for Congregate Housing, Hospice Care Home, Nursing Care Institution, Mental Health Facility, and Residential Care Home to reference 33 V.S.A Section 7102
12. Amend Section 12.02 to add a definition of Group Quarters and Lowest Horizontal Member. Amend the definition of Dormitory to reflect Group Quarters.
13. Amend Table A-1 to add Group Quarters. Add 4.230 Landscape contractor's yard as conditional use to GD Districts and Lumber contractor's yard (4.210) as a conditional use to GD2. Add 9.210 Warehousing and 9.230 Archival Facility as conditional use to GD2.
14. Rezone parcel ID# 64-004002-0000000 IND to R1.
15. Rezone parcel ID# 64-005002-0000000 IND to R1.

SUPPLEMENT 42

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	11/28/2019	12/17/2019	2/11/2020	3/4/2020

1. Amend Section 2.09(2) and (7) to allow larger accessory buildings administratively and clarify process.
2. Clarify Section 6.03F(1) that floodproofing is required only for substantial improvement, reconstruction, or enlargement.
3. Amend Section 7.03F(4) to add design certification for seawalls and similar structures.
4. Amend Section 8.03A to add accessory on-farm business
5. Clarify in Section 9.05D and Section 12.02 Building Envelopes that accessory buildings may be located outside the building envelopes.
6. Amend Sections 2.04, 2.04 and 9.07D(1) and (3) to include footprint lot references.
7. In Section 9.07D(5) clarify recreational amenities required for more than 5 units on lots greater than 3 acres.

8. Add Section 10.15 Change of Occupancy and reference in Section 11.03A.
9. Amend Section 12.02 to add definition of Accessory On-Farm Business and Footprint Lot.
10. Amend Section 12.02 to separate out definitions of Accessory Building and Accessory Structure.
11. Amend Section 12.02 Community Septic to remove requirement for separate lot.
12. Amend Section 12.02 to include definition for Footprint Lot.
13. Amend Section 12.02 Inn to clarify size of establishment subject to limitations on apartment type accommodations.
14. Amend Section 12.02 Silvicultural Operations to define tree size and exclusions.
15. Amend Table A-1 to remove mining and landfills (Sections 10.3 & 4) from FLP, ADD 10.5 Accessory on-farm business, and clarify that blank equals not allowed.
16. Amend Table A-2 to increase maximum lot coverage in the Mobile Home Park District from 20% to 80%.
17. Amend Appendix C to clarify noise limits.

SUPPLEMENT 41

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	11/7/17	1/4/18	1/23/18	2/14/18

1. Amend Article 1 to rename the Zoning Regulations the Development Regulations to incorporate the Subdivision Regulations;
2. Amendments throughout the Regulations to delete “Zoning” as the title of the regulations and add ”Development” to the title of the regulations;
3. Amend Section 2.02C to add subdivision approval;
4. Amend Section 2.07E(7) to clarify exempt play structures;
5. Amend Section 2.18 to clarify multiple signage allowed for multi-unit buildings;
6. Amend Section 7.03C to remove Pumphouses as a permitted use in the Shoreland District;
7. Amend Section 7.03C(7) to specify public recreational uses;
8. Amend Section 7.03F(6) to allow Shoreland stairs to be 48” instead of 44”;
9. Amend Section 8.05 to correct spelling and clarify technical review;
10. Amend Article 9 to incorporate the Subdivision Regulations;
11. Amend Article 11 to incorporate the Subdivision Regulations;
12. Amend Section 12.02 to add a definition of Firing Range Indoor & Outdoor, Recreational Amenities Informal, Recreational Amenities Active, Poolhouse, Wet Bar, and Subdivision Regulation definitions;

13. Amend TableA-1 to add Indoor Firing Range and Outdoor Firing Range to Section 6.000. 14. Add Appendix H Plat and Boundary Line Adjustment Requirements

SUPPLEMENT 40

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	11/10/16	2/23/17	3/28/17	4/19/17
1. Amend Section 2.02C Official Map to remove the Lakeshore Drive Bypass and relabel the Circumferential Highway as a future road. Add proposed separated path and emergency access in the vicinity of Malletts Bay Avenue and the Circumferential Highway corridor. 2. Amend Section 2.10B(1) to clarify fence location; 3. Amend Section 2.18B to add exemption for construction signs; 4. Amend Sections 3.04F, 3.05F, and 6.01F to add additional standards for contractors yard landscape; 5. Amend Table A-1 to add contractors yard landscaping as conditional use in R5, R10, & AGR Districts; 6. Amend Appendix F to rezone parcels the following parcels: Portions of Parcel ID #08-021003 AGR to R2 12-022000-0000000 AGR to R5 12-023000-0000000 AGR to R5 Portions of 06-005002-0000000 AGR to R2				

SUPPLEMENT 39

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	6/7/16	6/30/16	8/9/16	8/31/16
1. Amend Section 2.05B to reference setbacks in Lakeshore District on Blakely Road;				

2. Amend Section 2.05H to allow green infrastructure and outside seating in the front setback;
3. Amend Section 2.12 to reference LS1 District;
4. Amend Section 4.05 to establish the Lakeshore One District;
5. Add Section 4.06 to establish the Lakeshore Two District;
6. Amend Section 6.03C to allow green infrastructure;
7. Amend Section 6.03D to establish a process for increasing footprints of floodproofed structures conditionally in the West Lakeshore Drive vicinity;
8. Amend Section 7.03D to delete the word "residential";
9. Amend Section 10.01C to allow marina access, circulation, and parking to not be paved;
10. Amend Section 10.01O to reduce parking requirements for marinas;
11. Amend Section 10.04 to include impervious area infiltration requirements to landscaping standards;
12. Amend Section 12.02 to add definitions of event facility, green stormwater infrastructure, greening, and manufacturing small-scale and enhance the definition of marinas;
13. Amend Table A-1 to add LS1 and LS2 District;
14. Amend Table A-1 add Section 2.640 Marine Rental, 4.150 Small-Scale Manufacturing, 6.150 Event Facility, and 9.260 Marine Storage Indoor;
15. Amend Table A-2 to add the LS1 & LS2 Districts;
16. Amend Appendix F to rezone parcels to LS1 and LS2.

SUPPLEMENT 38

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	12/15/15	1/21/2016	2/9/2016	3/2/16

1. Amend Section 2.07E to exempt fishing houses from permits;
2. Amend Section 2.09A(7) to allow accessory structures in front yards without proof of hardship;
3. Amend Section 2.12 to include digital application requirements for variance applications;
4. Amend Section 4.03 Table 1 to allow multi-family dwellings conditionally on the first floor of B Streets;
5. Amend Section 4.03 Table 2 subsection 2C to reduce the minimum height of buildings on A Streets to 2 stories and require that no more than 60% of the total frontage of A Streets be the minimum height;

6. Amend Section 4.03 Table 2 subsection 2C to reduce ground floor ceiling height and add a requirement for ground floor façade height;
7. Amend Section 4.03 Table 3 subsection 3C to increase the maximum height on B Streets;
8. Amend Section 4.03 Table 3 subsection 3C to reduce ground floor ceiling height
9. Amend Section 4.03 Table 5 subsection 5B to require not more than 50% of B Streets frontage be multifamily in use and that the second story on an A or B Street must have an articulated vertical façade of 50% or greater in order to count for a second story.
10. Amend Section 4.03 Table 5 subsection 5D to clarify drive through locations;
11. Amend Section 4.03 Table 6 to clarify when linear buildings are required;
12. Amend Section 8.03 to clarify triggers for site plan review;
13. Amend Section 8.05D to include digital application requirements for site plan applications;
14. Amend Section 8.05F for digital record copies of site plan approvals;
15. Amend Section 8.05I for digital as-built requirements;
16. Amend Section 8.10 to include digital application requirements for conditional use applications;
17. Amend Section 11.03 to include digital application requirements for zoning, wastewater, and sign permits;
18. Amend Section 11.09 to include digital application requirements for appeals;
19. Amend Section 12.02 to strike "seasonal" from mobile food unit definition;
20. Amend Section 12.02 to add definitions of indoor and outdoor firing ranges.
21. Amend Table A-1 to add Section 6.400 Firing Ranges and permissible and conditional uses in districts;
22. Amend Table A-1 Section 8.400 to strike "seasonal" from mobile food unit;
23. Amend Table A-1 Section 14.0 to clarify that PUDs are allowed in all buildable districts;
24. Amend TableA-2 notes to clarify front yards on private roads or drives;
25. Amend Appendix F to rezone portions of parcel ID#08-021003 from AGR to R2;
26. Amend Appendix G to update digital application requirements.

SUPPLEMENT 37

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	5/27/2015	8/20/15	9/8/15	9/30/15
1. Amend Section 2.03 District Boundaries to clarify Floodplain District boundaries;				

2. Amend Section 212B to include reference to Section 6.03 and 7.04;
3. Amend Section 6.03 to clarify the Floodplain Regulations and allow floodproofing of structures to be done administratively through the building permit process, allow for the enlargement of residential structures that are floodproofed so long as the footprint is maintained or reduced, and allow for the rebuilding of sheds so long as they are wet-floodproofed;
4. Amend Section 7.03 to change the Shoreland District bounds to 250 feet from the mean watermark of Colchester Pond and Lake Champlain (delete Winooski & Lamoille Rivers), clarify tree cutting and replanting requirements, and add paths to permitted uses as long as they are meeting the set dimensional requirements for stairs;
5. Amend Section 7.04 Water Protection District to include a new Fluvial Erosion Hazard Overlay District that mimics the Shoreland District under Section 7.03 however only applies to the Winooski and Lamoille Rivers;
6. Amend Zoning Map to rezone parcels as codified in Appendix F herein: 25-005003 R3 to GD1 and Portions of Parcel ID #41-035002 GD1 to R3 (per Zoning Map)

SUPPLEMENT 36

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	2/3/2015	3/5/2015	3/25/2015	4/14/2015

1. Amend Section 10.13B to allow commercial vehicles exceeding the size requirements of 10.01M as part of a home businesses.
2. Amend Section 12.02 to add a definition of Hospice Care Home.
3. Amend Appendix A-1, Table of Uses, to add 1.720 Home Business as a Conditional Use in the R1, R2, and R3 Districts.
4. Amend Appendix A-1 to add 7.900 Hospice Care Home

SUPPLEMENT 35

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	7/15/2014	9/25/2014	10/14/2014	11/5/2014

1. Amend Section 2.02C Official Map to update parks, roads, facilities, parcels, proposed roads in the vicinity of Severance Corners, and existing and proposed separated paths.
2. Strike Section 2.04F that currently requires a certificate of appropriateness for development on pre-existing lots without public road frontage.
3. Amend Section 2.18 to allow feather signs, increase the size of permanent signs at Water Tower Hill, and allow temporary signs to increase from 10 feet to 12 feet in height.
4. Amend Section 8.09B to create a cumulative limit for administrative amendments of five years.
5. Amend Section 8.09C to deleted Development Review Coordinator and replace with Administrative Officer.
6. Amend Section 10.14 to allow the waiver of septic integrity reports and septic replacement areas.
7. Amend Section 12.02 definition for Bar to allow entertainment and recreational activities.
8. Amend Section 12.02 definition for Gross Floor Area to be measured from exterior walls and include all appurtenances.
9. Amend Section 12.02 definition for Nightclub to define as a Bar that charges for entertainment.
10. Amend Appendix A-2 to define DU as dwelling unit.
11. Amend Zoning Map to rezone parcels as codified in Appendix F herein:
    03-031003 GD3 to R3

    03-030003 GD3 to R3

SUPPLEMENT 34

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
		11/21/13	12/10/13	1/1/14

1. Amend Zoning Map to rezone parcels as codified in Appendix F herein:
   40-006002 COM to GD1
   40-007002 COM to GD1
   40-061002 and all subnumbers R2 to R3
   40-061132 R2 to R3

SUPPLEMENT #33

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	7/16/13	9/19/13	10/08/13	10/30/13

1. Amend Article Seven to add Section 7.07 General Development One Commercial District
2. Amend Sections 8.05D and 8.10C to require land owner signature on applications.
3. Amend Section 10.04F to decrease length of surety for landscaping.
4. Amend Section 10.04G to decrease amount retained of landscape surety.
5. Amend Section 11.03 to require digital formats, fix typos, and landowner signature on applications.
6. Amend Section 12.02 to add definition of Shopping Center with Drive-Up and delete Firewood Operation.
7. Amend Table A-1 to add GD1C Overlay District and shopping centers with drive-up use. Delete Firewood Operation.
8. Amend Table A-2 to delete footnote four.
9. Amend Zoning Map to rezone parcels in the Heineberg/Prim Road neighborhood to create cohesive planning areas as codified in Appendix F herein.

SUPPLEMENT 32

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	12/11/12	1/17/13	2/13/13	3/6/13

1. Amend Section 11.07(A) & (B) to conform to revised 24 V.S.A. Section 1974(a) for fines.
2. Remove “Life Safety” and replace with “Building” Inspector throughout.
3. Amend Section 8.10E(3) to insert “an undue” to comply with 24 V.S.A. Section 4414(3)(A).
4. Amend Section 10.01I to comply with 2010 ADA standards for accessible parking spaces.
5. Amend Section 2.05 Setbacks and Buffer to remove applicability to GD3 District.
6. Amend Section 10.01 to remove applicability of parking standards to GD3 District.

7. Strike and replace Section 4.03 GD3 District. 8. Strike GD3 District from Table A-1 Table of Permissible Uses and reference Section 4.03 instead. 9. Strike GD3 District from Table A-2 Dimensional Requirements and reference Section 4.03 instead.

SUPPLEMENT 31

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	2/21/12	4/19/12	5/8/12	5/30/12
1. Amend Section 2.07 of the Zoning Regulations to exempt piers, docks, and similar structures from permits. 2. Amend Section 2.18 to clarify multi-tenant building signage and projecting signage height requirements 3. Amend Section 2.09A(2) to conditionally allow larger accessory structures on larger parcels. 4. Amend Section 7.03 to exempt piers, docks, and similar structures from permits. Clarify enlargement of residential structures requirements, and fence and boat launching ramp permitting requirements. 5. Amend Section 9.01C(9) to clarify buffer requirements. 6. Amend Section 11.03C to include sign permit effective dates. 7. Amend Section 11.05A align with Building Permit requirements of Chapter 4 of the Colchester Code of Ordinances. 8. Amend Section 12.02 definitions of Marina and Residential Marine Association to remove hazard to navigation requirements and additional frontage for additional boat requirements. Amend definition of Structure to remove "water". 9. Amend Section 12.02 definitions to clarify Seasonal Mobile Food Unit time of operation.				

SUPPLEMENT 30

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	3/15/11	3/31/11	4/26/11	5/18/11
1. Delete the Sign Regulations in its entirety;				

2. Move all sign regulations to Section 2.18 of the Zoning Regulations
3. Amend Article XI and Section 2.12 of the Zoning Regulations to reference signs.
4. Amend Article XII of the Zoning Regulations to include sign definitions
5. Include changes to temporary sign regulation in Section 2.18 of the Zoning Regulations allowing longer durations of display.
6. Amend Table A-1 of the Zoning Regulations to allow Automotive Service and Repair (section 3.311) conditionally in the GD2 District.
7. Rezoning .77 of an acre of the northwest corner of parcel 06-023002 depicted in Appendix F and on the Zoning Map from IND to COM.

SUPPLEMENT 29

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	10/5/10	2/3/11	2/22/11	3/16/11

1. Reduce the minimum acreage requirement for PUD's in Section 9.01C(3) from five acres to 1.5 acres.
2. Change 9.01C to do away with the requirement for a density plan with each application.
3. Clarify Section 9.01C(5) to specify Class II and III wetlands and floodplains instead of "wet areas and soils unsuitable for development".
4. Specify in Section 9.01C(9) that the PUD buffer of 50 feet is for residential districts and not commercial.
5. Section 9.01D(1) delete GD District to clearly state that the waiver of dimensional standards, not just setbacks, is applicable to all districts per current practice of the DRB.
6. Change Section 9.01D(3) to allow for the use of structured recreational areas within open space in the GD1 District.
7. Change Section 5.03 to eliminate a 45 foot setback for gas canopies in the Business District.

SUPPLEMENT 28

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE

	6/1/10	6/24/10	7/13/10	8/3/10

1. Change the title DRB Coordinator to Zoning Administration throughout.
2. Change the title Town Planner to Director in Section 2.03D(1)
3. Fix a typo under Section 2.04H to delete Street and insert Road.
4. Add language to Section 2.05D to clarify how setbacks are measured in the MHP District.
5. Clarify Section 2.05J for setback waivers to clearly state that structures can encroach in the setbacks up the amount already encroaching as currently interpreted.
6. State in Section 2.07 that port-o-lets are temporary structures and must be removed in 15 days unless associated with an ag operation, public park or construction site. A follow-up to this is in Section 2.097(e) that states portable toilets can not be permanently permitted.
7. Clearly state in Section 2.07 that play structures such as swings and treehouses are exempt from permits.
8. Clarify and consolidate Section 2.09B (2) and Section 10.03 for regulating trailers and trash.
9. Change Section 2.12 to clarify nonconformity as related to seasonal dwellings to allow for reconstruction and possible expansion.
10. Delete the first sentence of 2.19B as the new Public Works Standards now take precedent.
11. Section 7.03 specify the maximum stair size and handrail requirements for at least one side of the stairs in the Shoreland District (as currently interpreted in a handout). Provide flexibility in accommodating rise and run in the Shoreland District for exterior stairs. Clarify that nonconforming structures within the Shoreland are not subject to the time limitations of Section 2.12.
12. Section 8.04 further specify that interior fit-ups for commercial properties that do not have the potential to increase the impact of the use can be done as just a building permit (i.e. no increase in employees, traffic, wastewater, parking, etc.)
13. Section 8.05 clarify the department responsible for providing abutter lists.
14. Section 10.01C (6) require five-ft setbacks for driveways from property lines however allow for waivers where shared drives are proposed.
15. Section 10.14, Seasonal Dwelling, the time limits to seasonal occupancy have been expanded.
16. Section 10.14, Seasonal Dwelling, processes are proposed to allow for the consideration of improvements or expansion to seasonal dwellings, a nonconforming use, which had previously been not allowed.
17. Section 10.14, Seasonal Dwelling, it is clarified that the time limits of Section 2.12 do not apply to seasonal dwellings.
18. Section 12.02 Dwelling Unit, Seasonal expand the time limits to seasonal occupancy
19. Table of Uses (A-1) section 6.110 allows Athletic Facilities as permissible uses in the GD1, GD3, and Business Districts.

SUPPLEMENT 27

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE

	5/4/10	6/3/10	6/22/10	7/14/10
1. Amend Section 2.08 Multiple Uses to delete the following from the first sentence: "and only one use per lot". 2. Amend Zoning Map to rezone parcels in the Exit 16 Neighborhood to Business District as codified in Appendix F herein				

SUPPLEMENT 26

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	2/2/10	2/18/10	3/9/10	3/31/10
The amendments are to Sections 6.04, 12.02, Table A-1, Table A-2 of the Zoning Regulations to refine and clarify the purpose and permitted uses of the Agricultural Mixed Use (AMU) District. These changes include clarifications of the area, density, and dimensional requirements of the district. The proposed amendments also include the implementation of the AMU District through the rezoning of the following parcels depicted in Appendix F and on the Zoning Map: 03-033003 AGR to AMU 07-033003 AGR to AMU 07-046003 AGR to AMU				

SUPPLEMENT 25

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	1/19/10	2/18/10	3/9/10	3/31/10
Amendments to Sections 2.01, 2.12, 6.03, 7.04, 11.10, & 12.02 of the Zoning Regulations to comply with FEMA requirements for municipal floodplain regulation including, but not limited to, referencing the Digital Flood Insurance Rate Maps forthcoming the summer of 2010				

SUPPLEMENT 24

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	12/15/09	1/21/10	2/9/10	3/2/10
Amend Zoning Map to rezone parcels in the Town Services and Shipman Hill Neighborhoods to create cohesive planning areas as codified in Appendix F herein				

SUPPLEMENT 23

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	08/04/09 & 08/12/09	09/17/09	10/13/09	11/04/09
Amend Zoning Map to rezone parcels in the Village Core to create cohesive planning areas as codified in Appendix F herein				

SUPPLEMENT 22

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	08/04/09	09/17/09	10/13/09	11/04/09
Amend Zoning Map to rezone parcels in the Village Core to create cohesive planning areas as codified in Appendix F herein				

SUPPLEMENT 21

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	2/17/09	3/5/09	3/24/09	4/15/09
1. Amend Section 7.03F to clarify seawall requirements 2. Amend Section 12.02 to clarify Convenience Store definition and Building Height definition. 3. Amend Table A-2 to increase heights. 4. Amend Appendix B to revise height diagrams to measure to top of structure and floor area diagrams to eliminate parking floor area and rename total floor area gross floor area. 5. Amend Zoning Map to rezone parcels on outer limits of the Village Neighborhood Area to eliminate split-zoned parcels and create cohesive planning areas as codified in Appendix F herein				

SUPPLEMENT 20

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
	5/20/08	7/3/08	8/26/08	9/17/08

1. Amend Section 2.04F to clarify when Board review is triggered
2. Amend Section 2.05C to include planned ROWs, sidewalks, and bikepaths
3. Create Business District in Section 2.01, 5.03, 10.01B, 10.02, Table A-1 and Table A-2
4. Rename Conservation District the Agricultural Mixed Use District and amend Section 2.01, 6.04, 7.06, 10.02, Table A-1 and Table A-2
5. Allow admin. review in Section 7.03F(4) and clarify seawall construction requirements
6. Fix Typos in Section 7.03 and 10.01N
7. Amend Section 10.01C4 to eliminate stacked spaces from counting to required min. parking requirement
8. Amend Section 11.05B to remove conflicting procedure & time limits of Article VIII
9. Amend Article XII and Table A-1 to create Inn use under Section 1.5
10. Amend Table A-1 to add med. childcare facilities conditionally in residential district
11. Amend Table A-2 to clarify that frontage requirements are per dwelling unit.
12. Amend Appendix G to include infrastructure

SUPPLEMENT 19

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	6/20/06	6/1/06	8/22/06	9/12/06

1. Amend Section 2.06 to allow for height waivers for accessory structures with accessory apartments
2. Amend Section 2.19 Compliance with Chapter 14 of the Colchester Code of Ordinance to include a reference to Chapter 18
3. Amend Table A-2 to reference changes to Section 2.06

Amend Appendix G Digital Format Requirements to require public infrastructure to be submitted digitally

SUPPLEMENT 18

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	6/21/05	6/28/05	9/13/05	10/04/05

1. Modify Section 2.05C - Setback exemptions from Town easement and rights-of-way areas
2. Add Section 2.05K - ADA / Fire egress exemptions to setbacks
3. Delete Section 2.09(B)2(g) - Accessory Structures and Uses
4. Modify Table of Permissible Uses -
5. In GD4 District add 3.294 (Animal Shelter), 9.230 (Archival Facility) and 9.240 (Distribution Facility) as Conditional Uses. In R3, R2, R1, GD2, GD3, and MHP add 10.200 (Silvicultural Operations) as a Conditional Use.
6. Substantial revisions to the Zoning Map to eliminate spot zoning and create cohesive planning areas codified in Appendix F herein

SUPPLEMENT 17

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	8/3/04	8/5/04	11/30/04	12/21/04

1. Updated technical standards
2. Re-numbered and re-ordered the regulations
3. Complied with Act 115
4. Expanded definitions and use table
5. Replace Zoning Regulations in their entirety

SUPPLEMENT 16

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	1/13/04	1/15/04	2/24/04	3/16/04

1. Added Section 2.03 Official Map
2. Delete Article 17 Signs
3. Section 1820 Alteration of Existing Grade and Impervious Area – require permits for any extension of impervious area on a lot
4. Delete Section 1821
5. Replaced Article 19 Administration and Enforcement – Allow for municipal ticketing of violations

SUPPLEMENT 15

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	7/2/02	7/18/02	8/27/02	9/27/02

1. Change “Zoning Board of Adjustment” and “Planning Commission” to DRB
2. Revise Section 1826 to allow accessory structures with front yard
3. Section 1801 Conforming Uses – allow administrative approvals
4. Section 1203 – conversion of non-residential to residential in GD-1 district
5. New Accessory Apartment definition
6. New Section 1842 Accessory Apartments
7. Delete existing Section 902.12
8. Section 1808, same language for PUD’s as for PRD’s
9. Section 903 – Conditional Uses – allow small offices with DRB approval
10. Section 1827.11(a) Housing for the Elderly – new parking requirements
11. Article I Bars and Café – revise definition for and separate from permitted restaurant uses

12. Section 1710.12 and 1711 – allow changing message board signs in certain districts and situations
13. Article X – Add restrictions and construction guidelines on new seawalls
14. Section 1835 – clarify Storage and Sale of Equipment, Vehicles, Salvage Material or Junk
15. Table of Permissible Uses – minor housekeeping items and change in layout
16. Section 1812 – reduce allowed front yard coverage
17. Article I – New or revised definitions for "DRB", "Accessory Apt.", "Post Office", "Structure"
18. Section 1503.2 and 1603.4 – revised to allow flexibility in buffer strips

SUPPLEMENT 14

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	9/18/01	7/23/01	9/18/01	10/8/01

1. Amendment to Article I, Section 101 Definitions
2. Planned Unit Development
3. Amendment to Article XVI, add to heading – Residential and Commercial
4. Amendment to Article II, Section 200 DISTRICTS. Add GD-4 and GD-4C OVERLAY)
5. Permissible Use Section – changes to format
6. Addition of Article XXI – GD-4 and GD-4C overlay

SUPPLEMENT 13

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
Amendment to the Zoning Map	4/2001	4/17/01	4/24/01	5/16/01

SUPPLEMENT 12

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	7/28/99	12/30/98	2/15/00	3/8/00

1. Establish a Watercourse Protection District
2. Establish a Telecommunications Ordinance
3. Add Fire Safety Standards to the Site Plan Review Criteria
4. Revised language pertaining to tree cutting within 85 ft. of shoreline
5. Allow the Town Planner increased authority to approve amendments to Site Plans
6. Added new section regarding final authorization for connection to public sewer system
7. Require conformance with the Master Plan for all Site Plans

SUPPLEMENT 11

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	8/12/98	7/23/98	3/16/99	4/14/99

1. Added design review standards and amended filing requirements to Site Plan Review Criteria
2. Added signage requirements for Window Signs
3. Removed “Residential accommodations for servants or caretakers” as an accessory use
4. Added Circumferential Highway to the definition of an Arterial Highway and established a setback for the Circumferential Highway
5. Clarified seasonal dwelling units and basic amenities
6. Clarified language and intent of Section 1807 pertaining to lots not fronting on a public road or public waters
7. Clarified Article VIII, Section 804 pertaining to PRD’s
8. Added new section for seasonal dwelling units that do not meet the definition of a non-conforming use
9. Added definition of “Elderly Housing” and amended Article XV to allow Elderly Housing with density bonuses
10. Add Elderly Housing to the Table of Permissible Uses in Districts R-1, R-2, R-3, GD-1, GD-2, and GD-3. Add Elderly Housing in the Commercial District subject to Zoning Board Conditional Use Approval. Add multi-family housing in GD-2 District

SUPPLEMENT 10

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	5/28/97	7/24/97	8/12/97	9/2/97
1. Clarify definitions relating to non-conforming uses 2. Ease the regulations pertaining to non-conforming uses and seasonal dwelling units 3. Amendments to the Zoning Map				

SUPPLEMENT 9

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	4/17/97 4/23/97	7/24/97	8/26/97	9/9/97
1. Amendment to the Table of Permissible Uses to add the new GD-3 district and other zoning district changes 2. Allow the keeping of animals in the GD-1 and GD-2 districts, with restrictions 3. Clarify and add definitions 4. Allow retail sales as conditional uses in the Industrial district 5. Revise sign regulations 6. Parking and access revisions to address ADA compliance 7. Forestry/agricultural use exemptions and revisions to pre-existing, small lot regulations, per statute 8. Expanded site plan review criteria 9. Codify existing site plan and fill placement waiver policies 10. Add figures to go with existing language 11. Change building height restrictions 12. Revise home-occupation/business regulations				

13. Address temporary structures and commercial use tents
14. Allow Planning Commission to vary off-street parking requirements
15. Increase height of parking lot lights from 16' to 20'
16. Clarify expiration of approvals under the Zoning regulations
17. Create a new General Development GD-3 district, with design guidelines
18. Minor Revisions to the wetland regulations
19. Create a new 10 acre rural-residential district
20. Delete access restrictions for neighboring fast food businesses

SUPPLEMENT 8 and 8A

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
Amendment to the Zoning Map	7/96	3/25/97	4/22/97	5/13/97
Amendment to the Zoning Map	7/96	3/25/97	5/13/97	6/3/97

SUPPLEMENT 7

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	3/10/93	7/2/93	7/30/93	8/20/93

1. Amendment to the Zoning Map
2. Article 1 - Clarify definition of Front Lot Line.
3. Clarify inadvertent omissions in the text by removing the list of "Permissible Uses" in each district and clarifying the "Table of Permissible Uses"
4. Clarify the "Special Required Conditions" section of the Shoreline District

5. Amendment to Section 1828.7 to allow the Planning Commission to waive the paving requirements on certain projects that meet minimum requirements established. 6. Addition of conditional use clause in all residential and agricultural districts. 7. Add Firewood Operations as a permitted use in agricultural districts.

SUPPLEMENT 6

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
Amendment to the Zoning Map.	10/28/92	11/22/92	12/22/92	1/13/93

SUPPLEMENT 5

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	09/19/91	12/06/91	03/10/92	04/14/92
Article 1 - Clarify and add definitions. Amend the Table of Permissible Uses. Amendments to the Zoning Map.				

SUPPLEMENT 4A

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	1/9/91	11/26/91	12/10/91	1/1/92
Add definitions - Marine Association, Residential and Residence, Primary with Accessory Apartment Amend Sections 702 and 902 adding minimum requirements for residential marinas Amend table of permissible uses to add Residential Marine Associations (6.275) and Marinas and yacht clubs (6.270) Amend Sections 1102 and 1202 adding minimum requirements for Marinas and Yacht Clubs				

SUPPLEMENT 4

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	1/9/91	5/28/91	8/27/91	9/17/91
Clarify and add definitions Amend Section 1801 and 1802 regarding non-complying structures and non-conforming uses to more clearly distinguish between the two and clarify what can be done to non-conforming uses and non-complying structures Provide a table of permissible uses for all districts Revise the lot coverage requirement for the Commercial, General Development GD1 and General Development GD2 districts Change the zoning designation of all properties currently zoned Governmental and eliminate the Governmental District				

SUPPLEMENT 3

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	08/01/90	01/04/91	05/14/91	06/04/91
Article I - Definition - Add the word/definition of "STORAGE". General Development - GD-1 - The elimination of the following permitted uses: Shopping centers, automotive repair shops, warehouse/wholesale distributors, automotive, small equipment or trailer sales & service, enclosed light manufacturing/ processing industry, drive-in restaurant/fast food outlets and gasoline service stations. Zoning District Changes - A complete list of the affected properties is on file in the Town Clerk's Office and the Zoning and Planning Department.				

SUPPLEMENT 2

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	05/16/90	09/21/90	11/13/90	12/05/90
Article XVIII - General Provisions - New section 1814.5, Public ROW Dedication Article XVIII - General Provisions - New section 1826, Special Historic Properties				

SUPPLEMENT #1

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
	12/13/89	02/28/90	04/17/90	05/18/90
Article I - Definitions – Defined Sewage Disposal Systems, Cross-District GOV, MHP, R-1, -2, -3, COMM, GD-1, GD-2 and I Permitted cross-district sewage disposal systems when approved by the Zoning Board of Adjustment Article V - Revised Section 501.7 to say "property is actively involved in" instead of "occupant shall be engaged" Article V - Revised Section 502.6(b) to say "sufficient" instead of "minimum of eight" Article VII - Section 702.7(b) - Removed minimum acreage requirement Article IX - Section 905.3 – Revised building height requirements Article XI - Section 1102 – Deleted Section .6(c) Article XVIII - Section 1816 - Added .2 and .3 regarding cross-district sewage disposal Article XVIII - Section 1822 - Removed the requirement to obtain a zoning permit				

APPENDIX F: ZONING MAP AMENDMENTS

EFFECTIVE November 15, 2022

66-009003-0000000 R2 to LS3
66-009013-0000000 R2 to LS3
66-010003-0000000 R2 to LS3
66-011003-0000000 R2 to LS3
66-012003-0000000 R2 to LS3
66-013003-0000000 R2 to LS3
67-006003-0000000 R2 to LS3
67-012003-0000000 R2 to LS3
67-013003-0000000 R2 to LS3
67-014003-0000000 R2 to LS3
67-015003-0000000 R2 to LS3
67-016003-0000000 R2 to LS3
67-016013-0000000 R2 to LS3
67-017003-0000000 R2 to LS3
67-018003-0000000 R2 to LS3
67-019003-0000000 R2 to LS3
67-020003-0000000 R2 to LS3
68-001003-0000000 R2 to LS3
68-002003-0000000 R2 to LS3
68-003003-0000000 R2 to LS3
68-004003-0000000 R2 to LS3
68-004013-0000000 R2 to LS3
68-005003-0000000 R2 to LS3
68-005013-0000000 R2 to LS3
68-006003-0000000 R2 to LS3
68-007003-0000000 R2 to LS3
68-008003-0000000 R2 to LS3
68-008013-0000000 R2 to LS3
68-009003-0000000 R2 to LS3
68-010003-0000000 R2 to LS3
68-011003-0000000 R2 to LS3
68-012003-0000000 R2 to LS3
68-012013-0000000 R2 to LS3
68-013003-0000000 R2 to LS3
68-014003-0000000 R2 to LS3
68-014013-0000000 R2 to LS3
68-015003-0000000 R2 to LS3
68-016003-0000000 R2 to LS3
68-017003-0000000 R2 to LS3
68-018003-0000000 R2 to LS3
68-019003-0000000 R2 to LS3
68-020003-0000000 R2 to LS3
68-021003-0000000 R2 to LS3
68-022003-0000000 R2 to LS3
69-001003-0000000 R2 to LS3
69-002003-0000000 R2 to LS3
69-003003-0000000 R2 to LS3
69-004003-0000000 R2 to LS3
69-005003-0000000 R2 to LS3
69-006003-0000000 R2 to LS3
69-007003-0000000 R2 to LS3
69-008003-0000000 R2 to LS3
69-009003-0000000 R2 to LS3
70-001003-0000000 R2 to LS3

66-014003-0000000 R2 to LS4
66-015003-0000000 R2 to LS4
66-016003-0000000 R2 to LS4
66-061003-0000000 R2 to LS4
66-062003-0000000 R2 to LS4
66-063003-0000000 R2 to LS4
67-002013-0000000 R2 to LS4
67-002023-0000000 R2 to LS4
67-002073-0000000 R2 to LS4
67-003003-0000000 R2 to LS4
67-004003-0000000 R2 to LS4
67-005003-0000000 R2 to LS4
67-006003-0000000 R2 to LS4
67-007003-0000000 R2 to LS4
67-008003-0000000 R2 to LS4
67-009003-0000000 R2 to LS4
67-009013-0000000 R2 to LS4
67-009023-0000000 R2 to LS4
67-009033-0000000 R2 to LS4
67-010003-0000000 R2 to LS4
67-011003-0000000 R2 to LS4
68-023003-0000000 R2 to LS4
68-024003-0000000 R2 to LS4
68-025003-0000000 R2 to LS4
68-025013-0000000 R2 to LS4
68-026003-0000000 R2 to LS4
68-027003-0000000 R2 to LS4
68-028003-0000000 R2 to LS4
68-029003-0000000 R2 to LS4
68-030003-0000000 R2 to LS4
68-031003-0000000 R2 to LS4
68-032003-0000000 R2 to LS4
68-034003-0000000 R2 to LS4
68-035003-0000000 R2 to LS4
68-038003-0000000 R2 to LS4
68-038013-0000000 R2 to LS4
68-039003-0000000 R2 to LS4
68-040003-0000000 R2 to LS4
68-040013-0000000 R2 to LS4
68-041003-0000000 R2 to LS4
68-041013-0000000 R2 to LS4
68-042003-0000000 R2 to LS4
68-042013-0000000 R2 to LS4
68-043003-0000000 R2 to LS4
68-044003-0000000 R2 to LS4
68-045003-0000000 R2 to LS4
68-045013-0000000 R2 to LS4
68-046003-0000000 R2 to LS4
69-010003-0000000 R2 to LS4
69-012003-0000000 R2 to LS4
69-013003-0000000 R2 to LS4
69-014003-0000000 R2 to LS4
69-015003-0040000 R2 to LS4
69-016003-0000000 R2 to LS4
69-017003-0000000 R2 to LS4
69-018003-0000000 R2 to LS4
69-019003-0000000 R2 to LS4
69-020003-0000000 R2 to LS4
69-021003-0000000 R2 to LS4
69-022003-0000000 R2 to LS4
69-023003-0000000 R2 to LS4

EFFECTIVE October 19, 2021
64-004002-0000000 IND to R1
64-005002-0000000 IND to R1

EFFECTIVE March 4, 2020
06-007002 R3 to R2
06-006002 R3 to R2

EFFECTIVE April 19, 2017
Portions of Parcel ID #08-021003 AGR to R2
12-022000-0000000 AGR to R5
12-023000-0000000 AGR to R5
Portions of 06-005002-0000000 AGR to R2

EFFECTIVE August 31, 2016
06-021002-0000000 GD1 to Lakeshore 2
06-022002-0000000 GD1 to Lakeshore 2
06-023002-0000000 IND to Lakeshore 2 & IND
06-024002-0000000 GD1/R1 to GD1
60-038002-0000000 COM to Lakeshore 2
60-039002-0000000 COM to Lakeshore 2
60-040002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
62-001002-0000000 R1 to Lakeshore 2
62-002002-0000000 R1 to Lakeshore 2
62-003002-0000000 R1 to Lakeshore 2
62-004002-0000000 COM to Lakeshore 2
62-019002-0000000 R1 to Lakeshore 2
62-020002-0000000 R1 to Lakeshore 2
62-021002-0000000 R1 to Lakeshore 2
62-021012-0000000 COM to Lakeshore 2
62-022022-0000000 GD1 to Lakeshore 2
62-023002-0000000 COM to Lakeshore 2
62-024002-0000000 COM to Lakeshore 2
62-025002-0000000 GD1 to Lakeshore 2
62-025012-0000000 GD1 to Lakeshore 2
62-026002-0000000 GD1 to Lakeshore 2
62-028002-0000000 GD1 to Lakeshore 2
62-029002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
62-030002-0000000 COM (Partial FP) to Lakeshore 2 (Partial FP)
62-031002-0000000 GD1 (Partial FP) to Lakeshore 2 (Partial FP)
62-032002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
62-033002-0000000 R1 (Partial FP) to Lakeshore 1 (Partial FP)
62-034002-0000000 R1 (Partial FP) to Lakeshore 1 (Partial FP)
62-035002-0000000 R1 (Partial FP) to Lakeshore 1 (Partial FP)
62-036002-0000000 R1 (Partial FP) to Lakeshore 1 (Partial FP)
62-037002-0000000 R1 (Partial FP) to Lakeshore 1(Partial FP)
62-038002-0000000 R1 (Partial FP) to Lakeshore 1(Partial FP)
62-039002-0000000 R1 to Lakeshore 1
62-040002-0000000 R1 (Partial FP) to Lakeshore 1(Partial FP)
65-001002-0000000 COM to Lakeshore 2 (and all subparcels)
65-003002-0000000 COM to Lakeshore 2
65-004002-0000000 COM to Lakeshore 2
65-005002-0000000 COM (Partial FP) to Lakeshore 2 (Partial FP)
65-006002-0000000 COM to Lakeshore 2
65-007002-0000000 R1 to Lakeshore 2
65-008002-0000000 R1 to Lakeshore 2
65-009002-0000000 R1 to Lakeshore 2
65-010002-0000000 R1 (Partial FP) to Lakeshore 1(Partial FP)
65-011002-0000000 R1 (Partial FP) to Lakeshore 1 (Partial FP)
65-012002-0000000 COM to Lakeshore 1
65-013002-0000000 COM to Lakeshore 1
65-014002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-015002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-016002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-017002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-019002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-020002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-021002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-021012-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)

65-022002-0000000 COM (Partial FP) to Lakeshore 1 (Partial FP)
65-023002-0000000 GD1 to Lakeshore 1
65-025002-0000000 COM to Lakeshore 2
66-001002-0000000 R1 to Lakeshore 2
66-002002-0000000 R1 to Lakeshore 2
66-003003-0000000 GD1 to Lakeshore 2
66-004003-0000000 R2 to Lakeshore 1
66-005003-0000000 R2 to Lakeshore 1
66-005003-0010000 R2 to Lakeshore 1
66-005003-0020000 R2 to Lakeshore 1
66-005003-0030000 R2 to Lakeshore 1
66-006013-0000000 R2 to Lakeshore 1
66-006003-0000000 R2 to Lakeshore 1
66-007003-0000000 R2 to Lakeshore 1
66-008003-0000000 R2 to Lakeshore 1
66-009023-0000000 R2 to Lakeshore 1
66-009033-0000000 R2 to Lakeshore 1
66-016013-0000000 R2 to Lakeshore 2
66-017003-0000000 R2 to Lakeshore 2
66-018003-0000000 R2 to Lakeshore 2
66-019003-0000000 R2 to Lakeshore 2
66-020003-0000000 R2 to Lakeshore 2
66-021003-0000000 R2 to Lakeshore 2
66-021013-0000000 R2 to Lakeshore 2
66-022003-0000000 COM to Lakeshore 2
66-022013-0000000 COM to Lakeshore 2
66-022022-0000000 COM to Lakeshore 2
66-022032-0000000 COM to Lakeshore 2
66-023002-0000000 R2 to Lakeshore 2
66-024002-0000000 R2 to Lakeshore 2
66-024012-0000000 R2 to Lakeshore 2
66-024022-0000000 R2 to Lakeshore 2
66-024052-0000000 R2 to Lakeshore 2
66-025002-0000000 COM to Lakeshore 2

EFFECTIVE March 2, 2016
Portions of Parcel ID #08-021003 AGR to R2

EFFECTIVE September 30,2015
25-005003 R3 to GD1
Portions of Parcel ID #41-035002 GD1 to R3 (per Zoning Map)

EFFECTIVE November 5, 2014
03-031003 GD3 to R3
03-030003 GD3 to R3

EFFECTIVE January 1, 2014
40-006002 COM to GD1
40-007002 COM to GD1
40-061002 and all sub-numbers R2 to R3
40-061132 R2 to R3

EFFECTIVE October 30, 2013
37-073002 COM to GD1
41-099002 COM to GD1
41-041002 COM to R3
05-005002 COM to GD1
40-002012 COM to GD1
40-001002 COM to GD1
40-062002 COM to GD1
40-062022 COM to GD1
40-062012 COM to GD1
40-063002 COM to GD1 & GD1C
40-063012 COM to GD1 & GD1C
40-064002 COM to GD1 & GD1C
41-095002 COM to GD1 & GD1C
41-097002 COM to GD1 & GD1C
41-098002 COM to GD1 & GD1C
41-094002 and all subnumbers COM to GD1 & GD1C
41-092002 COM/R3 to GD1 & GD1C
41-093002 and all subnumbers COM to GD1 & GD1C

41-052002 COM to GD1
41-051002 COM to GD1
41-033002 COM to GD1
41-034002 COM to GD1
41-035002 COM to GD1
41-006002 COM to GD1
41-006012 COM to GD1
41-005002 COM to GD1 & GD1C
41-004002 COM to GD1 & GD1C
41-003002 COM to GD1 & GD1C
41-002002 COM to GD1 & GD1C
41-001002 COM to GD1 & GD1C
37-025002 COM to GD1 & GD1C
37-028002 COM to GD1 & GD1C
37-030012 COM to GD1 & GD1C
37-030002 COM to GD1 & GD1C
37-031002 GD1 to GD1 & GD1C
37-018002 COM to GD1 & GD1C
37-017002 COM to GD1 & GD1C
37-016002 COM to GD1 & GD1C
37-073002 COM to GD1C
39-010002 COM to GD1
40-083002 COM to R2
06-026072 GOV to R1
49-001012 COM to GD1
49-013002 COM to GD1
49-014002 COM to GD1
49-020002 COM to GD1& GD1C
49-024002 COM to GD1& GD1C
49-026012 COM to GD1 & GD1C
49-026002 COM to GD1 & GD1C
51-006002 COM to GD1& GD1C
51-007002 COM to GD1& GD1C
49-027002 COM to GD1& GD1C
51-009002 COM to GD1
40-003002 COM to GD1
40-005002 COM to GD1
49-021002 COM to GD1& GD1C
49-022002 COM to GD1& GD1C
49-023002 COM to GD1& GD1C
49-025002 COM to GD1& GD1C
51-009012 COM to GD1
51-010002 COM to GD1
51-010012 COM to GD1
51-002002 R2 to GD1
51-003002 R2 to GD1
51-004002 R2 to GD1
51-005002 R2 to GD1
51-005012 R2 to GD1
51-005022 R2 to GD1
51-005032 R2 to GD1
51-005032-0010000 R2 to GD1
51-014002 R2/COM to R2
53-003002 R3 to R2
51-016002 GD1 to R2
37-020002 COM to GD1
37-021002 COM to GD1
37-023002 COM to GD1
37-024002 COM to GD1& GD1C
37-006002 R2/FLP to GD1/FLP
37-007002 R2/FLP to GD1/FLP
37-072002 R2 to GD1
05-013002 FLP/R2 to FLP/GD1
37-010012 R2 to GD1
37-010022 R2 to GD1
37-010032 R2 to GD1
37-010042 R2 to GD1
37-010052 R2 to GD1
37-010062 R2 to GD1
26-018003 AGR to R1
37-013002 GD1 TO GD1 & GD1C
37-014002 GD1 TO GD1 & GD1C
37-015002 GD1 TO GD1 & GD1C
Portions of Parcel ID #06-023002 IND to COM (per Zoning Map)

EFFECTIVE May 30, 2012
49-001022 COM to GD1

EFFECTIVE May 18, 2011
06-023002 A 109.99 ft. by 315.91 ft., 0.77 of an acre portion of the northwest corner IND to COM

EFFECTIVE July 14, 2010

03-017013 IND to BD
03-022013 IND to BD
03-021003 IND to BD
03-019003 IND to BD
03-020003 IND to BD
01-020323 IND to BD
01-020263 IND to BD
01-020243 IND to BD
01-020233 IND to BD
01-020063 IND to BD
01-020073 IND to BD
01-020083 IND to BD
01-020093 IND to BD
01-020103 IND to BD
01-020153 IND to BD
01-020163 IND to BD
01-020173 IND to BD
01-020183 IND to BD
01-020193 IND to BD
01-020203 IND to BD
01-020213 IND to BD
01-020223 IND to BD
03-022043 IND to BD
03-018003 IND to BD
03-018013 IND to BD

EFFECTIVE MARCH 31, 2010

03-033003 AGR to AMU
07-034003 AGR to AMU
07-046003 AGR to AMU

EFFECTIVE MARCH 2, 2010

06-022002 R1 to GD1
66-003003 R1 to GD1
65-023002 R1 to GD1
06-021002 R1 to GD1
06-014002 R1 to GD1
06-002002 R1 to GD1
06-001002 R1 to GD1
06-017012 R3 to GD1
06-017002 R3 to GD1
06-016002 R3 to GD1
06-015002 R3 to GD1
06-013002 FP/COM to FP/GD1
06-012002 R1 to GD1
06-012012 R1 to GD1
06-011002 R3 to R2
06-010002 R3 to R2
06-008002 AGR to R2
06-009012 AGR to R2
06-009002 AGR to R2

EFFECTIVE NOVEMBER 4, 2009

04-003003 AGR to R1
04-011003 AGR to R1
04-018003 AGR to R1
04-018013 AGR to R1
04-020003 AGR to R1
04-022013 R1 to R3
04-022023 R1 to R3
04-022033 R1 to R3
04-022043 R1 to R3
04-023003 R1 to R3
04-024003 R1 to R3
04-024023-001 R1 to R3
04-024023-002 R1 to R3
04-024023-003 R1 to R3
04-024023-004 R1 to R3
04-024023-005 R1 to R3
04-024023-006 R1 to R3
04-024023-007 R1 to R3
04-024023-008 R1 to R3
04-024023-009 R1 to R3
04-024023-010 R1 to R3
04-024023-011 R1 to R3
04-024023-012 R1 to R3
04-024023-013 R1 to R3
04-024023-014 R1 to R3
04-024023-015 R1 to R3
04-024023-016 R1 to R3
04-024023-017 R1 to R3
04-024023-018 R1 to R3
04-024023-019 R1 to R3
04-024023-020 R1 to R3
04-024023-021 R1 to R3
04-024023-022 R1 to R3
04-024023-023 R1 to R3
04-024023-024 R1 to R3
04-027003 R1 to R3
04-032013-001 R1 to R3
04-032013-002 R1 to R3
04-032013-003 R1 to R3
04-032013-004 R1 to R3
04-032013-005 R1 to R3
04-032013-006 R1 to R3

04-032013-007 R1 to R3
04-032013-008 R1 to R3
04-032013-009 R1 to R3
04-032013-010 R1 to R3
04-032013-011 R1 to R3
04-032013-012 R1 to R3
04-032013-013 R1 to R3
04-032013-014 R1 to R3
04-032013-015 R1 to R3
04-032013-016 R1 to R3
04-032013-017 R1 to R3
04-032013-018 R1 to R3
04-032013-019 R1 to R3
04-032013-020 R1 to R3
04-032013-021 R1 to R3
04-032013-022 R1 to R3
04-032013-023 R1 to R3
04-032013-024 R1 to R3
04-032013-025 R1 to R3
04-032013-026 R1 to R3
04-032013-027 R1 to R3
04-032013-028 R1 to R3
04-123003 R1 to R3
04-124003 R1 to R3
04-125003 R1 to R3
04-126003 R1 to R3
04-127003 R1 to R3
04-128003 R1 to R3
04-129003 R1 to R2
08-041003 R1 to R3
08-041013 R1 to R3
08-041023 R1 to R3
08-042003 R1 to R3

EFFECTIVE NOVEMBER 4, 2009

08-014003 AGR & R3 & R2 to GD1
11-009003 COM to GD1
24-007003 R2 to GD1
24-007013 R2 to GD1
24-007023 R2 to GD1
24-009003 R2 to GD1
24-010003 R2 to GD1
24-011003 R2 to GD1
24-012003 R2 to GD1
24-013003 R2 to GD1
24-014003 R2 to GD1
24-014013 R3 to GD1
24-015003 R2 to GD1
24-016003 R2 to GD1
24-017003 R2 to R3
24-018003 R2 to R3
24-018013 R2 to R3
24-019003 R2 to R3
24-020003 R2 to R3
24-021003 R2 to R3
24-022003 R2 to R3
24-023003 R2 to GD1
24-023013 R2 to R3
24-024003 COM to GD1
24-025003 R2 to R3
24-026003 R2 to R3
24-026013 R2 to R3
24-027003 R2 to R3
25-001003 R2 to GD1
25-002003 R2 to GD1
25-005003 R2 to R3
25-006003 R2 to R3
25-053003 R2 to R3
25-053013 R2 to R3
25-054003 R2 to R3
25-094003 R2 to R3
25-094013 R2 to R3
25-094023 R2 to R3
25-095003 R2 to R3
25-096003 R2 to R3
25-097003 R2 to R3
25-098003 R2 to R3
25-0108013 R2 to R3
26-001003 R2 to GD1
26-002003 R2 to GD1
26-003003 R2 to GD1
26-004003 R2 to GD1
26-005003 COM to GD1
26-005013 COM to GD1
26-006003 COM to GD1
26-007003 COM to GD1
26-008003 COM to GD1
26-009003 COM to GD1
26-010003 COM to GD1
26-011003 COM to GD1
26-012003 COM to GD1
26-013003 COM to GD1
26-014003 COM to GD1
26-014013 COM to GD1
26-014023 COM to GD1
26-015003 COM to GD1
26-016003 COM to GD1
26-022003 COM to GD1
26-023003 COM to GD1
26-024003 COM to GD1
26-025003 COM to GD1
26-026003 R1 to GD1
26-026013 COM to GD1
26-027003 R2 to GD1
26-027013 R2 to GD1
26-028003 AGR to GD1
26-028013 AGR to GD1
26-029003 COM to GD1
26-030003 R2 to GD1

EFFECTIVE APRIL 15, 2009

22-185003 GD1 to IND
22-173003 COM to GD1
22-173003 R1 to GD1
22-175003 R3 to GD1
22-176003 R3 to GD1
22-180003 R3 to GD1
22-181003 R3 to GD1
22-182003 R3 to GD1
22-183003 R3 to GD1
22-183013 R3 to GD1
22-184003 COM to GD1
09-003003 R2/AGR to R2
09-005003 R2/AGR to R2
26-017003 COM to GD1
27-016003 COM / R2 to GD1
27-015003 R2 to GD1
27-018003 COM to GD1
27-017003 COM to GD1
27-017013 COM to GD1
27-018013 COM to GD1
26-019003 COM to GD1

EFFECTIVE SEPTEMBER 17, 2008

Parcel ID #03-024013 IND to BD
Parcel ID #03-023003 IND to BD
Parcel ID #03-023013 IND to BD
Parcel ID #03-023023 IND to BD
Parcel ID #03-023033 IND to BD
Parcel ID #03-023043 IND to BD
Parcel ID #03-028003 IND to BD
Parcel ID #03-054003 IND to BD
Parcel ID #03-055003 IND to BD
Parcel ID #03-056003 IND to BD
Parcel ID #03-057003 IND to BD
Parcel ID #03-058003 IND to BD
Parcel ID #03-060003 IND to BD
Parcel ID #03-061003 IND to BD
Parcel ID #03-062003 IND to BD
Parcel ID #03-063003 IND to BD

EFFECTIVE OCTOBER 4, 2005

Parcel ID #70-001003-0000000 GD1 to R1
Parcel ID #59-004002-0000000 R1 to R2
Parcel ID #08-023013 RR to AGR
Parcel ID #08-023003 RR to AGR
Parcel ID #14-026010-0000000 AGR to GD4
Parcel ID #14-014010-0000000 RR to R10
Parcel ID #14-024000-0000000 RR to GD4
Parcel ID #17-051003-0000000 COM to GD4
Parcel ID #17-003030-0000000 R1/GD1 to GD4
Parcel ID #17-002000-0000000 R1 to GD4
Parcel ID #17-003020-0000000 GD1 to GD4
Parcel ID #17-003070-0000000 GD1 to GD4
Parcel ID #17-003060-0000000 GD1 to GD4
Parcel ID #17-003050-0000000 GD1 to GD4
Parcel ID #17-003040-0000000 GD1 to GD4
Parcel ID #16-010010-0000000 COM to R1
Parcel ID #17-015010 GD4 to R1
Parcel ID #16-033000-0000000 COM to GD1
Parcel ID #16-031000-0000000 COM to GD1
Parcel ID #16-026000-0000000 COM to GD1
Parcel ID #16-027010-0000000 COM to GD1
Parcel ID #16-027000-0000000 COM to GD1
Parcel ID #03-066003 IND to COM
Parcel ID #03-028003 IND/R1 to IND
Parcel ID #04-033003 R1 to R3
Parcel ID #01-020273 IND to COM
Parcel ID #03-025013 R3 to COM
Parcel ID #03-024033 R3 to COM
Parcel ID #03-065003 IND to COM
Parcel ID #03-064003 IND to COM
Parcel ID #03-197003 IND to COM
Parcel ID #03-198003 IND to COM
Parcel ID #03-199003 IND to COM
Parcel ID #03-200003 IND to COM
Parcel ID #03-201003 IND to COM
Parcel ID #03-206023 COM/IND to COM
Parcel ID #03-195003 COM/IND to COM
Parcel ID #03-193003 IND to COM
Parcel ID #03-192003 IND to COM
Parcel ID #03-191003 IND to COM
Parcel ID #03-024003 IND to COM
Parcel ID #03-207003 IND to COM
Parcel ID #03-181003 IND to COM
Parcel ID #03-182003 IND to COM
Parcel ID #03-183003 IND to COM
Parcel ID #03-184003 IND to COM
Parcel ID #03-185003 IND to COM
Parcel ID #03-186003 IND to COM
Parcel ID #03-187003 IND to COM
Parcel ID #03-188003 IND to COM
Parcel ID #01-015001 GOV to GD2
Parcel ID #01-016010 GD1 to GD2
Parcel ID #01-018000 GD1 to GD2
Parcel ID #01-017000 GD1 to GD2
Parcel ID #19-027001 GD1 to GD2
Parcel ID #19-023001 GD1 to GD2
Parcel ID #19-023011 GD1 to GD2
Parcel ID #19-028001 GD1 to GD2
Parcel ID #01-011001 GD1 to GD2
Parcel ID #19-025001 GD1 to GD2
Parcel ID #19-026001 GD1 to GD2
Parcel ID #01-010001 GD1 to GD2
Parcel ID #01-009001 GD1 to GD2
Parcel ID #19-024001 GD1 to GD2
Parcel ID #01-012001 GD1/IND to GD2
Parcel ID #01-013001 GD1/IND to GD2
Parcel ID #01-008001 GD1 to GD2
Parcel ID #01-007001 GD1 to GD2
Parcel ID #01-006001 GD1 to GD2
Parcel ID #01-001001 GD1 to GD2
Parcel ID #01-002001 GD1 to GD2
Parcel ID #01-003001 GD1 to GD2
Parcel ID #01-004001 GD1 to GD2

Parcel ID #18-019001 GD1 to GD2
Parcel ID #18-017011 GD1 to GD2
Parcel ID #18-017021 GD1 to GD2
Parcel ID #18-018001 GD1 to GD2
Parcel ID #18-017001 GD1 to GD2
Parcel ID #18-003001 GD1 to GD2
Parcel ID #18-004001 GD1 to GD2
Parcel ID #18-005001 GD1 to GD2
Parcel ID #18-006001 GD1 to GD2
Parcel ID #18-016001 GD1 to GD2
Parcel ID #18-001001 GD1 to GD2
Parcel ID #18-002021 GD1 to GD2
Parcel ID #01-005001 GD1 to GD2
Parcel ID #19-001001 GD1 to GD2
Parcel ID #19-002001 GD1 to GD2
Parcel ID #19-002011 GD1 to GD2
Parcel ID #19-003001 GD1 to GD2
Parcel ID #19-004001 GD1 to GD2
Parcel ID #19-010011 GD1 to GD2
Parcel ID #19-005011 GD1 to GD2
Parcel ID #19-005001 GD1 to GD2
Parcel ID #19-006011 GD1 to GD2
Parcel ID #19-006001 GD1 to GD2
Parcel ID #19-007001 GD1 to GD2
Parcel ID #19-008001 GD1 to GD2
Parcel ID #19-009001 GD1 to GD2
Parcel ID #19-009011 GD1 to GD2
Parcel ID #19-010001 GD1 to GD2
Parcel ID #19-011001 GD1 to GD2
Parcel ID #19-016001 GD1 to GD2
Parcel ID #19-017001 GD1 to GD2
Parcel ID #19-018001 GD1 to GD2
Parcel ID #19-019011 GD1 to GD2
Parcel ID #19-015001 GD1 to GD2
Parcel ID #19-019001 GD1 to GD2
Parcel ID #19-020001 GD1 to GD2
Parcel ID #19-021001 GD1 to GD2
Parcel ID #19-022001 GD1 to GD2
Parcel ID #19-014001 GD1 to GD2
Parcel ID #08-037023-0000000 IND to GD3
Parcel ID #04-030043-0000000 COM to GD3
Parcel ID #08-039003-0000000 AGR to GD3
Parcel ID #03-030003-0000000 R3 to GD3
Parcel ID #08-040003-0000000 R1 to GD3
Parcel ID #08-040013-0000000 R1 to GD3
Parcel ID #57-008002 RR to GD1
Parcel ID #57-005002 R1 to R5
Parcel ID #57-005022 R1 to R5
Parcel ID #54-044012 RR/R2 to R2
Parcel ID #55-008002 R5 to GD1
Parcel ID #55-014002 R5 to GD1
Parcel ID #55-013002 R5 to GD1
Parcel ID #55-012002 R5 to GD1
Parcel ID #18-008001 GD1 to GD2
Parcel ID #18-009001 GD1 to GD2
Parcel ID #18-010001 GD1 to GD2
Parcel ID #18-011001 GD1 to GD2
Parcel ID #18-012001 GD1 to GD2
Parcel ID #18-013001 GD1 to GD2
Parcel ID #18-014001 GD1 to GD2
Parcel ID #18-015001 GD1 to GD2

Portions of Parcel ID #54-051002 R5 to GD1 (per Zoning Map)
Parcel ID #12-019000-0000000 R1 to R5
Parcel ID #12-019010-0000000 R1 to R5
Parcel ID #12-011000-0000000 R1 to R5
Parcel ID #12-009000-0000000 R1 to R5
Parcel ID #12-009010-0000000 R1 to R5
Parcel ID #12-021000-0000000 AGR to R5
Parcel ID #14-003000-0000000 R10 to AGR
Parcel ID #15-018010-0000000 RR to R10
Parcel ID #15-018000-0000000 RR to R10
Parcel ID #12-027000-0000000 RR to R10
Parcel ID #12-031000-0000000 RR to R10
Parcel ID #15-025000-0000000 RR to R10
Parcel ID #15-024000-0000000 RR to R10
Parcel ID #15-024010-0000000 RR to R10
Parcel ID #14-001000-0000000 RR to R10
Parcel ID #14-002010-0000000 RR to R10
Parcel ID #14-002050-0000000 RR to R10
Parcel ID #14-002020-0000000 RR to R10
Parcel ID #14-002030-0000000 RR to R10
Parcel ID #14-002040-0000000 RR to R10
Parcel ID #14-002000-0000000 RR to R10
Parcel ID #14-004010-0000000 AGR to R10
Parcel ID #14-010000-0000000 AGR to R10
Parcel ID #14-004020-0000000 RR to R10
Parcel ID #14-004000-0000000 RR to R10
Parcel ID #14-007060-0000000 RR to R10
Parcel ID #14-007050-0000000 RR to R10
Parcel ID #14-007040-0000000 RR to R10
Parcel ID #14-007030-0000000 RR to R10
Parcel ID #14-007020-0000000 RR to R10
Parcel ID #14-007010-0000000 RR to R10
Parcel ID #14-012000-0000000 RR to R10
Parcel ID #14-008000-0000000 RR to R10
Parcel ID #14-005000-0000000 RR to R10
Parcel ID #14-005040-0000000 RR to R10
Parcel ID #14-005020-0000000 RR to R10
Parcel ID #14-006000-0000000 RR to R10
Parcel ID #14-005030-0000000 RR to R10
Parcel ID #14-005010-0000000 RR to R10
Parcel ID #14-009000-0000000 RR to R10
Parcel ID #14-010000-0000000 RR to R10
Parcel ID #14-011000-0000000 RR to R10

Parcel ID #14-013000-0000000 RR to R10
Parcel ID #14-014020-0000000 RR to R10
Parcel ID #14-014030-0000000 RR to R10
Parcel ID #14-014010-0000000 RR to R10
Parcel ID #14-014000-0000000 RR to R10
Parcel ID #07-033003 AGR to R1
Parcel ID #07-019003 AGR to R1
Parcel ID #12-026003-0000000 AGR to R5
Parcel ID #12-025003-0000000 RR to AGR
Parcel ID #15-023003-0000000 AGR to R10
Parcel ID #12-024003-0000000 AGR to R5
Parcel ID #12-028003-0000000 AGR to R5
Parcel ID #12-026013-0000000 AGR to R5
Parcel ID #28-040373 R1 to R3
Parcel ID #28-084000 R1 to R3
Parcel ID #28-089003 R1 to R3
Parcel ID #28-090003 R1 to R3
Parcel ID #28-091003 R1 to R3
Parcel ID #28-092003 R1 to R3
Parcel ID #28-039003 R1 to R3
Parcel ID #28-088003 R1 to R3
Parcel ID #28-087003 R1 to R3
Parcel ID #28-086003 R1 to R3
Parcel ID #28-040003 R1 to R3
Parcel ID #28-083003 R1 to R3
Parcel ID #28-040353 AGR to R3
Parcel ID #28-040343 AGR to R3
Parcel ID #28-040382 R1 to R3
Parcel ID #28-040333 AGR to R3
Parcel ID #28-082093 AGR to R3
Parcel ID #04-006003 MHP to R1
Parcel ID #08-001003 R1/AGR to AGR
Parcel ID #04-018003 R1 to AGR
Parcel ID #67-010003 COM to R2
Parcel ID #67-002033 R3 to R2
Parcel ID #67-002073 R3 to R2
Parcel ID #67-002023 R3 to R2
Parcel ID #11-002003 COM to GD1 (includes northern portion that was R1)
Parcel ID #70-047003 R1 to GD1
Parcel ID #70-044003 GD1 to R1
Parcel ID #70-040003 COM to R1
Parcel ID #69-012003 COM to R2
Parcel ID #68-040003 COM to R2
Parcel ID #69-020003 R1 to R2
Parcel ID #69-021003 R1 to R2
Parcel ID #69-022003 R1 to R2
Parcel ID #69-023003 R1 to R2
Parcel ID #69-024003 R1 to R2
Parcel ID #69-025003 R1 to R2
Parcel ID #69-026003 R1 to R2
Parcel ID #69-027003 R1 to R2
Parcel ID #69-028003 R1 to R2
Parcel ID #69-029003 R1 to R2
Parcel ID #69-030003 R1 to R2
Parcel ID #69-011003 R1 to R2
Parcel ID #69-005003 R1 to R2
Parcel ID #69-006003 R1 to R2
Parcel ID #69-007003 R1 to R2
Parcel ID #69-008003 R1 to R2
Parcel ID #69-009003 R1 to R2
Parcel ID #69-010003 R1 to R2
Parcel ID #69-018003 R1 to R2
Parcel ID #69-019003 R1 to R2
Parcel ID #69-001003 R1 to R2
Parcel ID #69-002003 R1 to R2
Parcel ID #69-003003 R1 to R2
Parcel ID #69-004003 R1 to R2
Parcel ID #69-014003 R1 to R2
Parcel ID #69-015003 R1 to R2
Parcel ID #69-016003 R1 to R2
Parcel ID #69-017003 R1 to R2
Parcel ID #68-022003 R1 to R2
Parcel ID #68-021003 R1 to R2
Parcel ID #68-020003 R1 to R2
Parcel ID #68-019003 R1 to R2
Parcel ID #68-018003 R1 to R2
Parcel ID #68-017003 R1 to R2
Parcel ID #68-016003 R1 to R2
Parcel ID #68-015003 R1 to R2
Parcel ID #68-014003 R1 to R2
Parcel ID #68-014013 R1 to R2
Parcel ID #68-013003 R1 to R2
Parcel ID #68-012013 R1 to R2
Parcel ID #68-012003 R1 to R2
Parcel ID #68-011003 R1 to R2
Parcel ID #68-010003 R1 to R2
Parcel ID #68-009003 R1 to R2
Parcel ID #68-008003 R1 to R2
Parcel ID #68-008013 R1 to R2
Parcel ID #68-007003 R1 to R2
Parcel ID #68-006003 R1 to R2
Parcel ID #68-005003 R1 to R2
Parcel ID #68-005013 R1 to R2
Parcel ID #68-004013 R1 to R2
Parcel ID #68-004003 R1 to R2
Parcel ID #68-003003 R1 to R2
Parcel ID #68-002003 R1 to R2
Parcel ID #68-001003 R1 to R2
Parcel ID #68-023003 R1 to R2
Parcel ID #68-024003 R1 to R2
Parcel ID #68-025003 R1 to R2
Parcel ID #68-025013 R1 to R2
Parcel ID #68-026003 R1 to R2
Parcel ID #68-027003 R1 to R2
Parcel ID #68-028003 R1 to R2

Parcel ID #68-029003 R1 to R2
Parcel ID #68-030003 R1 to R2
Parcel ID #68-031003 R1 to R2
Parcel ID #68-032003 R1 to R2
Parcel ID #68-033003 R1 to R2
Parcel ID #68-034003 R1 to R2
Parcel ID #68-035003 R1 to R2
Parcel ID #68-037003 R1 to R2
Parcel ID #68-038003 R1 to R2
Parcel ID #68-038013 R1 to R2
Parcel ID #68-039003 R1 to R2
Parcel ID #68-041003 R1 to R2
Parcel ID #68-041013 R1 to R2
Parcel ID #68-042003 R1 to R2
Parcel ID #68-042013 R1 to R2
Parcel ID #68-043003 R1 to R2
Parcel ID #68-044003 R1 to R2
Parcel ID #68-045003 R1 to R2
Parcel ID #68-045013 R1 to R2
Parcel ID #67-021003 R1 to R2
Parcel ID #67-022003 R1 to R2
Parcel ID #67-022023 R1 to R2
Parcel ID #67-022013 R1 to R2
Parcel ID #67-032003 R1 to R2
Parcel ID #67-034003 R1 to R2
Parcel ID #67-033003 R1 to R2
Parcel ID #67-031003 R1 to R2
Parcel ID #67-025003 R1 to R2
Parcel ID #67-024003 R1 to R2
Parcel ID #67-023003 R1 to R2
Parcel ID #67-035003 R1 to R2
Parcel ID #67-036003 R1 to R2
Parcel ID #67-037003 R1 to R2
Parcel ID #67-038003 R1 to R2
Parcel ID #67-039003 R1 to R2
Parcel ID #67-041003 R1 to R2
Parcel ID #67-042003 R1 to R2
Parcel ID #67-043003 R1 to R2
Parcel ID #67-044003 R1 to R2
Parcel ID #67-045003 R1 to R2
Parcel ID #07-082003 R1 to R2
Parcel ID #07-078003 R1 to R2
Parcel ID #07-079003 R1 to R2
Parcel ID #07-079013 R1 to R2
Parcel ID #67-029003 R1 to R2
Parcel ID #67-028003 R1 to R2
Parcel ID #67-027003 R1 to R2
Parcel ID #67-026003 R1 to R2
Parcel ID #07-132003 R1 to R2
Parcel ID #07-131003 R1 to R2
Parcel ID #07-130003 R1 to R2
Parcel ID #07-129003 R1 to R2
Parcel ID #07-128003 R1 to R2
Parcel ID #07-127003 R1 to R2
Parcel ID #07-126003 R1 to R2
Parcel ID #07-125003 R1 to R2
Parcel ID #07-124003 R1 to R2
Parcel ID #07-123003 R1 to R2
Parcel ID #07-122003 R1 to R2
Parcel ID #07-121003 R1 to R2
Parcel ID #07-120003 R1 to R2
Parcel ID #07-119003 R1 to R2
Parcel ID #07-118003 R1 to R2
Parcel ID #07-117003 R1 to R2
Parcel ID #07-116003 R1 to R2
Parcel ID #07-115003 R1 to R2
Parcel ID #07-114003 R1 to R2
Parcel ID #07-113003 R1 to R2
Parcel ID #07-112003 R1 to R2
Parcel ID #07-111003 R1 to R2
Parcel ID #07-110003 R1 to R2
Parcel ID #07-081003 R1 to R2

EFFECTIVE OCTOBER 8, 2001

Tax Map 40, Parcel 66 – R2 to GD-1
Tax Map 40, Parcel 67 - R-2 to GD-1
Tax Map 37, Parcel 80 – R2 to GD-1
Tax Map 39, Parcel 2 – Commercial to GD-1
Tax Map 14, Parcel 30 - Commercial to GD-4C
Tax Map 16, Parcel 8 - Commercial to GD-4
Tax Map 17, Parcel 4 – Commercial to GD-4C
Tax Map 17, Parcel 4-1 – Commercial to GD-4
Tax Map 17, Parcel 5 - Commercial to GD-4C
Tax Map 17, Parcel 6 – Commercial to GD-4C
Tax Map 17, Parcel 7, - Commercial to GD-4C
Tax Map 17, Parcel 9, - Commercial to GD-4C
Tax Map 17, Parcel 10, - Commercial to GD-4 & GD-4C
Tax Map 17, Parcel 12, - Commercial to GD-4C
Tax Map 17, Parcel 12-1, - Commercial to GD-4C
Tax Map 17, Parcel 12-2, - Commercial to GD-4C
Tax Map 17, Parcel 15, - Commercial to GD-4C
Tax Map 17, Parcel 15-1, Commercial to GD-4 & GD-4C
Tax Map 17, Parcel 16, - Commercial to GD-4C
Tax Map 17, Parcel 19, - Commercial to GD-4C
Tax Map 17, Parcel 1, - GD-1 to GD-4
Tax Map 14, Parcel 23, - GD-1 to GD-4

Tax Map 14, Parcel 25, - GD-1 to GD-4
Tax Map 14, Parcel 26, - GD-1 to GD-4
Tax Map 14, Parcel 27, - GD-1 to GD-4 & GD-4

Tax Map 14, Parcel 28, - GD-1 to GD4
Tax Map 14, Parcel 29, - GD-1 to GD-4
Tax Map 14, Parcel 31, - GD-1 to GD-4
Tax Map 14, Parcel 32, - GD-1 to GD-4
Tax Map 16, Parcel 8, - GD-1 to GD-4
Tax Map 16, Parcel 10, - GD-1 to GD-4
Tax Map 17, Parcel 3, - GD-1 to GD-4
Tax Map 17, Parcel 3-1, - GD-1 to GD-4
Tax Map 17, Parcel 20-1, GD-1 to GD-4
Tax Map 17, Parcel 30, - GD-1 to GD-4
Tax Map 17, Parcel 31, - GD-1 to GD-4
Tax Map 17, Parcel 31-1, - GD-1 to GD-4
Tax Map 17, Parcel 31-3, - GD-1 to GD-4
Tax Map 17, Parcel 31-4, - GD-1 to GD-4
Tax Map 17, Parcel 31-5, - GD-1 to GD-4
Tax Map 17, Parcel 31-6, - GD-1 to GD-4
Tax Map 17, Parcel 31-7, - GD-1 to GD-4
Tax Map 17, Parcel 31-8, - GD-1 to GD-4
Tax Map 17, Parcel 11, - IND to GD-4
Tax Map 17, Parcel 13, - IND to GD-4
Tax Map 17, Parcel 13-1, - IND to GD-4

EFFECTIVE APRIL 5, 1983

Tax Map 17, Parcel 15-1 - Residential to Commercial.
Tax Map 1, Parcel 13 - General Development GD-1 to Governmental.
Tax Map 4, Parcel 6 - Industrial to Governmental.
Tax Map 1, Parcels 15 & 19 - Industrial to Governmental.
Tax Map 3, Parcels 1, 2, 3, 4, 8, 8-1 and 6 - Residential R-1 and Commercial to Industrial.
Tax Map 62, Parcel 4 - Residential R-1 to Commercial.

IEFFECTIVE MARCH 6, 1984

Tax Map 8, Parcel 22 - Agricultural to Residential R-1.
Tax Map 3, Parcel 24-3 - Commercial to Residential R-3.
Tax Map 41, Parcel 7 - Residential R-1 to Commercial.

EFFECTIVE MARCH 7, 1985

Tax Map 17, Parcel 4 - Agricultural to Commercial.
Tax Map 17, Parcel 5 - Residential (R-1) to Commercial.
Tax Map 26, Parcel 29 - Governmental to Commercial.

EFFECTIVE MARCH 4, 1986

Tax Map 14, Parcel 4 - Agricultural to Rural Residential.

EFFECTIVE JULY 15, 1986

Tax Map 37, Parcel 20 - R-2 Residential to General Development GD-1.
Tax Map 37, Parcel 21 - R-2 Residential to General Development GD-1.
Tax Map 37, Parcel 23 - R-2 Residential to General Development GD-1.
Tax Map 37, Parcel 24 - R-2 Residential to General Development GD-1.

Tax Map 37, Parcel 25 and 26 - R-2 Residential to General Development GD-1.
Tax Map 37, Parcels 28 and 29 - R-3 Residential to General Development GD-1.
Tax Map 37, Parcel 30-1 - Commercial to General Development GD-1.
Tax Map 37, Parcel 30 - Commercial to General Development GD-1.
Tax Map 37, Parcel 31 - Commercial to General Development GD-1.

EFFECTIVE DECEMBER 1, 1987
Tax Map 26, Parcel 19 - Agricultural to Commercial.

EFFECTIVE APRIL 25, 1989
Tax Map 1, Parcel 16 - General Development 1 to General Development 2.
Tax Map 4, Parcel 30 - Agricultural to Commercial.
Tax Map 4, Parcel 30-2 - Agricultural to Commercial.
Tax Map 4, Parcel 30-3 - Agricultural to Commercial.
Tax Map 77, Parcel 1 - Commercial to Residential R-1.
Tax Map 17, Parcel 43 - A 100 ft. by 1310 ft. portion of land running north to south and abutting I-89 ROW Residential R-1 to Commercial.
Tax Map 4, Parcel 4 - Residential R-1 to Residential R-3.
Tax Map 17, Parcel 3 - Agricultural to General Development GD-1.
Tax Map 27, Parcels 1 and 1-1 - Agricultural to Residential R-2.
Tax Map 12, Parcel 16 - Agricultural to Residential RR.
Tax Map 51, Parcel 1 - Residential to General Development GD-1.
Tax Map 48, Parcel 19 - Residential R-2 to Residential R-3.

EFFECTIVE JULY 5, 1989

Tax Map 37, Parcel 32 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 72-1 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 74 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 75 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 76 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 77 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 78 - Residential R-2 to General Development GD-1.
Tax Map 37, Parcel 79 - Residential R-2 to General Development GD-1.

EFFECTIVE AUGUST 16, 1989

Tax Map 3, Parcel 15 - Governmental to Commercial.
Tax Map 25, Parcel 108 - Governmental to Residential R-3.

EFFECTIVE JUNE 4, 1991

Tax Map 5 Parcel 5 - That portion being exclusive of the floodplain Residential R-1 to GD-1.
Tax Map 5 Parcel 6 - Residential R-1 to GD-1.
Tax Map 5 Parcel 7 - Residential R-1 to GD-1.
Tax Map 5 Parcel 7-1 - Residential R-1 to GD-1.
Tax Map 5 Parcel 9 - Commercial COM to GD-1.
Tax Map 37 Parcel 1 - Residential R-1 to GD-1.

Tax Map 37 Parcel 2 - Residential R-1 to GD-1.
Tax Map 37 Parcel 3 - Residential R-1 to GD-1.
Tax Map 37 Parcel 4 - Residential R-1 to GD-1.
Tax Map 37 Parcel 5 - Residential R-1 to GD-1.
Tax Map 37 Parcel 8 - Residential R-1 to GD-1.
Tax Map 37 Parcel 9 - Residential R-1 to GD-1.
Tax Map 37 Parcel 11 - Residential R-1 to GD-1.
Tax Map 37 Parcel 11-1 - Residential R-1 to GD-1.
Tax Map 37 Parcel 12 - Residential R-1 to GD-1.
Tax Map 37 Parcel 13 - Residential R-1 to GD-1.
Tax Map 37 Parcel 14 - Residential R-1 to GD-1.
Tax Map 37 Parcel 15 - Residential R-1 to GD-1.
Tax Map 37 Parcel 20 - GD-1 to Commercial.
Tax Map 37 Parcel 21 - GD-1 to Commercial.
Tax Map 37 Parcel 23 - GD-1 to Commercial.
Tax Map 37 Parcel 24 - GD-1 to Commercial.
Tax Map 37 Parcel 25 - GD-1 to Commercial.
Tax Map 37 Parcel 26 - GD-1 to Commercial.
Tax Map 37 Parcel 28 - GD-1 to Commercial.
Tax Map 37 Parcel 30 - GD-1 to Commercial.
Tax Map 37 Parcel 30-1 - GD-1 to Commercial.
Tax Map 40 Parcel 1 - GD-1 to Commercial.
Tax Map 40 Parcel 2 - GD-1 to Commercial.
Tax Map 40 Parcel 2-1 - GD-1 to Commercial.
Tax Map 40 Parcel 3 - GD-1 to Commercial.
Tax Map 40 Parcel 4 - GD-1 to Commercial.
Tax Map 40 Parcel 5 - GD-1 to Commercial.
Tax Map 40 Parcel 6 - GD-1 to Commercial.
Tax Map 40 Parcel 7 - GD-1 to Commercial.
Tax Map 40 Parcel 62 - GD-1 to Commercial.
Tax Map 40 Parcel 62-1 - GD-1 to Commercial.
Tax Map 40 Parcel 62-2 - GD-1 to Commercial.
Tax Map 40 Parcel 63 - GD-1 to Commercial.
Tax Map 40 Parcel 63-1 - GD-1 to Commercial.
Tax Map 40 Parcel 64 - GD-1 to Commercial.
Tax Map 41 Parcel 90 - Residential R-3 to Commercial.
Tax Map 41 Parcel 91 - Residential R-3 to Commercial.
Tax Map 41 Parcel 92 - Residential R-3 to Commercial.
Tax Map 41 Parcel 94 - GD-1 to Commercial.
Tax Map 41 Parcel 95 - GD-1 to Commercial.
Tax Map 41 Parcel 97 - GD-1 to Commercial.
Tax Map 41 Parcel 98 - GD-1 to Commercial.
Tax Map 41 Parcel 99 - GD-1 to Commercial.
Tax Map 49 Parcel 1 - GD-1 to Commercial.
Tax Map 49 Parcel 1-1 - GD-1 to Commercial.
Tax Map 49 Parcel 1-2 - GD-1 to Commercial.
Tax Map 49 Parcel 2 - GD-1 to Commercial.
Tax Map 49 Parcel 3 - GD-1 to Commercial.
Tax Map 49 Parcel 4 - GD-1 to Commercial.
Tax Map 49 Parcel 5 - GD-1 to Commercial.
Tax Map 49 Parcel 7 - GD-1 to Commercial.
Tax Map 49 Parcel 7-2 - GD-1 to Commercial.

Tax Map 49 Parcel 8 - GD-1 to Commercial.
Tax Map 49 Parcel 9 - GD-1 to Commercial.
Tax Map 49 Parcel 10 - GD-1 to Commercial.
Tax Map 49 Parcel 10-1 - GD-1 to Commercial.
Tax Map 49 Parcel 13 - GD-1 to Commercial.
Tax Map 49 Parcel 14 - GD-1 to Commercial.
Tax Map 49 Parcel 15 - GD-1 to Commercial.
Tax Map 49 Parcel 18 - GD-1 to Commercial.
Tax Map 49 Parcel 20 - GD-1 to Commercial.
Tax Map 49 Parcel 21 - GD-1 to Commercial.
Tax Map 49 Parcel 22 - GD-1 to Commercial.
Tax Map 49 Parcel 23 - GD-1 to Commercial.
Tax Map 49 Parcel 24 - GD-1 to Commercial.
Tax Map 49 Parcel 25 - GD-1 to Commercial.
Tax Map 49 Parcel 26 - GD-1 to Commercial.
Tax Map 49 Parcel 26-1 - GD-1 to Commercial.
Tax Map 51 Parcel 6 - GD-1 to Commercial.
Tax Map 51 Parcel 6-1 - GD-1 to Commercial.
Tax Map 51 Parcel 7 - GD-1 to Commercial.
Tax Map 51 Parcel 8 - GD-1 to Commercial.
Tax Map 51 Parcel 9 - GD-1 to Commercial.
Tax Map 51 Parcel 9-1 - GD-1 to Commercial.
Tax Map 51 Parcel 10 - GD-1 to Commercial.
Tax Map 51 Parcel 10-1 - GD-1 to Commercial.
Tax Map 51 Parcel 12 - GD-1 to Commercial.
Tax Map 51 Parcel 14 - A 256' x 1110' x 268' x 1110' portion GD-1 to Commercial.
Tax Map 51 Parcel 13 - Residential R-3 to Residential R-2.
Tax Map 51 Parcel 14 - GD-1 to Residential R-2 (excluding a 256' x 1110' x 268' x 1110' portion in the rear).
Tax Map 51 Parcel 14-4 - Residential R-3 to Residential R-2.
Tax Map 51 Parcel 14-5 - Residential R-3 to Residential R-2.
Tax Map 51 Parcel 14-56 - Residential R-3 to Residential R-2.
Tax Map 51 Parcel 15 - Residential R-3 to Residential R-2.
Tax Map 53 Parcel 1 - Residential R-3 to Residential R-2.
Tax Map 53 Parcel 2 - Residential R-3 to Residential R-2.
Tax Map 53 Parcel 4 - Residential R-3 to Residential R-2.
Tax Map 53 Parcel 5 - A portion Residential R-3 to Residential R-2.
Tax Map 53 Parcel 6 - A portion Residential R-3 to Residential R-2.
Tax Map 53 Parcel 7 - A portion Residential R-3 to Residential R-2.
Tax Map 53 Parcel 7 - A portion GD-1 to Residential R-2.
Tax Map 53 Parcel 8 - Residential R-3 to Residential R-2.
Tax Map 53 Parcel 9 - Residential R-3 to Residential R-2.
Tax Map 42 Parcel 96 - Residential R-2 to Residential R-3.
Tax Map 42 Parcel 97 - Residential R-2 to Residential R-3.
Tax Map 48 Parcel 1 - Residential R-2 to Residential R-3.
Tax Map 48 Parcel 2 - Residential R-2 to Residential R-3.
Tax Map 48 Parcel 19 - Residential R-2 to Residential R-3.
Tax Map 7 Parcel 40 - Agricultural to Residential R-2.
Tax Map 8 Parcel 28-1 - A portion approximately 1153 ft. along Poor Farm and Blakely Roads but limited to 600 ft. in depth north of Blakely Road Agricultural to Residential R-1.
Tax Map 8 Parcel 32 - A portion across the entire width of the property along Blakely Road but limited to 600 ft. in depth north of Blakely Road Agricultural to Residential R-1.
Tax Map 14 Parcel 27 - Agricultural to GD-1.
Tax Map 9 Parcel 16 - Residential R-1 to Rural Residential.

Tax Map 12 Parcel 1 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 2 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 4 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 4-1 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 5 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 7 - Agricultural to Rural Residential.
Tax Map 12 Parcel 9 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 9-1 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 10 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 12 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 13 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 14 - Residential R-1 to Rural Residential.
Tax Map 12 Parcel 15 - Agricultural to Rural Residential.
Tax Map 12 Parcel 17 - Agricultural to Rural Residential.
Tax Map 12 Parcel 18 - Agricultural to Rural Residential.
Tax Map 12 Parcel 20 - Agricultural to Rural Residential.
Tax Map 14 Parcel 11 - A portion Agricultural to Rural Residential to the existing Rural Residential zone.
Tax Map 14 Parcel 24 - A portion Agricultural to Rural Residential.
Tax Map 14 Parcel 28 - A portion brook to the rear of the property Agricultural to Rural Residential.
Tax Map 17 Parcel 1 - A portion Agricultural to Rural Residential to the existing Rural Residential zone.
Tax Map 16, Parcel 62 - Commercial to Residential R-1.
Tax Map 16, Parcel 63 - A 1200 ft. portion Commercial to Residential R-1 to the adjoining residential zone.
Tax Map 78, Parcel 8-1 - Commercial to Residential R-1.
Tax Map 60, Parcel 1 - GD-1 to Commercial.

EFFECTIVE SEPTEMBER 17, 1991

1. Tax Map 13, Parcel 3 - Governmental to R-1.
2. Tax Map 13, Parcel 4 - Governmental to R-1.
3. Tax Map 13, Parcel 7 - Governmental to R-1.
4. Tax Map 13, Parcel 4-1 - Governmental to R-1.
5. Tax Map 26, Parcel 26 - Governmental to R-1.
6. Tax Map 65, Parcel 23 - Governmental to R-1.
7. Tax Map 6, Parcel 22 - Governmental to R-1.
8. Tax Map 6, Parcel 21 - Governmental to R-1.
9. Tax Map 6, Parcel 14 - Governmental to R-1.
10. Tax Map 6, Parcel 12 - Governmental to R-1.
11. Tax Map 6, Parcel 12-1 - Governmental to R-1.
12. Tax Map 66, Parcel 1 - Governmental to R-1.
13. Tax Map 66, Parcel 2 - Governmental to R-1.
14. Tax Map 66, Parcel 25 - Governmental to R-1.
15. Tax Map 6, Parcel 27 - Governmental to R-1.
16. Tax Map 4, Parcel 33 - Governmental to R-1.
17. Tax Map 42, Parcel 99 - Governmental to R-3.
18. Tax Map 12, Parcel 35 - Governmental to Agricultural.
19. Tax Map 8, Parcel 21-1 - Governmental to Agricultural.
20. Tax Map 26, Parcel 31 - Governmental to GD-1.
21. Tax Map 26, Parcel 31-1 - Governmental to GD-1.
22. Tax Map 7, Parcel 56 - Governmental to GD-1.
23. Tax Map 7, Parcel 57 - Governmental to GD-1.
24. Tax Map 1, Parcel 19 - Governmental to GD-2.
25. Tax Map 62, Parcel 29 - Governmental to Commercial.

26. Tax Map 41, Parcel 35 - Governmental to Commercial.
27. Tax Map 41, Parcel 34 - Governmental to Commercial.
28. Tax Map 3B, Parcel 195 - Governmental to Commercial.
29. Tax Map 3, Parcel 5 - Governmental to Industrial.
30. Tax Map 1, Parcel 13 - Governmental to Industrial.
31. Portion of Tax Map 11, Parcel 12 - Governmental to Industrial.
    Commencing at a point of intersection of the centerline of the Vermont Central Railway and the centerline of the Lime Kiln Bridge, proceeding northerly along the Railway centerline 1,200 feet, then turning right 90 degrees, proceeding easterly 800 feet to the Town Line, turning right and following the Town Line 490 more or less to the Winooski River, then turning right and following the Winooski River Bank to the point of commencement.

EFFECTIVE APRIL 14, 1992

1. Tax Map 3, Parcel 39 - R-1 to MHP.
2. Tax Map 27, Parcel 4 - Commercial to R-3.
3. Tax Map 27, Parcel 5 - Commercial to R-3.
4. Tax Map 27, Parcel 6 - Commercial to R-3.
5. Tax Map 60, Parcel 1 - Commercial to GD-1.
6. Tax Map 8, Parcel 38-1 - Agricultural to Rural Residential.
7. Tax Map 16, Parcel 10 - R-1 to GD-1.
8. Tax Map 16, Parcel 14 - R-1 to GD-1.
9. Tax Map 17, Parcel 3-1 - R-1 to GD-1.
10. Tax Map 60, Parcel 38 - Residential to Commercial.
11. Tax Map 14, Parcel 31 - Rural Residential to GD-1.
12. Tax Map 14, Parcel 28 - A portion Rural Residential to GD-1.
13. Tax Map 14, Parcel 29 - Rural Residential to GD-1.
14. Tax Map 14, Parcel 32 - A portion Agricultural to GD-1.
15. Tax Map 3, Parcel 45 - R-1 to Industrial.
16. Tax Map 16, Parcel 10-2 - Commercial to GD-1.
17. Tax Map 15, Parcel 18 - Agricultural to Rural Residential.
18. Tax Map 8, Parcel 28-1 - A portion Agricultural to R-1.
19. Tax Map 24, Parcel 24 - R-2 to Commercial.
20. Tax Map 16, Parcel 26-1 - Commercial to GD-1.
21. Tax Map 16, Parcel 29 - Commercial to GD-1.
22. Tax Map 16, Parcel 31 - Commercial to GD-1.
23. Tax Map 16, Parcel 32-3 - Commercial to GD-1.
24. Tax Map 16, Parcel 32 - Commercial to GD-1.
25. Tax Map 16, Parcel 33 - Commercial to GD-1.
26. Tax Map 16, Parcel 18 - Commercial to GD-1.
27. Tax Map 16, Parcel 17 - Commercial to GD-1.
28. Tax Map 16, Parcel 15 - R-1 to GD-1.
29. Tax Map 16, Parcel 13-1 - R-1 to GD-1.
30. Tax Map 16, Parcel 13 - Commercial to GD-1.
31. Tax Map 16, Parcel 11 - Commercial to GD-1.
32. Tax Map 16, Parcel 8 - Commercial to GD-1.
33. Tax Map 17, Parcel 31-7 - Commercial to GD-1.
34. Tax Map 17, Parcel 31-6 - Commercial to GD-1.
35. Tax Map 17, Parcel 31-5 - Commercial to GD-1.
36. Tax Map 17, Parcel 30 - Commercial to GD-1.

37. Tax Map 17, Parcel 31-3 - Commercial to GD-1.
38. Tax Map 17, Parcel 31 - Commercial to GD-1.
39. Tax Map 17, Parcel 31-1 - Commercial to GD-1.
40. Tax Map 17, Parcel 20-1 - Commercial to GD-1.
41. Tax Map 17, Parcel 31-8 - Commercial to GD-1.
42. Tax Map 17, Parcel 31-4 - Commercial to GD-1.

EFFECTIVE JUNE 30, 1992

1. Tax Map 3, Parcel 39 - Residential R-1 to Residential R-3.

EFFECTIVE JANUARY 13, 1993

1. Tax Map 12, Parcel 25 - Agricultural to Rural Residential.

EFFECTIVE AUGUST 20, 1993

1. Tax Map 3, Parcel 30 - Governmental to Industrial.
2. Tax Map 6, Parcel 26-7 - Governmental to Residential R-1.
3. Tax Map 19, Parcel 27 - Governmental to General Development GD-1.
4. Tax Map 25, Parcel 54 - Governmental to Residential R-2.
5. Tax Map 26, Parcel 26-1 - Governmental to Commercial.
6. Tax Map 31, Parcel 8 - Governmental to Residential R-1.
7. Tax Map 33, Parcel 57 - Governmental to Residential R-1.
8. Tax Map 65, Parcel 25 - Governmental to Commercial.
9. Tax Map 66, Parcel 3 - Governmental to Residential R-1.
10. Tax Map 66, Parcel 25 - Governmental to Residential R-1.
11. Tax Map 1, Parcel 12 - Governmental to Industrial.

EFFECTIVE MAY 13, 1997

1. Tax Map 3, Parcel 1 - Industrial to Residential R-3.
2. Tax Map 3, Parcel 2 - Industrial to Residential R-3.
3. Tax Map 3, Parcel 17 - Industrial to Commercial.
4. Tax Map 21, Parcel 11 – Mobile Home Park to General Development GD-2.
5. Tax Map 28, Parcel 35 – Agricultural to Residential R-1.
6. Tax Map 7, Parcel 48 – Agricultural to Residential R-3.
7. Tax Map 57, Parcels 5 & 5-2 – Rural Residential to Residential R-1.
8. Tax Map 14, Parcel 23 – Commercial to General Development GD-1.
9. Tax Map 14, Parcel 25 – Commercial to General Development GD-1.
10. Tax Map 14, Parcel 26 – Commercial/Agricultural to General Development GD-1.
11. Tax Map 17, Parcel 6 – Agricultural to Commercial.
12. Tax Map 67, Parcel 2-2 – Residential R-2 to Residential R-3.
13. Tax Map 67, Parcel 2-3 – Residential R-2 to Residential R-3.
14. Tax Map 3, Parcel 39 – Residential R-3 to Industrial.
15. Tax Map 24, Parcels 5 & 6 – Residential R-2 to General Development GD-1.
16. Tax Map 70, Parcel 1 – Residential R-1 to General Development GD-1.
17. Tax Map 4, Parcel 2 – Residential R-1 to Residential R-3.

18. Tax Map 4, Parcel 2-1 – Residential R-1 to General Development GD-1.
19. Tax map 24, Parcel 31 – Residential R-2 to General Development GD-1.
20. Tax Map 25, Parcel 4 – Residential R-2 to General Development GD-1.
21. Tax Map 62, Parcel 1 – Residential R-1 to General Development GD-1.
22. Tax Map 62, Parcel 3 – Residential R-1 to Residential R-2.
23. Tax Map 62, Parcel 31 – Commercial to General Development GD-1.
24. Tax Map 8, Parcel 1 – one acre Agricultural to Residential R-1 and balance remaining Agricultural.
25. Tax Map 79, Parcel 2 – Commercial to Rural Residential RR.
26. Tax Map 59, Parcels 4, 5, 6 – Rural Residential to Residential R-1.
27. Tax map 12, Parcel 20-2 – Agricultural to Rural Residential.
28. Tax Map 12, Parcel 20-1 – Agricultural to Rural Residential.
29. Tax Map 8, Parcel 23 – 10 acres fronting on Roosevelt Highway to be rezoned Agricultural to Rural Residential, balance of land fronting on Poor Farm Road to remain Agricultural.
30. Tax Map 24, Parcel 14-1 – Residential R-2 to Residential R-3.
31. Tax Map 8, Parcel 3-1 – Agricultural to Residential R-1.
32. Tax Map 57, Parcel 9 – as follows: 51 acres Commercial to General Development GD-1, 15 acres Rural Residential to General Development GD-1.
33. Tax Map 17, Parcel 1 – 98 Coon Hill Road, Rural Residential to General Development GD-1 (rezoning contingent on merger with Tax Map 14, Parcel 32).
34. Tax Map 14, Parcel 32 – General Development GD-1/Rural Residential to General Development GD-1.

EFFECTIVE JUNE 3, 1997

1. Tax Map 7, Parcel 41 – Agricultural to Residential R-2.

EFFECTIVE MAY 16, 2001

1. Tax Map 3, Parcel 31 – Industrial to GD-3
2. Tax Map 4, Parcel 30-3 – Commercial to GD-3
3. Tax Map 4, Parcel 30-1 and 30-2 – Commercial to GD-3
4. Tax Map 28, Parcel 9 – Wetland/Floodplain to R-3
5. Tax Map 35, Parcel 1 – Industrial to R-2
6. Tax Map 12, Parcel 20-3 – Agricultural to RR
7. Tax Map 25, Parcel 3 – R-2 to GD-1
8. Tax Map 79, Parcels 2 and 2-1 – RR to R-1
9. Tax Map 41, Parcel 6 – R-3 to Commercial
10. Tax Map 49, Parcels 8 & 9 – Commercial to GD-1
11. Tax Map 49, Parcel 4 – Commercial to GD-1
12. Tax Map 49, Parcel 3 – Commercial to GD-1
13. Tax Map 49, Parcels 7-2 & 10 – Commercial to GD-1
14. Tax Map 49, Parcel 7 – Commercial to GD-1
15. Tax Map 49, Parcel 5 – Commercial to GD-1
16. Tax Map 49, Parcel 10-1 – Commercial to GD-1
17. Tax Map 7, Parcel 48-1 – Agricultural to R-2, property of Samuel Mazza
18. Tax Map 2, Parcel 8 – Industrial to R-1
19. Tax Map 2, Parcel 10 – Industrial to R-1
20. Tax Map 8, Parcels 28, 28-3 and 27 – Agricultural to R-10
21. Tax Map 8, Parcel 26 – Agricultural to R-10

APPENDIX G: APPLICATION SUBMISSION REQUIREMENTS

SPECIFICATIONS FOR THE SUBMISSION OFAPPLICATIONS

A. Purpose: In order to provide for uniform treatment of requests under these Regulations, all applications submitted for review by the Zoning Administrator or Development Review Board under the Colchester Development Regulations shall comply with these specifications stated herein.

B. Notice Requirements: All applications shall be noticed in accordance with the requirements of 24 VSA § 4464. The applicant shall be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant shall be required to demonstrate proof of delivery to adjoining landowners 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. Digital Format Requirements: The submission of applications, site plans**,** and supporting material in digital format shall occur at or before the time of applying for a permit and should comply with the following specifications:

1. Digital submittals shall be in pdf form with each pdf not exceeding 20mb in size.
2. Application forms, plans, and supporting documents shall each be separate pdfs. Plans shall be submitted as a set whenever feasible.
3. PDFs shall be submitted via e-mail to pzinfo@colchestervt.gov or the requesting reviewer. If e-mail is not feasible, submissions will be accepted via CD/ DVD.
4. Files shall be named the address of the property and the type of document followed by the year (i.e. 205RooseveltHgwyApp15). Each file name shall be unique with no spaces and characters shall be numbers or letters (no characters such as hyphens, #, &, or *).
5. Subsequent submittals shall include a version reference in the name (i.e. 205RooseveltHgwyApp15v2) or final as the suffix if it is as approved. Plans submitted as sets shall be resubmitted as sets. This shall also apply to applications and all other supporting materials with page replacements or updates.
6. All pdfs shall be at least at 300dpi, color, and to scale if a plan, elevation, or similar document.
7. One paper copy of DRB applications and plans may be required if requested by Staff.

D. Submission Requirements: Applications for Site Plan, Sketch Plan, Preliminary Plat, and Final Plat and plans, drawn to scale, submitted shall comply with Appendix G herein and include the following information for the Administrative Officer to deem the application complete and ready to send to the Development Review Board for its review:

	Site Plan	Subdiv Sketch Plan	Subdiv Prelimin -ary Plat	Subdiv Final Plat
1. Existing Conditions Plan and Data				
(a) A list of the owners of record of abutting properties.	√	√	√	√
(b) Boundaries of existing zoning and overlay districts on the subject property and adjacent zoning and overlay district boundaries.	√	√	√	√
(c) Area and boundaries of the property, building or setback lines as required in this chapter, and lines of existing streets and adjoining lots, as shown on a survey.	√	√	√	√
(d) Reservations, easements and areas dedicated or to be dedicated to public use shall be shown.	√	√	√	√
(e) Lot dimensions and survey data, and section and lot numbers of the subject property. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.	√	√	√	√
(f) Such map shall show the applicant's entire property in a closed bound survey, adjacent properties, streets within two hundred (200) feet of the site, approximate location and dimensions of all existing structures, and location of all existing structures on adjacent properties and within one hundred (100) feet of the site boundary. At the discretion of the Administrative Officer the required area of the site plan shall be increased.	√	√	√	√
(g) Location of watercourses, waterbodies, wetlands, floodplains, and floodplain boundaries as determined by the Federal Emergency Management Agency or as mapped by the Town of Colchester, watercourses, wetlands, rock outcrops, wooded areas, existing vegetation, and other significant natural features on the site.	√	√	√	√
(h) Topographic contours and profiles as needed. Existing and proposed contours should be shown at a maximum vertical interval of two (2) feet.	√	√	√	√
(i) Location of, square footage, and height of existing structures and uses on the site.	√	√	√	√
(j) Existing structures and access points on adjacent properties, including those directly across a public street.	√		√	√
2. Development Plan and Data				
(a) The title of the development, date, North arrow, parcel ids, scale, name and address of the owner of record and of the applicant, if other than the owner, and of the engineer, architect, landscape architect or surveyor preparing the plan shall be shown on a site	√	√	√	√

	Site Plan	Subdiv Sketch Plan	Subdiv Prelimin -ary Plat	Subdiv Final Plat
plan map. The preferred scale is one (1) inch equals thirty (30) feet.				
(b) Property lines and dimensions of all land that is offered, or to be offered, for dedication for public use, with purpose indicated thereon, and of all property that is proposed to be served by deed covenant for the common use of the property owners of the development.	√	√	√	√
(c) Estimated project construction schedule, phasing, and date of completion.	√		√	√
(d) All means of vehicular access and egress to and from the site onto public streets (dimensions, widths, & turning radii), and all provisions for pedestrian access and circulation. Existing highway geometries should be given that include access points near the project. Sight distance in both directions of all driveway intersections should also be shown on the plans. The linear footage and width for proposed roads/driveways should be provided.	√		√	√
(e) Elevations, floor plans, and sections of proposed structures showing the proposed location, use, design and height of all structures, key boxes, and fire department connections. Plans shall also show any proposed division of buildings into units of separate occupancy and location of drives and access thereto.	√		√	√
(h) The location and layout of any off-street parking or loading areas, traffic circulation areas, truck circulation patterns, loading areas, areas for snow storage, bike racks, pedestrian walkways, and fire lanes.	√		√	√
(i) Analysis of traffic impacts, including traffic level of service/capacity analysis for existing and future conditions. Estimated daily and peak hour traffic generation, and an estimate of traffic generation during the peak hour of the adjacent street traffic. A traffic study may be required in accordance with the standards set forth in Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards).	√		√	√
(j) Lot area in square feet and acres, and lot coverage calculations including building, overall, and front yard coverage.	√	√	√	√

	Site Plan	Subdiv Sketch Plan	Subdiv Prelimin -ary Plat	Subdiv Final Plat
(k) The location of all proposed waterlines, valves and hydrants and sewer lines or wells and sewage tanks, fields, lines and/or septic test pit and percolation information. Information on water fire flows and pressures is also required.	√		√	√
(l) Detailed landscaping plan, including type, size, and location of all materials used and plans for buffer screening and fencing.	√		√	√
(m) Cut sheets for all proposed outdoor lighting within the site including mounting heights and a point by point lighting scheme.	√		√	√
(n) The general location of any free-standing signs.	√		√	√
(o) The location of any outdoor storage for equipment and materials if any, and the location, type and design of all solid waste-related facilities, including dumpsters and recycling bins.	√		√	√
(p) Location and design of all energy distribution facilities, including electrical, gas, and solar energy.	√		√	√
(q) Recreation areas if required.	√		√	√
(r) Preliminary grading, drainage, landscaping and buffering plan.	√	√	√	√
(s) The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas, parking lots and roads, and including an erosion and sedimentation control plan, and proposed locations of sediment sink/setting pond and interceptor swales.	√		√	√
(t) Detailed plans of retaining walls, steps, ramps, paving, and drainage structures.	√		√	√
(u) Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site or a statement that no material is to be removed or imported.	√		√	√
(v) Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.	√		√	√
(w) The location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.	√		√	√
(x) Finished grades of walls, pavements, and storm drains.	√		√	√
(y) Proposed streets and lots within the subdivision names and numbered in numerical order within	√		√	√

	Site Plan	Subdiv Sketch Plan	Subdiv Prelimin -ary Plat	Subdiv Final Plat
blocks in accordance with Chapter 17 of the Colchester Code of Ordinances.				
(z) Final Plat Supporting Documents				√
(z)(1) A copy of all proposed deeds, agreements, or other documents which convey or relate to the use of a privately-owned street or right-of-way including a completed contract between the land owner and the Town regarding the number of lots or dwelling units to be served by the proposed right-of-way or private street and the responsibility for the roadway maintenance.				√
(z)(2) Copies of proposed deeds, agreements or other documents showing the manner in which open space including park and recreational areas and school site areas, are to be dedicated, reserved and maintained and a certificate of the Town Attorney that these documents are satisfactory.				√
(z)(3) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.				√
(z)(4) A prospectus describing the management organization if the DRB requires the creation of an owners' association or management organization.				√
3. Any other information or data that the Administrative Officer or DRB shall require for a full assessment of the project pursuant Articles 8 and/or 9.	√	√	√	√

E. Waiver of Application Requirements: The Administrative Officer shall have the authority to, when reasonable, waive any application requirements for Site Plan, Sketch Plan, Preliminary Plat, or Final Plat applications. Any such waiver may be exercised in the event any such requirements are:

1. found not to be requisite in the interest of public health, safety, or general welfare, or
2. inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site, or
3. will cause extraordinary and unnecessary hardship.

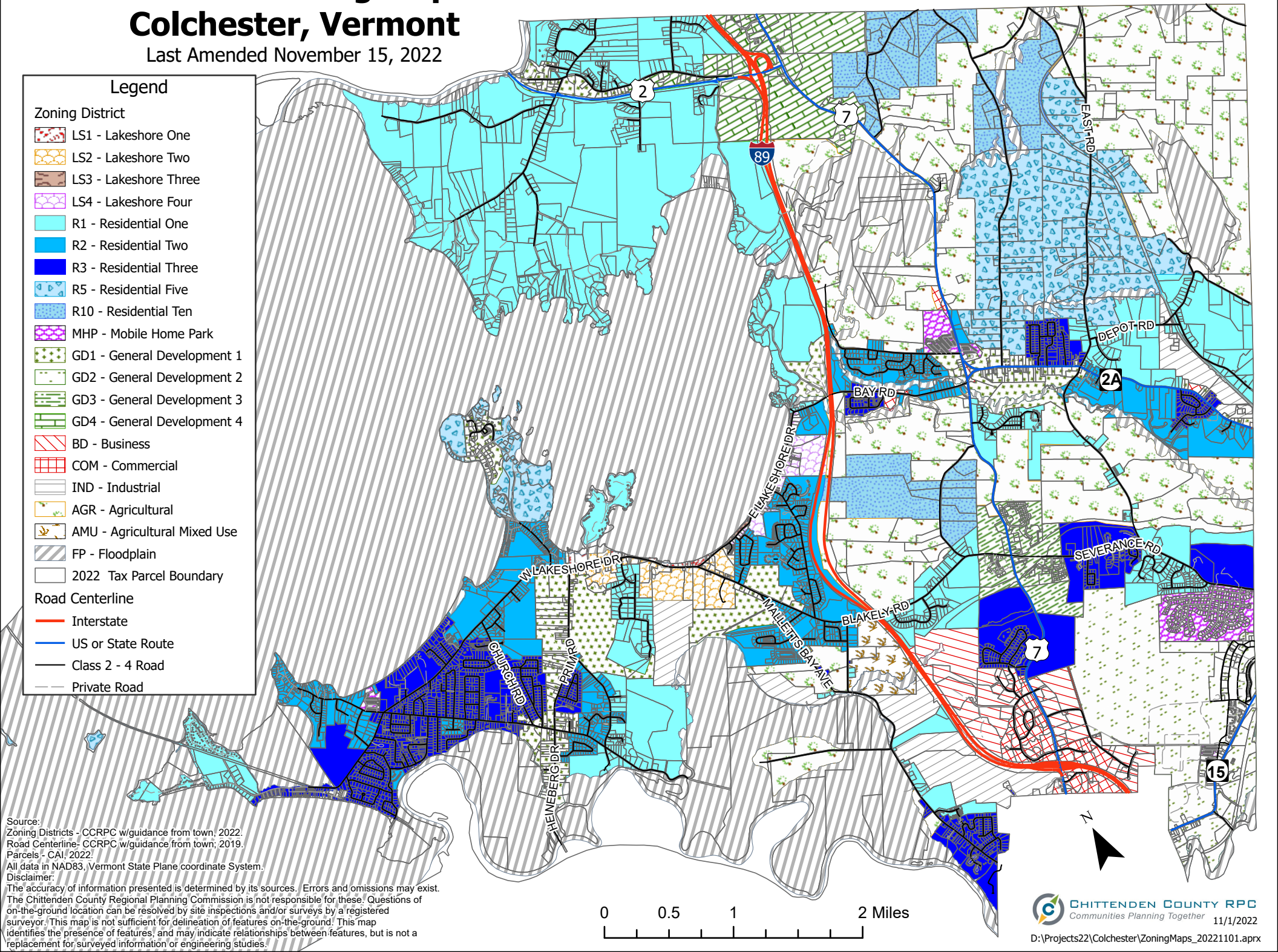
APPENDIX H: PLAT & BOUNDARY LINE ADJUSTMENT REQUIREMENTS

The submission of plats and boundary line adjustments shall comply with the following specifications:

1. All mylars shall comply with 27 V.S.A. Chapter 17.
2. All mylars shall be legible.
3. All mylars should be 18 inches by 24 inches in dimensions.
4. All mylars shall have the appropriate title block included (please see attached sheet).
5. Complete survey of property by a licensed land surveyor drawn to scale (1 inch = 320 ft. is the preferred minimum).
6. Name, license number, seal, and contact phone number of licensed land surveyor & date prepared.
7. Survey data should be included for all surveys: acreage, property lines, and watercourses. Where appropriate please include contours at two (2) foot elevation intervals (existing and finished), zoning boundaries, base flood elevation, etc.
8. Numerical and graphical scale, date last revised, and north arrow.
9. All requirements specified under the current approved Findings of Fact and Order for the property.
10. Location of easements, public lands, ROW's, sidewalks, public infrastructure, public or private streets (w/names) and other restricted land where appropriate.

Official Zoning Map
Colchester, Vermont

Last Amended November 15, 2022



Source:
Zoning Districts - CCRPC w/guidance from town, 2022.
Road Centerline- CCRPC w/guidance from town, 2019.
Parcels - CAI, 2022.
All data in NAD83, Vermont State Plane coordinate System.
Disclaimer:
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.

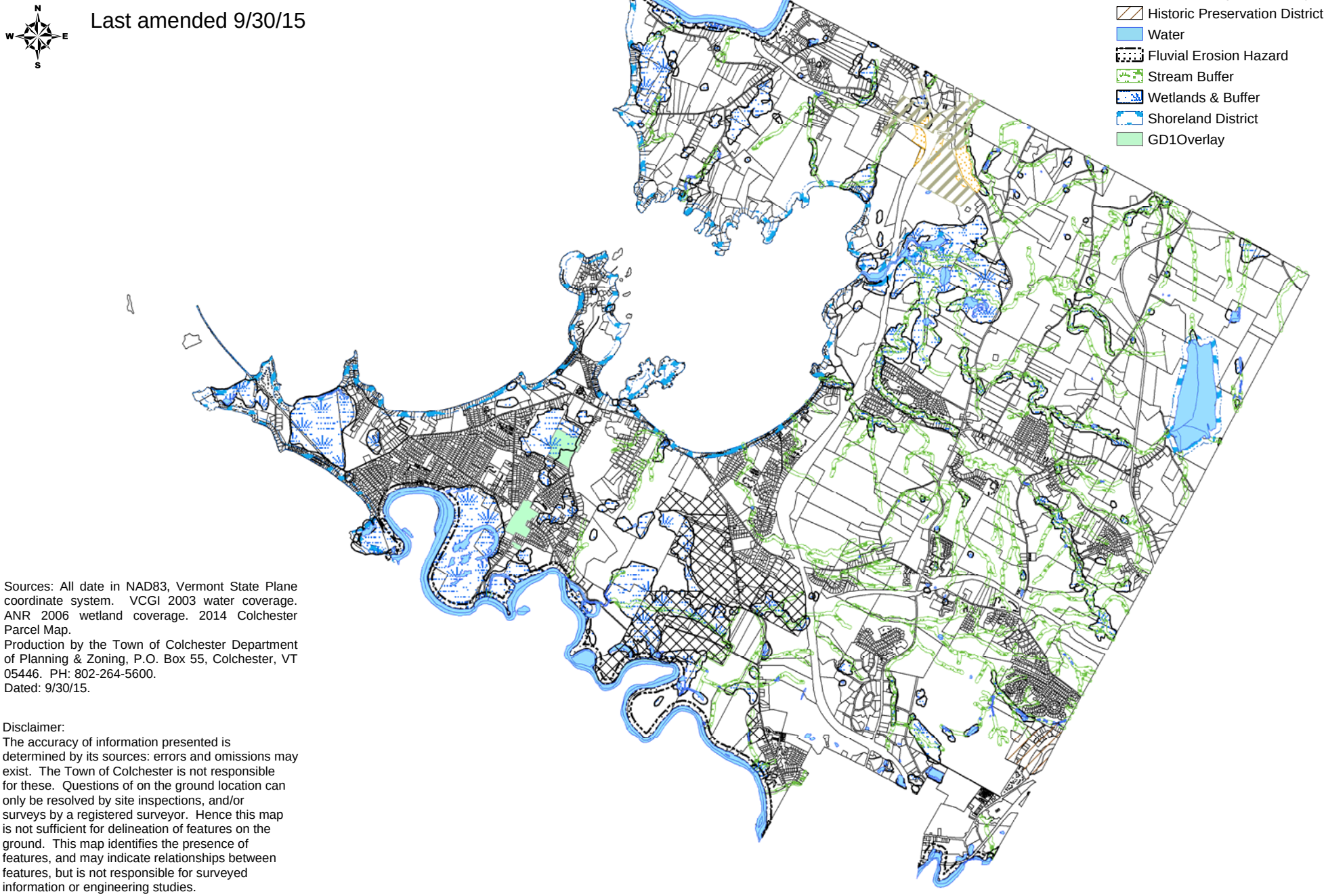
Chittenden County RPC
Communities Planning Together

11/1/2022

D:\Projects22\Colchester\ZoningMaps_20221101.aprx

Colchester, Vermont
Overlay Districts Map

Last amended 9/30/15



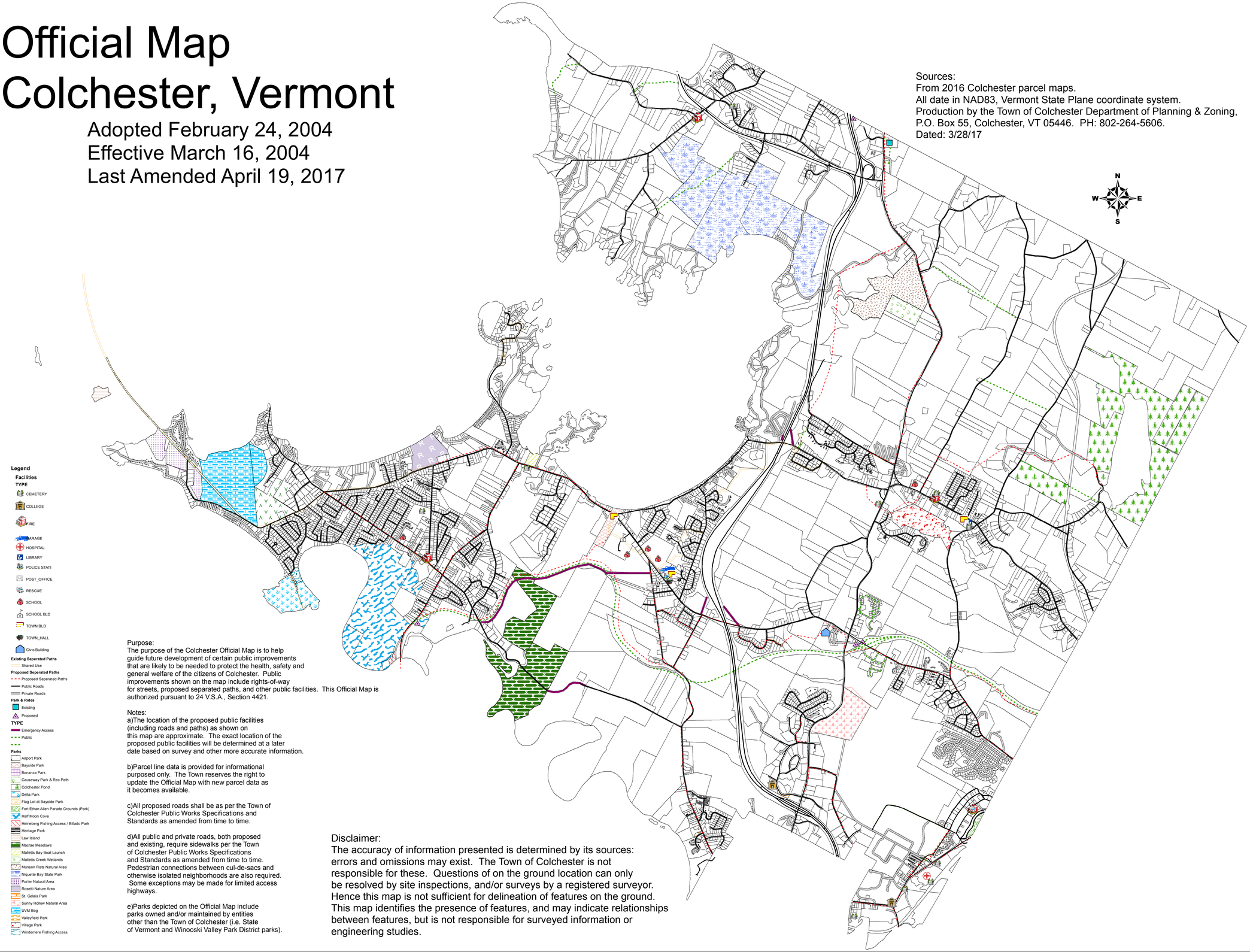
Sources: All date in NAD83, Vermont State Plane coordinate system. VCGI 2003 water coverage. ANR 2006 wetland coverage. 2014 Colchester Parcel Map.
Production by the Town of Colchester Department of Planning & Zoning, P.O. Box 55, Colchester, VT 05446. PH: 802-264-5600.
Dated: 9/30/15.

Disclaimer:
The accuracy of information presented is determined by its sources: errors and omissions may exist. The Town of Colchester is not responsible for these. Questions of on the ground location can only be resolved by site inspections, and/or surveys by a registered surveyor. Hence this map is not sufficient for delineation of features on the ground. This map identifies the presence of features, and may indicate relationships between features, but is not responsible for surveyed information or engineering studies.

Official Map
Colchester, Vermont

Adopted February 24, 2004
Effective March 16, 2004
Last Amended April 19, 2017

Sources:
From 2016 Colchester parcel maps.
All date in NAD83, Vermont State Plane coordinate system.
Production by the Town of Colchester Department of Planning & Zoning,
P.O. Box 55, Colchester, VT 05446. PH: 802-264-5606.
Dated: 3/28/17



Legend

Facilities

TYPE
- CEMETERY
- COLLEGE
- FIRE
- GARAGE
- HOSPITAL
- LIBRARY
- POLICE STATI
- POST_OFFICE
- RESCUE
- SCHOOL
- SCHOOL BLD
- TOWN BLD
- TOWN_HALL
- Civic Building

Existing Seperated Paths
- Shared Use

Proposed Seperated Paths
- Proposed Seperated Paths
- Public Roads
- Private Roads

Park & Rides
- Existing
- Proposed

TYPE
- Emergency Access
- Public

Parks
- Airport Park
- Bayside Park
- Bonanza Park
- Causeway Park & Rec Path
- Colchester Pond
- Delta Park
- Flag Lot at Bayside Park
- Fort Ethan Allen Parade Grounds (Park)
- Half Moon Cove
- Heineberg Fishing Access / Billado Park
- Heritage Park
- Law Island
- Macrae Meadows
- Malletts Bay Boat Launch
- Malletts Creek Wetlands
- Munson Flats Natural Area
- Niquette Bay State Park
- Porter Natural Area
- Rosetti Nature Area
- St. Gelais Park
- Sunny Hollow Natural Area
- UVM Bog
- Valleyfield Park
- Village Park
- Windemere Fishing Access

Purpose:
The purpose of the Colchester Official Map is to help guide future development of certain public improvements that are likely to be needed to protect the health, safety and general welfare of the citizens of Colchester. Public improvements shown on the map include rights-of-way for streets, proposed separated paths, and other public facilities. This Official Map is authorized pursuant to 24 V.S.A., Section 4421.

Notes:
a)The location of the proposed public facilities (including roads and paths) as shown on this map are approximate. The exact location of the proposed public facilities will be determined at a later date based on survey and other more accurate information.

b)Parcel line data is provided for informational purposed only. The Town reserves the right to update the Official Map with new parcel data as it becomes available.

c)All proposed roads shall be as per the Town of Colchester Public Works Specifications and Standards as amended from time to time.

d)All public and private roads, both proposed and existing, require sidewalks per the Town of Colchester Public Works Specifications and Standards as amended from time to time. Pedestrian connections between cul-de-sacs and otherwise isolated neighborhoods are also required. Some exceptions may be made for limited access highways.

e)Parks depicted on the Official Map include parks owned and/or maintained by entities other than the Town of Colchester (i.e. State of Vermont and Winooski Valley Park District parks).

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