

# ARTICLE 3 Land Uses

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### 3.1 Categories of Land Uses

Within each zoning district, land uses are designated as:

- Permitted (P);
- Permitted with Site Plan Review (P/S);
- Conditional Use (C);
- Conditional Use with Site Plan Review (C/S);
- Prohibited (X); or
- Exempt (E)

**A. Permitted Uses.** Permitted uses are marked in Table 2.2 by the letter 'P' or 'P/S'. In districts where they are allowed, permitted uses require a zoning permit and may be approved by the Zoning Administrator subject to the zoning permit standards in Section 3.1. Permitted uses may also require site plan approval from the DRB.

**B. Conditional Uses.** Conditional uses are marked in Table 2.2 by the letter 'C' or 'C/S'. Conditional uses require approval by the DRB according to the conditional use provisions in Section 3.2 as a prerequisite to the Zoning Administrator issuing a zoning permit. Conditional uses may also require site plan approval from the DRB.

**C. Prohibited Uses.** Where a use listed in [TABLE 3.1 Table 2.2](#) is not designated as permitted, conditional, or exempt in a zoning district (when the cell is marked with a 'X') such use is prohibited and shall not be allowed in that zoning district.

**D. Exempt Uses.** Uses marked by the letter (E) in [TABLE 3.1 Table 2.2](#) are exempt and do not require a zoning permit. See also the statutory exemptions in [Section 1.4 \(Applicability\)](#).

### 3.2 Table of Land Uses

[Table 2.2 "TABLE 3.1 - Table of Land Uses" on page 3-3](#) establishes the review standards for each type of land use in each zoning district.

**A. Uses Not Listed.** In the event that a proposed use is not identified on [TABLE 3.1 Table 2.2](#) or defined in these Regulations, the DRB may allow it as a conditional use in accordance with [Section 3.2 \(Conditional Use Review\)](#) if the DRB finds that the proposed use is of the same general character and has a similar impact on neighboring properties as one or more uses allowed within the zoning district. The DRB shall determine the minimum lot size, setbacks, lot frontage, and parking requirements based on similar uses allowed in the zoning district. Prior to the public hearing, the DRB shall send notice to the PC, which may submit its written or oral recommendations regarding the proposed use.

**B. Specific Use Requirements.** Certain uses, noted with an asterisk (\*), have additional requirements. Refer to [ ].

**C. Special Dimensional Standards.** Certain uses, noted with an asterisk (\*), require special dimensional standards. Refer to the dimensional requirements table for the corresponding zoning district found in Article 2.

**D. Cannabis Integrated and Mixed Cultivation Licenses.** In the event an individual or entity has obtained either an Integrated License or a Mixed Cultivation License, all license types and tiers included in the integrated or mixed cultivation license shall be either permitted or conditional in the zoning district in order for the integrated or mixed cultivation license to be an approved land use.

**TABLE 3.1** - Table of Land Uses

PRINCIPAL RESIDENTIAL USES	AR-1 AR	AR-2 R	AR-3 RN	RV	SV VC	B	BH	I-1/2 I	R-1 NR	N-1	L-1 LF	L-2 LV
Dwelling, Single Household / <u>Two Household</u>	P	P	P	<u>P</u>	P <sup>1</sup>	P/C <sup>2</sup>	<u>P</u>		P	€	P	P
<del>Dwelling, Two Household</del>	P	P	P		P <sup>3</sup>	P					€	€
Dwelling, Multi-Household (4 Units or less)		C/S	P/S	<u>P/S</u>	P/S <sup>4</sup>	C/S	<u>P/S</u>					
Dwelling, Multi-Household (5 Units or more)				<u>P/S</u>	C/S	C/S	<u>P/S</u>					
<u>Dwelling, Cottage Court</u>		<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>C/S</u>	<u>C/S</u>					
Dwelling, Seasonal											P	P
Conversion of a Seasonal Dwelling to a Single-Household Dwelling											P	P
Hunting Camp	P	P							P	P		
Conversion of a Hunting Camp to a Single-Household Dwelling	C	C							C	€		
Group Home (8 or less persons)* <sup>5</sup>	P	P	P	<u>P</u>	P	<u>P</u>	<u>P</u>	P	P	P	P	P
Group Home (9 or more persons)*	C/S	C/S	C/S	<u>C/S</u>	C/S	C/S					€/S	€/S
Multi-Tenant Housing for Older Persons	C/S	C/S	C/S	<u>P/S</u>	P/S	C/S	<u>C/S</u>					
ACCESSORY RESIDENTIAL USES	AR-1 AR	AR-2 R	AR-3 RN	RV	SV VC	B	BH	I-1/2 I	R-1 NR	N-1	L-1 LF	L-2 LV
Bed and Breakfast	C/S	P/S	P/S	<u>P/S</u>	P/S	P/S	<u>P/S</u>		€/S		C/S	C/S
<u>Family Child Care Home</u> <del>Daycare Level 1 (6 or less children full time)</del>	E	E	E	<u>E</u>	E	E	<u>E</u>	E	E	E	E	E
<u>Family Child Care Facility</u> <del>Daycare Level 2 (7 or more children)</del>	C/S <sup>16</sup>	C/S <sup>16</sup>	C/S <sup>16</sup>	<u>C/S</u>	C/S	C/S	<u>C/S</u>	C/S			C/S	C/S
<u>Center-based Child Care Facility</u>	??	??	??	??	??	??	??	??	??	??	??	??
Home <u>Office</u> <del>Business</del>	E	E	E	<u>E</u>	E	E	<u>E</u>	E	E	E	E	E
Home Occupation	P	P	P	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
Home Industry	C	C	C	<u>C</u>	P or C <sup>6</sup>	C	<u>C</u>	C	€		C	C
COMMERCIAL USES	AR-1 AR	AR-2 R	AR-3 RN	RV	SV VC	B	BH	I-1/2 I	R-1 NR	N-1	L-1 LF	L-2 LV
<u>Adult Daycare</u>	??	??	??	??	??	??	??	??	??	??	??	??
Agribusiness	C/S	C/S	€/S			C/S	<u>C/S</u>	C/S			C/S	C/S
<u>Brewery / Brewpub</u>												
Car Wash						C/S		C/S				

**TABLE 3.1 - Table of Land Uses**

Contractor Yards						??		C/S				
<b>COMMERCIAL USES, CONTINUED</b>	<b>AR-1 AR</b>	<b>AR-2 R</b>	<b>AR-3 RN</b>	<b>RV</b>	<b>SV VC</b>	B	BH	I-1/2 I	R-1 NR	N-1	L-1 LF	L-2 LV
Earth Resource Extraction	C/S							C/S				
Heavy Equipment Sales						C/S		C/S				
Industry, Heavy								C/S				
Industry, Light					C/S	C/S		P/S				
Kennel*	C/S	C/S				C/S	C/S				C/S	C/S
Laundromat/Dry cleaner (Offsite)*				P/S	P/S	C/S						
Lodging Establishment*					P/S	C/S	C/S					
Manufactured Home Sales							C/S	C/S				
Marina*											C/S	
Mixed Use* See Section 6.6	C/S	C/S	C/S	C/S	P/S	P/S	P/S	P/S				
Motor Vehicle Repair*						C/S	C/S	C/S				
Motor Vehicle Sales*						C/S	C/S	C/S				
Museum		P/S	P/S	P/S	P/S	P/S	P/S					
Nursing Home		C/P	C/S	C/S	C/S	C/S						
Office				P/S	P/S	P/S	P/S					
Personal or Professional Service		C/S	C/S	P/S	P/S OR C/S <sup>8</sup>	P/S	P/S					
Recreation, Private Outdoor*	C/S	C/S	C/S			C/S	C/S	C/S			C/S	C/S
Recreation, Private Indoor*		C/S	C/S		P/S OR C/S <sup>9</sup>	C/S	C/S	C/S				
Restaurant, Sit-down*				P/S	P/S	C/S	C/S					
Restaurant, Take-out* [is this necessary? defined?]				C/S	C/S	C/S	C/S					
Restaurant, Drive-thru*					??	??						
Research or Testing Laboratory					C/S	C/S	C/S	P/S				
Retail Store*		C/S ???	C/S ???	C/S ???	P/S OR C/S <sup>10</sup>	C/S	C/S					
Rural Retail	C/S											

**TABLE 3.1** - Table of Land Uses

Sales Lot	P					P	C/S	P				
Seasonal Mobile Food Unit <sup>15</sup> (Mobile Food Service?)	P	P	P	P	P	P	P	P				
Service Station			C/S		P/S <sup>7</sup>	C/S	C/S	C/S				
Self-Storage Facilities	C/S	C/S				C/S	C/S	C/S				
Shopping Complex					C/S	C/S						
Short-Term Rental <sup>15</sup>	P	P	P				P		P		P	P
Small Scale Commercial* Commerce	C/S											
Trucking Terminal								C/S				
Veterinary Clinic	C/S	C/S	C/S	C/S	C/S	C/S	C/S					
Veterinary Hospital	C/S				C/S							
Warehouse						C/S		P/S				
Youth Camp, commercial* [Do we need non-comm?]	C/S								C/S		C/S	C/S
<b>OTHER USES</b>	<b>AR-1 AR</b>	<b>AR-2 R</b>	<b>AR-3 RN</b>	<b>RV</b>	<b>SV VC</b>	<b>B</b>	<b>BH</b>	<b>I-1/2 I</b>	<b>R-1 NR</b>	<b>N-1</b>	<b>L-1 LF</b>	<b>L-2 LV</b>
Accessory Use, Nonresidential	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery	C/S	C/S										
Essential Service	C/S	C/S	C/S	C/S	P/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Federal or State Facilities	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S			C/S	C/S
Municipal Facilities	C/S	P/S	P/S	C/S	P/S	P/S	C/S	P/S	C/S		P/S	P/S
Parking Facility					C/S <sup>11</sup>							
Places of Worship	P/S	P/S	P/S	P/S	P/S							
Recreation, Public Indoor		C/S	C/S		P/S OR C/S <sup>12</sup>	C/S	C/S	C/S				
Recreation, Public Outdoor	C/S	C/S	C/S		C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Schools, Private	C/S	P/S	P/S	C/S	C/S	P/S	C/S	C/S	C/S	C/S	C/S	C/S
Schools, Public	C/S	P/S	P/S	C/S	C/S	P/S	C/S	C/S	C/S	C/S	C/S	C/S
Village Green				P/S	P/S		P					
Wildlife Preserve									C	P/S		

**TABLE 3.1 - Table of Land Uses**

Wireless Telecommunication Facility	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
CANNABIS - Definitions per 7 V.S.A. § 831 and § 861	AR-1 AR	AR-2 R	AR-3 RN	RV	SV VC	B	BH	T-1/2 I	R-1 NR	N-1	T-1 LF	T-2 LV
Cultivator (unclear if this part completed)	P	C				C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>14</sup>			C
Wholesale, Broker	C	C	E		C	C	C	C				C
Wholesale, Storage						P		P				
Product Manufacturer		C				C		C				
Testing Laboratories					C	C		P				
Retailer (Only if Town Opt-in)		C			C	C		C				

NOTES: (\*) See [table 2-3\(d\) Dimensional Standards for Special Uses](#) See dimensional standards for each zoning district for specific requirements of this use.

<sup>1</sup> Single Household Dwellings are permitted in the South Village Core District but shall only be allowed on the second story of a mixed used structure. All other new single household dwellings are prohibited.

<sup>2</sup> Single Household Dwelling as part of a business.

<sup>3</sup> Two household dwellings are permitted in the South Village Core District but shall only be allowed on the second story of a mixed used structure. All other new two household dwellings are prohibited.

<sup>4</sup> Multi-Household dwelling (4 Units or less) uses are permitted in the South Village Core District but shall only be allowed on the second story of a mixed used structure. All other multi-household dwelling (4 Units or less) uses are prohibited.

<sup>5</sup> A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property. If a valid permit is in place for a single household dwelling, no additional permit or approval is required. Note: Any structural alterations or other land development associated with these uses that are not exempt shall require a zoning permit.

<sup>6</sup> Home industries uses not more than 3,000 square feet in size shall be considered a permitted use. Home industries greater than 3,000 square feet in size shall be considered a conditional use.

<sup>7</sup> Service stations shall be less than 3,000 square feet in size in the South Village Core District. Service stations larger than 3,000 square feet in size in the South Village Core District shall be prohibited.

<sup>8</sup> Personal or professional service uses not more than 3,000 square feet in size shall be considered a permitted use. Personal or professional service uses greater than 3,000 square feet in size shall be considered a conditional use.

<sup>9</sup> Indoor recreation using not more than 3,000 square feet shall be considered a permitted use. Indoor recreation using greater than 3,000 square feet shall be considered a conditional use.

<sup>10</sup> Retail uses not more than 3,000 square feet in size shall be considered a permitted use. Retail uses greater than 3,000 square feet in size shall be considered a conditional use.

<sup>11</sup> Parking facility uses shall not be located within 40 feet of the edge of the public right-of-way in the South Village Core District. Please note that this regulation shall only apply to parking facility uses that are a separate, principal use of a property.

<sup>12</sup> Indoor recreation using not more than 3,000 square feet shall be considered a permitted use. Indoor recreation using greater than 3,000 square feet shall be considered a conditional use.

<sup>13</sup> Indoor cultivation only.

<sup>14</sup> Outdoor cultivation, Tier 1 only.

<sup>15</sup> Applicants may choose to utilize the [name] Online App for applications for this use.

<sup>16</sup> Use is only an accessory use if the home is owner-occupied.

### 3.3 Specific Use Requirements

#### 3.3.1 Accessory Dwelling Units Standards

One accessory dwelling unit may be permitted within or appurtenant to a building that is a single-household dwelling unit on an owner-occupied lot provided the following standards are met:

- A. The single-household dwelling is a detached, stand-alone structure. Accessory dwelling units are not permitted in buildings with multi-households or a mixed-use building.
- B. Either a single household dwelling unit or an accessory dwelling unit on the lot is occupied by the owner as their primary residence.
- C. The gross floor area of the accessory dwelling unit does not exceed 30% of the total habitable floor area of the single household dwelling or ~~900~~ 1,100 square feet, whichever is greater.
- D. Written confirmation is received that either the current properties wastewater permit is adequate for the number of bedrooms, or a letter from a wastewater engineer stating a State of Vermont permit is not required. ~~from the State of Vermont, Department of Environmental Conservation that suitable wastewater facilities exist to serve the accessory dwelling unit in addition to the single-household dwelling.~~
- E. A Certificate of Occupancy is obtained for occupancy of the accessory dwelling unit. The Certificate of Occupancy will verify conformance with applicable provisions.
- F. The ZA may require written certification at any time from the owner of the single household dwelling that the owner's primary residency is either the single household dwelling or an accessory dwelling unit on the same lot.
- G. The accessory dwelling unit shall share the driveway access point to the property with the single

household dwelling unless physical circumstances and conditions prohibit a single driveway.

#### 3.3.2 Agricultural Accessory Dwelling Unit

One accessory dwelling unit that is an accessory structure may be permitted on an operating farm for the purpose of providing housing to people working on the farm provided the following standards are met:

- A. The subject farm is in operation or is under permanent conservation easement for farming purposes.
- B. The accessory dwelling unit is only occupied by farm laborers of the subject farm.
- C. The accessory dwelling unit must meet the dimensional and other requirements of these Regulations.
- D. At the time the farm is no longer in operation or is not under permanent conservation easement for farming purposes, the owner must apply to have the accessory dwelling unit subdivided from the property or have the accessory dwelling unit removed from the property. If the accessory dwelling unit is an accessory apartment, the property owner may apply for approval of an accessory dwelling unit under **3.3.1 Section 6.1(A)** (Accessory Dwelling Units).

#### 3.3.3 Accessory on Farm Business

Farming and forestry activities are generally exempt from municipal zoning regulations as a matter of law. See Title 24 of the Vermont Statutes Annotated, Section 4413(d). These regulations exempt farm and forestry activities from zoning. Farm structures may also be exempt from local zoning regulations; however, the farmer has the burden of demonstrating that the structure they are proposing to build will be used for farm purposes. ~~The process to claim an exemption for a farm structure is delineated in Article 3, Section 3.1(J)(1), of these Regulations. A letter from the Vermont Agency of Agriculture, Food & Markets is required as a determination of a farm operation.~~

Many farms are now expanding their operations into business activities that fail to meet the legal definition of “farming” but are clearly related to the farm and farming. The legislature, recognizing the importance of these on-farm businesses to Vermont’s working landscape, created a compromise, requiring municipal bylaws to allow “accessory on-farm businesses”, but also allowing municipalities to regulate some activities of those businesses. See 24 Vermont Statutes Annotated, Section 4412(11) for a full text of the statute.

The Town of Georgia hereby allows qualifying “accessory on-farm-businesses” as permitted uses in all districts. Qualifying “accessory on-farm businesses” shall be subject to Site Plan Review pursuant to [Article 3, Section 3.3](#), of these Regulations.

- A.** Applicants seeking to open an “accessory on-farm business” as defined in [Article 10 – Definitions](#), shall file an application for Site Plan Review with the Zoning Administrator. The application shall contain the following information:
  - 1.** Information demonstrating that the proposed use meets the eligibility requirements for an “accessory on-farm business” listed below.
  - 2.** All information listed in the Site Plan Review Criteria contained in [Section 3.3](#).
- B.** Upon acceptance of a complete application by the Zoning Administrator, the Zoning Administrator shall refer the application to the DRB for review. First, the DRB shall determine whether a proposed activity qualifies as an “accessory on-farm business” by complying with the following definitions and eligibility requirements:
  - 1.** Definitions, contained in [Article 10](#) of these Regulations, that apply to “accessory on-farm businesses” include: “Accessory on-farm business”, “Farm”, “Farming”, “Qualifying Product”, and “RAP Rules”.
  - 2.** Eligibility. Qualifying “accessory on-farm businesses” shall comply with each of the following:

- a.** The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.
- b.** The farm meets the threshold criteria for the applicability of the RAP Rules as set forth in those rules.
- c.** An accessory on-farm business sells “qualifying products” which occur on the farm, outside or inside new or existing structures.

Once the DRB finds that the activity qualifies as an “accessory on-farm business”, the DRB shall review the application subject to its Site Plan Review process as set forth in [Section 3.3](#) and the Performance Standards set forth in [Section 5.7](#) of these Regulations.

The DRB’s review of the application only relates to the Town’s permitting process for the proposed accessory on-farm business; other permits, including but not limited to, a potable water and wastewater system permit under 10 V.S.A. Chapter 64, may be necessary from the State of Vermont.

### 3.3.4 Cannabis

Unless otherwise indicated, the definitions for all cannabis establishments and related uses shall be as defined in 7 V.S.A. §§ 831 and 861.

- A. Cultivation.** Cultivation licensees may grow cannabis plants, either indoors, outdoors, or in a mixed setting. This license type is tiered based on the size of the applicant’s proposed growing operation.
  - 1. Outdoor Cultivation.** Only uses the light from the sun and not grown within a structure, with an exemption being fencing with approved zoning permit, if applicable. Outdoor cultivation applicants are required to specify if they will use plant count or square footage to calculate their tier at the time of application.
  - 2. Indoor Cultivation.** Indoor and/or light-supplemented allowing flowering plants to be harvested all year. Indoor cultivation applicants must apply using square footage of plant canopy



**TABLE 3.2 - Cannabis Indoor Cultivation Tiers**

Tier #	Description
1	Up to 1,000 square feet of plant canopy
2	Up to 2,500 square feet of plant canopy
3	Up to 5,000 square feet of plant canopy
4	Up to 10,000 square feet of canopy
5	Up to 20,000 square feet of canopy
6	Up to 37,500 square feet of canopy

**TABLE 3.3 - Cannabis Mixed Cultivation Tiers**

Tier #	Description
1	Up to 1,000 square feet of indoor plant canopy& up to 125 outdoor plants
2	Up to 2,500 square feet of indoor plant canopy& up to 312 outdoor plants
3	Up to 1,000 square feet of indoor plant canopy& up to 625 outdoor plants
4	Up to 1,000 square feet of indoor plant canopy & up to 1,250 outdoor plants
5	Up to 1,000 square feet of indoor plant canopy & up to 2,500 outdoor plants

**TABLE 3.4 - Cannabis Manufacturer Tiers**

Tier #	Description
1	\$10,000 cap on gross revenue per year. May manufacture products using water-based, food based (cooking fats, glycerin, propylene glycol, or alcohol), or heat/pressure-based extraction. Must be a home-occupancy business or in the AR-2 zoning district.
2	No cap on annual gross revenue. May manufacture products using the same extraction methods as a Tier 1 manufacturer.
3	No cap on annual gross revenue. May manufacture products using the same extraction methods as a Tier 1 manufacturer, as well as solvent-based extraction (butane or hexane extraction is prohibited).

to calculate their tier, as using plant counts are not permitted.

**3. Mixed Cultivation.** Mixed cultivation is the combination of indoor and outdoor cultivation.

**B. Cannabis Product Manufacturer.** Cannabis Product Manufacturer (or “Manufacturer” as used in this Section) licensees may produce cannabis products from cannabis plants, including edibles, oils, distillates, and other such products. This license type is tiered based on allowable extraction type and gross revenue per year.

**C. Cannabis Retailers.** If the Town votes to opt-in to allow retail cannabis sales, Cannabis Retailer (or “Retailer” as used in this section) licensees may sell cannabis and cannabis products to the general public. Only a licensed retail establishment, or an integrated licensee, may sell cannabis or cannabis products to the general public.

**D. Cannabis Wholesalers.** Cannabis Wholesaler (or “Wholesaler” as used in this section) licensees may purchase, process, transport and sell cannabis and cannabis products from other licensees to other licensees, however, Wholesalers are not permitted to sell cannabis or cannabis products to the public.

**1. Wholesale, Broker.** Operates in an office setting and does not store physical cannabis materials or inventory.

**2. Wholesale, Warehouse.** Stores physical materials, products, or inventory for resale.

- E. Testing Laboratories.** Testing Laboratory licensees may test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public.
- F. Integrated License.** Integrated licensees may engage in the activities of each of the license types listed above

### 3.3.5 Center-based Child Care Facility

[XX Note: text provided for this was put in definitions section instead]

### 3.3.6 Cottage Court

<insert>

### 3.3.7 Earth Resource Extraction

Earth Resource Extraction shall be allowed by the DRB as a conditional use provided it meets the standards of [Section 3.2 \(Conditional Uses\)](#), complies with other applicable sections of these Regulations, and meets the following additional standards:

#### A. Standards

1. The removal shall not cause any hazard to health, property, or property values.
2. The depth of excavation shall not cause any hazard or injury to roads or adjacent properties.
3. The area excavated shall be regraded, reseeded, replanted, and mulched pursuant to a reclamation plan submitted and approved by the DRB which shows existing grades and finished grades for the areas where removal will occur. All regraded areas, except for exposed ledge rock, shall be covered with a minimum of four (4) inches of topsoil and a suitable cover crop. The proposed slope and soil conditions shall not result in erosion or excessive runoff.
4. Hours of operation shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m. No excavation

can be conducted outside the hours of 8:00 a.m. and 6:00 p.m. except in local-, state- or federally declared states of emergency which require earth resources.

5. The removal meets the [Performance Standards in Section 5.7](#) of these Regulations.
6. The removal shall not cause any traffic hazards, unsafe conditions or excessive congestion or physical damage to Town or State highways on the expected routes of truck traffic.
7. The removal shall not have an undue adverse impact on water resources, significant wildlife habitat and agricultural land.
8. Any excavation of earth materials is prohibited within the [Special Flood Hazard Area 100-year floodplain](#) where activity will lower the level of the water table, interfere with natural flow patterns or fisheries habitat, or reduce the flood stage capacity, except in State- or federally declared states of emergency due to weather or flooding conditions.

- B. Conditions.** In granting conditional use approval for Earth Resource Extraction, the DRB may consider and impose reasonable conditions, including, but not limited to, the following:

1. A performance bond or similar surety may be required to insure reclamation of the land upon completion of the excavation of materials and topsoil in accordance with the reclamation plan.
2. Hours of operation may be restricted.

- C. Exemptions.** This section will not apply to the removal of natural resources from an agriculture operation, nursery, or cemetery as long as the natural resources being removed are not being offered for sale.

### 3.3.8 Family Child Care Home

A family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. No permit is needed for use as a Family Child Care Home.

### 3.3.9 Family Child Care Facility

In accordance with 24 V.S.A. 4412(5), a resident must obtain a zoning permit to operate a family childcare home in their dwelling that conforms to the standards of this section and complies with all applicable state requirements. A family childcare home may provide care for children in accordance with the following:

- A. The operator may provide care to up to 6 children on a full-time basis and 4 children on a part-time basis at any one time during the school year, not including any children who live in the residence.
- B. Care of a school-age child for not more than 4 hours a day will be considered a part-time basis except that those part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days that occur during the school year.
- C. During the school summer vacation, the family child care home may provide care to up to 12 children, not including any children age 7 or older who live in the residence, provided:
  - 1. That at least 6 of these children are of school age; and
  - 2. A second staff person is present and on duty when the number of children in attendance exceeds 6.
- D. A childcare operation that does not conform to the standards of this section, or is not located in a dwelling unit, or if over 12 full-time children are served, will be considered a family childcare facility, and may be allowed in specified districts in accordance with all applicable provisions of these regulations.

### 3.3.10 Group Home (8 or less persons)

In accordance with 24 V.S.A. §4412(1)(G), landowners do not need to obtain a zoning permit to use a lawful single-family dwelling as a group home that will:

- A. Not serve more than 8 residents who have a handicap or disability;
- B. Not be located closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and,
- C. Be operated under state licensing or registration.

### 3.3.11 Group Home (9 or more persons)

[XX What, if any, requirements for this use?]

### 3.3.12 Home Office Business

- A. **Home Office Business.** A Home Office Business shall not require a Zoning Permit in any district and shall be considered to be part of a residential use. ~~A Home Office Business is a use of an accessory building or no more than 50% of a dwelling for a business that exhibits no external indications that a business exists.~~ Home offices Businesses must meet all of the following standards:
  - 1. The Home Office Business shall not employ anyone other than members of the household.
  - 2. The Home Office Business shall not be visible from outside the home.
  - 3. The Home Office Business shall not generate significant additional traffic.
  - 4. The Home Office Business shall not impact the character of the neighborhood.
  - 5. The Home Office Business shall have no signs.
  - 6. The Home Office Business shall have no external storage of materials or equipment.
  - 7. The Home Office Business shall produce no objectionable noise, smoke, vibration, dust or odors discernible on any adjoining property.
  - 8. The Home Office shall not have a public access or draw customers to the location.

### 3.3.13 Home Occupations

**A. Home Occupation.** A Home Occupation requires a Zoning Permit. In accordance with the Act (§4412[4]), no provision of these Regulations shall be construed to infringe upon the right of any resident to use no more than 50% of the residence or use an accessory structure for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling unit or the accessory structure is located. A Home Occupation shall meet the following standards in order to be customary in residential areas and not have an undue adverse effect upon the character of the residential area in which the dwelling unit or accessory structure is located:

- ~~1. The Home Occupation shall be carried on by members of the household living on the property plus no more than one non-household full-time equivalent employee.~~ The home occupation shall be conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time.
2. The use is limited to no more than 50% of the residence or use of [no?] more than 1,500 square feet of an accessory structure.
3. There shall be no exterior displays, except that one unlit sign not exceeding six (6) square feet per side is allowed. See 'Signs' Section 5.9(F).
4. No traffic shall be generated either in a volume greater than an estimated average of 10.0 trips per day or that alters the essential character of the neighborhood or substantially impairs the use of adjacent property.
5. The Home Occupation shall not generate excessive noise, smoke, vibration, dust, glare, odors, electrical interference, or heat that is detectable at the boundaries of the property.
6. Off-street parking for residents of the dwelling, employees and customers shall be provided. ~~Where new parking is proposed, it~~ Parking shall be provided off-street and shall be located in side or rear yards outside setback areas. However, pre-existing residential parking areas may be utilized.
7. Exterior storage of materials used in the home occupation shall be limited to the smallest extent reasonably practicable, screened so as to not be visible from the street, road, or adjacent properties, and shall not be allowed in setback areas.
8. There shall be no potential of risk to public health from the Home Occupation, including but not limited to toxic emissions or on-site disposal of hazardous wastes.
9. Retail sales or services on-site are limited to the sale of goods or services produced on the premises, and related products, by appointment only.

### 3.3.14 Home Industry

**A. Home Industry.** Home Industries shall require Conditional Use approval and are subject to a public meeting with the DRB. Home Industries shall meet the following requirements in addition to any other applicable requirements in these Regulations. The DRB shall determine if the following requirements are met:

- ~~1. The Home Industry shall be carried on by members of the household living on the premises plus no more than three non-household full-time equivalent employees.~~ The home industry shall be conducted on-site by residents of the dwelling, and up to five (5) full-time nonresident employees at any given time.
2. Home Industries are allowed signs permitted according to Section 5.9(F) of these Regulations.
- ~~3. No traffic shall be generated in a volume that alters the essential character of the neighborhood, or substantially impairs the use of adjacent property.~~ The home industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located.
4. A home industry shall meet the Performance Standards delineated at Section 5.7. Excessive noise, smoke, vibration, dust, glare, odors,

electrical interference or heat that is detectable at the boundaries of the property shall be prohibited.

5. The home industry shall not change the character of the neighborhood, nor result in a change in the outward appearance of the dwelling or the accessory structure.
6. ~~Parking shall be provided off-street, outside of setback areas.~~ Off-street parking shall be provided for residents, employees, delivery vehicles and customers. Commercial vehicles or equipment associated with the home industry shall be parked within designated yard or parking areas, approved by the Board. The Board may also require that parking areas are adequately screened year-round from public view and adjoining properties.
7. ~~No exterior storage of materials shall be allowed in the setback areas. Exterior storage areas shall be screened by landscaping or other appropriate methods (See Section 7.4).~~ Exterior storage of materials and equipment associated with a home industry shall be limited to a clearly designated yard or storage area approved by the Development Review Board, which meets all applicable setbacks for the district in which the property is located. The Board may require greater setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public rights-of way. The Board also may require that such areas be adequately screened year-round from public view and neighboring properties and secured to protect public safety.
8. Exterior yard or storage areas shall also meet surface water and wetland setbacks and buffers as required.
9. The storage of hazardous materials anywhere on the premises shall be limited to those materials necessary for the operation of the home industry and shall be stored in accordance with all applicable state and federal regulations.
10. A plan for the proper disposal of materials, both hazardous and otherwise associated with the Home Industry shall be presented to the DRB at the time of the Conditional Use meeting.

11. There shall be no potential of risk to public health from the Home Industry, including but not limited to toxic emissions or on-site disposal of hazardous wastes.
12. A home industry shall meet all applicable performance standards and conditions set by the DRB. The DRB may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.

### 3.3.15 Limitation on Regulation of Public Facilities

In accordance with 24 V.S.A. Section 4413, these Regulations shall be construed to regulate the following, including in the context of any required review, only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off street parking and loading, traffic, noise, lighting, and landscaping and screening requirements, and only to the extent that these Regulations do not have the effect of interfering with the intended functional use:

- A. State or community owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the Vermont Department of Education.
- C. Churches and other places of worship (see definitions), convents, and parish houses.
- D. Public and private hospitals.
- E. Regional solid waste facilities certified by the State (10 V.S.A. chapter 159); and
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under state law (10 V.S.A. § 6606a).

### 3.3.16 Mixed Uses



**A. Applicability.** A property may contain “mixed uses” (e.g., more than one principal use on a lot) provided that the standards in this section are met.

**B. Review Process.** Mixed uses shall be permitted as specified in ~~considered permitted by right in the South Village Core (SV), Industrial (I-1), Commercial-Light Industrial (I-2), and Business (B) Districts. Mixed uses located in the Agricultural/Rural Residential District (AR-1), Residential-Medium Density District (AR-2), and Residential-High Density (AR-3) shall be subject to Conditional Use Review. See “TABLE 3.1 - Table of Land Uses” on page 3-3~~ Table 2.2.

1. All properties with mixed uses shall be subject to site plan review in Section 6.2 ~~(Section 3.3).~~
2. If a use is proposed to be located on a property as a mixed use that requires Conditional Use Review, that review shall be coordinated in one written conditional use decision if the property is located in the Agricultural/Rural Residential (AR), Residential (R), Residential Neighborhood (RN) and Residential Village (RV) districts ~~District (AR-1), Residential-Medium Density District (AR-2), and Residential-High Density District (AR-3).~~
3. Applicants may apply for a Zoning Permit for a mixed use under a single application. The Zoning Permit decision must list all approved uses or categories of uses for the site. A Zoning Permit will not be required for new tenants or property owners unless there is a change in the approved uses or a Zoning Permit is otherwise required.

**C. Standards.** All properties with mixed uses shall meet the following standards:

1. Village Core (VC) District. Single household, two household and multi-household dwellings are allowed in the Village Core district as part of a mixed use plan. Single household dwellings are limited to 1,200 square feet in size. Minimum commercial space totalling 1/4 of the total project residential space is required. Multi level buildings are encouraged to provide maximum housing density and affordability.

**2. First Floor Uses, SV District.** ~~Principal residential uses are not allowed on the ground floor of buildings in the SV. Through conditional use review, the DRB may waive this requirement and approve residential uses on the first floor if:~~

- a. ~~an equivalent square footage of commercial development is included elsewhere in the single development proposal or building, and~~
- b. ~~in the judgement of the DRB the proposed mix of uses meets the purpose of the SV District as described in Article 2 of these Regulations.~~

3. There shall not be more than one principal structure on a lot unless approved as part of a PUD. This regulation shall not apply to the ~~South Village Core District (VC) (SV), Residential Village (RV) or Residential Neighborhood (RN) districts~~ Industrial District (I-1), or the Commercial-Light Industrial District (I-2). ~~[XX Confirm we are omitting industrial areas]~~ The regulation shall also not apply to lots in the Business ~~District (B)~~ district that contain only non-residential uses.
4. More than one principal use may occupy a single principal structure.
5. The DRB shall specify the maximum number of separate uses approved for a particular property.
6. A property with mixed uses may only contain land uses that are considered “permitted” or “conditional” per Section 2.2.
7. Mixed uses shall be arranged to be compatible, and to minimize visual and noise impact for the residents of the single development proposal and adjacent properties. To achieve this, the DRB shall require landscaping, screening, and/or setbacks as appropriate.

### 3.3.17 Multi-tenant Housing for Older Persons

- A.** Dwelling units must have no more than two bedrooms per unit designed specifically to meet the physical and living requirements of older persons or people who are disabled.

- B. No children/dependents under the age of 18 are allowed to reside in the home;
- C. The facility can be individual units or a combined multi-tenant building;
- D. The project will be subject to a conditional use hearing with a site plan with the DRB;
- E. The project shall abide by Title 27: Property, Chapter 15: Condominium Ownership Act, Subchapter 1: Condominium Ownership;
- F. If the project requires individual lots of ownership then the process will be handled the same as a PUD and abide by the PUD requirements;
- G. Deed & HOA review as well as a private road agreement may be required by the DRB as a part of the project approval.

### 3.3.18 Ponds, Man-made

- A. Man-made ponds with a surface area greater than 5,000 square feet (about 1/8 of an acre) are an accessory use requiring a zoning permit. Applications for pond permits shall include a sketch of the pond location on a survey of the property (if available), or other reasonable representation of the property showing:
  - 1. Setbacks from property lines, leach field, structures, and water supply;
  - 2. Existing slope of the pond site;
  - 3. Water source and method of discharge;
  - 4. Location and size of emergency spillway;
  - 5. Route of flow of outlet and/or spillway;
  - 6. Cross section depiction of the pond, to include dam or other form of retention;
  - 7. Approximate volume of water to be contained;
  - 8. Description of vegetative cover planned to prevent erosion.
- B. Ponds and supporting structures (dams, etc.) must meet the following setback requirements:
  - 1. Leach-field: 100'
  - 2. Drilled well: 25'
  - 3. Shallow well: 100'
  - 4. Ponds and their supporting structures may not fall within any right-of-way or easement.
  - 5. No pond or dam that is up-gradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right-of-way due to topography or other natural features.
  - 6. All applications must receive the approval of the Town [Road Foreman] prior to the release of the zoning permit.
  - 7. Ponds which fall within the setbacks above may be approved as a conditional use upon review by the DRB.
- C. State and Federal Permit Requirements:
  - 1. Any pond that impounds or is capable of impounding 500,000 cubic feet or more of water will require a permit from the VT Department of Environmental Conservation.
  - 2. No in-stream pond may be built without the approval of the VT DEC Stream Alteration Permit. A Stream Alteration Permit may be needed if the project involves work in a stream that drains an area of more than 10 square miles.
  - 3. VT Wetland Rules regulate dredging, draining, filling, grading, removal of vegetation, alteration of the flow of water into or out of a wetland and other similar activities within significant wetlands or their buffer zones. A Conditional Use Determination or Water Quality Certification from the VT Agency of Natural Resources may be required.

**3.3.19 Recreational/Camping Vehicles with Sleeping Quarters**

- A.** A legally registered recreational vehicle may be stored or parked on a developed residential lot provided it meets the following requirements:
1. It shall not be permanently attached to the land;
  2. It shall not be occupied for residential use while on the lot;
  3. It shall not be hooked up to a water supply or to a septic system;
  4. There shall not be more than two such recreational vehicles on a lot; and
  5. Such use shall not conflict with any provision of these Regulations or any other applicable regulations.
- B.** A legally registered recreational vehicle may be placed on an undeveloped lot and used for limited seasonal occupancy provided it meets the following requirements:
1. It shall not be permanently attached to the land.
  2. It shall be occupied seasonally (i.e., for less than 180 days between May 1 and November 30 and no more than 60 days between November 1 and May 31).
  3. It shall be hooked up to a water supply and a legally existing septic system that has been continuously used for that purpose, or a system approved under the State of Vermont Wastewater System and Potable Water Supply Rules.
  4. It shall meet applicable setback standards for the district in which it is located.
  5. There shall not be more than one such recreational vehicle on a lot; and
  6. Such use shall not conflict with any provision of these Regulations or any other applicable regulations.
- C.** A legally registered recreational vehicle may be placed on an undeveloped lot and used for

recreational camping purposes only, provided it meets the following requirements:

1. It shall not be permanently attached to the land.
2. It shall be occupied for recreational camping purposes only.
3. It shall not be occupied for more than 45 days whether consecutively or in combination between May 1st and November 30th.
4. It shall not be hooked up to a water supply or septic system.
5. It shall have a self-contained storage tank for wastewater, or an approved self-contained porta-let. The collected contents of the storage tank or porta-let shall be emptied off site in an approved disposal facility by the owner or by an approved hauler.
6. It shall meet applicable setback standards for the district in which it is located.
7. There is not more than one recreation vehicle on a lot; and
8. Such use does not conflict with any provision of these Regulations or any other applicable regulations.

**3.3.20 Renewable Energy**

- A. Applicability.** The following section shall not apply to public utility power generating plants and transmission facilities that are regulated by the Vermont Public Utility Commission (under 30 V.S.A. §248), including net-metered wind generation facilities and solar panels.
- B. Allowed Uses.** For purposes of these Regulations, “a small-scale renewable energy facility” that is intended to serve the principal use of one property and meets the following standards, shall be allowed as a permitted accessory structure in all zoning districts in which accessory structures are allowed, subject to the appropriate review process and the issuance of a Zoning Permit issued by the ZA. Except



as otherwise allowed by 24 V.S.A. § 4413(g)(2), these systems include:

1. Small scale renewable energy facilities to be mounted on buildings or structures (with the exception of historic structures) which, as mounted, do not exceed the maximum district height requirements by more than 10 feet in all other districts. Facilities mounted on non-conforming structures will not be considered to increase the degree or amount of nonconformance.
  - a. The application for a roof-mounted system shall also include written certification from the system designer or installer ~~that~~ that the roof is structurally able to support system weight, and associated snow and wind loads.
2. Individual ground-mounted solar and wind facilities that meet the following requirements:
  - a. A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way, unless waived by the DRB under [Section 3.8 \(Waivers\)](#); and shall not exceed a total height of 20 feet, as measured vertically from the average post-construction grade to the highest point of the structure.
  - b. A ground-mounted wind energy facility shall not exceed a total height of 150 feet, or a maximum height of 40 feet above obstructions (e.g., structures, tree canopies) within 300 feet of the tower, whichever is greater, as measured vertically from the base of the tower at ground level to the top of the rotor blade at its highest point. The facility shall be set back at least 1.1 times the total facility height from all property lines, overhead utility lines, and public rights-of-way. A minimum clearance of 30 feet is required between the ground and the rotor blade tip at its lowest point.
  - c. A wind facility shall not cause shadow flicker for more than 30 minutes per day on any occupied building located in the vicinity of the property.

- d. Ground-mounted facilities must be sited or screened so that their visibility has no undue adverse effect on adjoining properties.
- e. A ground-mounted solar installation shall not cast glare onto adjoining properties or the public right-of-way.
- f. The installer must certify in writing that the facility as installed meets manufacturer's specifications and accepted industry safety and performance standards, as established by the National Electrical Code, Institute of Electrical and Electronic Engineers, Underwriters Laboratories, American National Standards Institute, or similar testing and certification facilities. The applicant shall forward a copy of system specifications to the Fire Department.
- g. Line connections between a ground-mounted facility and the principal structure must be buried.
- h. Facility lighting or use of the facility for display or advertising purposes is prohibited.

**C. Site Plan/Conditional Use Review.** All other renewable energy facilities regulated by the municipality including but not limited to facilities sized to generate power for more than one single dwelling, must receive site plan and conditional use review and approval from the DRB prior to the issuance of a Zoning Permit.

Site plan and conditional use review and approval by the DRB is also required prior to the issuance of a Zoning Permit for any renewable energy facility located in the following areas, to avoid undue adverse impacts to the community's most significant natural, historic, and scenic resources:

1. Designated scenic byway as listed in the Town Plan.
2. Primary agricultural soils as mapped by the U.S. Natural Resources Conservation Service.
3. Surface water, wetland and wetland buffers ([Section 5.12 and Article 9](#)).

4. Existing critical wildlife habitat as delineated by the Town of Georgia and/or the State of Vermont.

Renewable energy facilities regulated by the municipality that require site plan and conditional use review by the DRB must meet the following standards:

5. **Environmentally Sensitive Areas.** In order to minimize the environmental impacts of facility development, new renewable energy facilities must meet:

- a. Minimum setback distances from surface waters and wetlands, as required for all new development under [Section 5.12 and Article 9](#), unless waived by the DRB under [Section 3.8 \(Waivers\)](#). New hydro facilities, including micro-hydro generation, should maintain sufficient flow (run of river) so there are no undue adverse impacts to water quality, local fisheries, and aquatic and riparian habitat.
- b. Applicable requirements for development within Special Flood Hazard Areas (SFHAs) as shown on National Flood Insurance Program (NFIP) maps and regulated by the municipality under [Section 3.6 \(Development in the Flood Hazard Overlay Zone\)](#). No renewable energy structure, except for a hydro facility, shall be located in a regulated Floodway.
- c. **Wildlife Habitat.** New or expanded facilities shall be designed, constructed and operated so there are no undue adverse impacts to wildlife and necessary [critical, significant] wildlife habitat, including core habitat areas, migratory routes and travel corridors, and state or federally listed rare, threatened and endangered species as mapped by the state or municipality, or identified through site investigation. Buffer zones may be required to protect identified habitat values as delineated by the Town of Georgia and/or the State of Vermont.

6. **Farm and Forest Land.** New generation and transmission facilities must be sited to avoid wherever feasible, or to otherwise minimize and mitigate the fragmentation of and adverse impacts

to, the Town's working landscape, including large tracts of undeveloped forestland, open farmland, and primary agricultural soils mapped by the U.S. Natural Resource Conservation Service.

- a. In order to conserve open space, ground-mounted renewable energy facilities, including wind towers, solar panels, and accessory structures, shall be sited and clustered on the least productive portion of the site, along field and forest edges, or on otherwise disturbed areas, to minimize placement or encroachments on open farm fields and, to the extent feasible, to not be sited on primary agricultural soils.
- b. The facility must be accessed from an existing access serving the property, unless otherwise approved by the DRB as necessary to meet technical facility siting requirements. New access roads are to be located along forest and field edges, or in otherwise disturbed areas, as necessary to minimize site disturbance, resource fragmentation, and visual impacts, and to limit the introduction of invasive species. Access roads constructed along or within agricultural fields should be constructed at grade with the elevation of the field.
- c. Facilities located in agricultural areas should be fenced as necessary to prevent livestock access, consistent with landowner agreements. Site restoration after facility decommissioning and removal must allow for continued agricultural use of the site.
- d. A renewable energy facility shall be sited to avoid core forest areas and critical forest habitat.
- e. For farm and forest land enrolled in State or municipal tax stabilization programs, or subject to permanent conservation easements, facilities shall be sited to meet applicable program requirements and restrictions.

7. **Scenic Resources.** Energy facilities shall be sited and designed to avoid or, if no viable alternative location exists, to otherwise minimize and mitigate

undue adverse visual impacts to the community's scenic resources, as viewed from public rights-of-way, public vantage points and adjoining properties, and particularly within or as viewed from designated scenic byway corridors, historic districts, and scenic roads or views mapped by the municipality in the Comprehensive Town Plan or these Regulations.

- a. Ground-mounted facilities are to be sited or screened so that they are not highly visible from adjoining properties. The Vermont Public Service Department's publication "Siting a Wind Turbine on Your Property," provides guidelines to minimize visual impacts. A system rated under these guidelines shall have no more than a "minimal impact" on residential and public properties or public rights-of-way.
- b. Landscaping and screening shall be required as necessary to preserve scenic views of particular importance to the community, and to minimize visual impacts to adjoining properties to the maximum extent feasible. This may include the use of existing topography and vegetation, or a combination of plants, natural or architectural screening materials to either screen the facility from view or visually blend it into its surroundings.
- c. All structures must be designed using context-sensitive, non-reflective materials, colors, and textures that will blend the facility into its natural setting or surrounding environment. Wind facilities shall be finished in a neutral, non-reflective color (e.g., matte gray or white) so that they blend into a range of sky conditions.
- d. Exterior lighting shall be avoided except as required for safe facility operation, and shall incorporate energy-efficient, shielded light fixtures that are cast downward to minimize light trespass, glare and sky glow to the maximum extent feasible.
- e. Onsite electrical connections must be buried to the extent physically feasible, except where

connected to the transmission or distribution system.

- f. No facility shall be used for purposes of advertising or display. Signs must meet applicable sign requirements under Section 5.9 (Signs) and be limited to required warning and safety signs.

### 3.3.21 Roadside Stands

Roadside stands for sale of agricultural products, and products produced on the premises, do not require a permit, but must meet the following conditions.

- A. The stand is used for the sale of agricultural products principally produced on the "farm," as defined by 10 V.S.A. Section 6001(22), and products produced on the premises such as jams, pickled vegetables, baked goods and similar food products.
- B. The stand does not extend into or obstruct public rights-of-way or interfere with corner visibility or sight distances for vehicular traffic. Access to the stand shall be by a driveway with a driveway permit from the Town of Georgia or the State of Vermont or pre-existing driveways on roadways with a posted speed of 35 mph or over must have at least 300 feet of clear sight line.
- C. Parking spaces are provided off of the travelled portion of the roadway.
- D. Traffic to and from the stand shall have no undue adverse impact on roads and highways in the vicinity.
- E. Safety is the responsibility of the property owner.
- F. The property owner is responsible for obtaining all required state permits.

### 3.3.22 Seasonal Conversion

A seasonal dwelling unit in the Lakefront (LF) or Lakeview (LV) districts ~~L-1 (Lakeshore) and L-2 (Lakeshore)~~

~~Residential-Recreational~~) may be converted to a single household dwelling if the ZA determines that the conversion meets all of the following requirements:

- A. The property conforms to all of the provisions of these Regulations applicable to single household dwellings and all applicable State regulations. Certificate of Occupancy requirements in ~~Section 3.1~~ **Section 6.1.4** *Certificate of Occupancy* must be followed.
- B. The property has obtained a State of Vermont Wastewater System and Potable Water Supply Installation Certification and the certification is recorded in the Town of Georgia Land Records.
- C. The property has adequate access in accordance with Town ordinances (a letter from the fire chief is required).
- D. ~~The proposed year-round residential use is a permitted use in the zoning district.~~
- E. Two off-street parking spaces per dwelling unit are required on the lot, or with deeded parking easement on an adjacent lot.

### 3.3.23 Seasonal Mobile Food Unit

Seasonal mobile food units shall be allowed as specified in “TABLE 3.1 - Table of Land Uses” and require a Seasonal Mobile Food Unit License from the Town of Georgia as follows:

- A. Prior to approval of a license or renewal, a [permit? ##Need to discuss] shall be sought from the Zoning Administrator. The [permit?] or renewal may be denied, if vehicular access to the property is likely to, or has, created unsafe vehicular or pedestrian traffic conditions adjacent to the property.
- B. A license for a seasonal mobile food unit shall be valid for a maximum of seven (7) months, from April 1 to October 31, after which time it expires.
- C. A seasonal mobile food unit license may be renewed in subsequent calendar years at the request of the applicant. The Zoning Administrator shall approve the renewal upon finding that all aspects of the license and these regulations have been met to date and in the previous year’s operation of the seasonal mobile food unit. No such renewal shall be issued if no license was issued in the previous calendar year.
- D. A proposed seasonal mobile food unit shall provide evidence of a valid Commercial Caterer License from the Vermont Department of Health.
- E. A seasonal mobile food unit shall not be permitted to operate between the hours of 9:00 pm and 7:00 am.
- F. A seasonal mobile food unit may have temporary outdoor seating for a maximum of sixteen (16) people, placed directly on the ground and unsecured with no foundation or underlying structure.
- G. A seasonal mobile food unit shall not be located within any minimum required setback, buffer or right-of-way.
- H. A seasonal mobile food unit must provide appropriate receptacles for trash, recyclables and food waste.
- I. Signage may include one or more signs mounted on the mobile vending unit not to exceed a total sign area of 8 square feet, exclusive of any menu sign. In addition, one sandwich board sign and one flag sign will be allowed only during open hours.
- J. The site should have adequate off-street parking available. Any issues with parking or vehicular traffic caused by the establishment shall require immediate action to rectify or the permit may be revoked for the season. Any corrective issues with traffic and parking will be approved by the Zoning Administrator with consultation from the Public Works Director.
- K. A seasonal mobile food unit, and any associated seating and accessory items such as dumpsters,

shall be removed from the property at the expiry of its permit under these regulations.

- L. Seasonal mobile food unit permits may be revoked at the discretion of the town.

### 3.3.24 Service Station, Motor Vehicle Repair and Other Motor Vehicle Related Uses

In all districts where they are allowed (See “[Table of Land Uses](#)” on page <?>) ~~(see Table 2.2)~~, service stations, motor vehicle repair, and motor vehicle sales shall comply with the following as applicable:

- A. A service station or motor vehicle repair use’s pumps, lubricating, and other service devices shall be located at least 30 feet from the front, side, and rear lot lines. Pump islands, pumps, air compressor and recharging stations, and other service areas shall be located on the side or the rear of the station building (see ~~Figure 6.1~~ [Figure 3.1](#)).
- B. Service stations shall have no more than five gas pumps with two fueling positions each located on the premises. Four additional pumps for diesel, kerosene and/or fuels other than gasoline, and recharging stations for electric vehicles, may also be installed on-site.
- C. Light fixtures mounted in/on service station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively under the canopy. Lights shall not be mounted on the top or sides (fascia) of canopies, nor shall fascia be internally illuminated.
- D. Service stations and motor vehicle repair uses shall meet parking requirements under [Section 5.6 \(Parking Requirements\)](#), however fueling stations at pump islands may be counted toward satisfaction of onsite parking requirements.

- E. All motor vehicle parts and dismantled vehicles at a service station or motor vehicle repair use are to be stored within a building or be effectively screened from adjacent properties and roads. No major repair work shall be performed outside a building.
- F. A landscaped area shall be maintained at least five feet in depth along all lot frontage not used as a driveway; specific landscaping and screening may be required (see [Section 7.5 Landscaping and Screening](#)). To ensure conformance with the Conditional Use and Site Plan review standards, the DRB may require a larger landscaped area.

### 3.3.25 Short Term Rentals

- A. **License Required.** All short-term rentals (STR) within the Town of Georgia must be granted a valid Short-term rental license by the Zoning Administrator. An STR license does not run with the land. A change of ownership shall require a new STR license.
- B. Applicants shall submit a completed STR Registration Form, available from the town website (or online app?).
- C. The Vermont Short-Term Rental Safety, Health and Financial Obligations Form, as required by 18 V.S.A. 4468(b), shall be completed and displayed in plain sight within the STR.
- D. The owner shall obtain the educational information packet regarding Short-Term Rentals provided by the Vermont Division of Fire Safety, as required by 18 V.S.A. 4468(a).
- E. The contact information required by 18 V.S.A. 4467 shall be displayed in plain sight within the STR.
- F. The property manager or owner must inform in writing all adjacent neighbors of expected STR use. [xx expected USE or APPLICATION?]



- G. The owner of the STR or the owner's designated manager must submit proof of suitable waste disposal services.
- H. Either the owner of the STR or the owner's designated manager must be geographically proximate and available and on call 24 hours a day, seven days a week during rentals to respond in the event of an incident.
- I. Advertised minimum night stay must be equal to or greater than 2 nights.
- J. Accurate occupancy limits shall be included in all advertisements of the STR. Advertised occupancy does not exceed number of bedrooms x 2 plus 2 (excluding children under 2 years old), whereas bedrooms are defined according to wastewater permit.
- K. The owner of the STR or the owner's designated manager who receives a verified noise complaint will be required to install noise monitoring system and post designated quiet hours.
- L. All vehicles associated with the STR of a property, including guests of the short-term renter(s), shall have designated off-road parking and not use shared private driveways, private roads, or public highways, unless public parking is readily available.
- M. The owner of the STR is responsible for the collection and payment of applicable Vermont Taxes, including Vermont's 9% Meals and Rooms Tax (MRT) and a 1% Local Option Tax.
- N. [xx Note: Did not include info about info about proof of insurance requirements, since I assume that is in the application?]

### 3.3.26 Wireless Telecommunication Facility

- A. **Authority.** Pursuant to 24 V.S.A. §4414(12), the DRB shall have the authority to regulate construction,

alteration, and development, decommissioning and dismantling of wireless telecommunication facilities in the Town of Georgia. These Regulations are intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any provision in this section is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of these Regulations.

#### B. Permit Required

1. Wireless telecommunication facilities may be permitted as conditional uses upon compliance with these Regulations in the I-1 (Industrial) and R-1 (Recreational) zoning districts. No installation or construction of, or significant addition or modification to, any wireless telecommunication facility shall commence until a Zoning Permit has been issued by the DRB.
2. However, in accordance with 24 V.S.A. § 4412(9), a Zoning Permit shall be issued without conditional use approval for a wireless telecommunication facility that, in the determination of the DRB, will impose no impact or merely a de minimis impact upon any criteria established in Section 6.8(F) (Criteria for Approval and Conditions). The DRB's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. §4471.

#### 3. Exemptions

- a. No conditional use approval or Zoning Permit shall be required for a wireless telecommunication facility when 24 V.S.A. Section 4412(8) exempts wireless telecommunication facilities from municipal approval.
- b. No Zoning Permit shall be required for a wireless telecommunication facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation. These Regulations shall not apply to amateur

**TABLE 3.5 - Wireless Telecommunication Facilities Application Requirements**

Applicant's legal name, address, telephone number, and email address. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent in Vermont

Name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.

Name, address, telephone number, and email address of the owner or lessee of the property on which the wireless telecommunication facility will be located.

Names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public or private right-of-way.

Vicinity map showing the entire vicinity within a 1,000-foot radius of the Wireless Telecommunication Facility, and identifying topography lines, slopes of 25% or greater, ridge tops, Special Flood Hazard Areas, primary agricultural and forestry soils, land under active forest management, public and private roads and driveways, towers, buildings and structures, utilities, wetlands, and other water bodies, historic sites, significant wildlife habitat, and scenic areas. It shall indicate the property lines of the proposed facility site parcel and all easements or rights-of-way needed for access from a public right-of-way to the facility.

Location of the facility on a USGS Topographic Map or a GIS-generated map compatible with the Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.

Elevations and proposed site plans of the facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).

In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.

Construction sequence and time schedule for completion of each phase of the entire project.

**Qualified engineer's report that:**

- Describes any tower's design elevation,
- Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
- Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
- In the case of new facilities, demonstrates that the existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
- Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
- Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
- Demonstrates the facility's compliance with the standards in these Regulations or other applicable standards.
- Provides proof that at the proposed facility 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 for radio frequency radiation (RFR).
- Includes such other information as determined by the DRB to evaluate the application.

Letter of intent committing the facility owner and its successors to permit shared use of the tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC Regulations, standards and requirements and these Regulations and all other applicable laws.

In the case of an application for additional antennas or other equipment to be installed on an existing facility, a copy of the executed contract with the owner of the existing structure.

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 facility, or a written statement by the applicant that an EA is not required for the facility.

radio, citizens band radio, AM or FM radio or broadcast television service.

- c. No Zoning Permit shall be required for a wireless telecommunication facility that has received a certificate of public good pursuant to 30 V.S.A. §248a.

- 4. This ordinance shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than fifteen square feet and if the antennae and the mast to which they are attached do not extend more than twelve feet above the roof of that portion of the building to which they are attached.

**C. Permit Application Requirements.** In addition to other information otherwise required in these Regulations, applicants shall include the supplemental information contained in *TABLE 3.1 on page 3-3 Table 6.8*.

**D. Independent Consultants.** Upon submission of an application for conditional use approval for a wireless telecommunication facility, the DRB may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the DRB. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance, as the DRB deems necessary to review an application.

**E. Balloon Test.** The DRB may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 7 days in advance of the test in a newspaper with a general circulation in the Town of Georgia. The applicant shall also consult with the DRB

on scheduling said test and inform it in writing of the date, time and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility or weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the DRB.

**F. Criteria for Approval and Conditions.** An application Conditional Use approval for a wireless telecommunication facility shall be approved after a hearing when the DRB finds all of the following criteria have been met in addition to the criteria for Conditional Use approval and all other applicable requirements in these Regulations.

1. The facility shall not be built on speculation. If the applicant is not a wireless telecommunication provider, the DRB may require the applicant to provide a copy of a contract or letter of intent showing that a wireless telecommunication service provider is legally obligated to locate a wireless telecommunication facility on lands owned or leased by the applicant.
2. The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the wireless telecommunication facility, unless the applicant demonstrates via a professional or consultant report that the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 110% of the total elevation of the tower, including antenna or equipment.
4. The facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the Federal Aviation Administration, Federal or State law, or these Regulations.



5. The applicant will remove the facility within 90 days of the facility being abandoned or ceasing to operate. The DRB may require the applicant to provide a bond or other form of financial surety acceptable to the DRB to cover the costs of removal of the facility, should the facility be abandoned or cease to operate.
6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.
7. The applicant will maintain adequate insurance on the facility.
8. The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The DRB may condition a Conditional Use approval on the provision of appropriate fencing.
9. The proposed equipment cannot be reasonably collocated at an existing wireless telecommunication facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the DRB shall consider the following factors:
  - a. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
  - b. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
  - c. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
  - d. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
  - e. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact on adjacent properties or significant public resources like parks, scenic byway corridors, historic districts, and scenic roads or views mapped by the Town in the [Comprehensive Town Plan](#) or these Regulations.
10. The facility provides reasonable opportunity for collocation of other equipment.
11. The facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
12. The facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the DRB shall consider the following factors:
  - a. The results of the balloon test, if conducted.
  - b. The extent to which the proposed tower(s) and equipment has been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design and/or imitation of natural features.
  - c. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
  - d. The duration and frequency with which the facility will be viewed on a public highway or from public property.
  - e. The degree to which the facility will be screened by existing vegetation, topography, or existing structures.
  - f. Background features in the line of sight to the facility that obscure or make the facility more conspicuous.
  - g. The distance of the facility from the point of view and the proportion of the facility that is above the skyline.
  - h. The sensitivity or unique value of a particular view affected by the facility.

- i. Any disruption of a view shed that provides context to scenic areas, as the areas are viewed from the public rights-of-way, from public vantage points, from adjoining properties, and particularly from historic sites and other scenic areas, including state or national designated scenic byways.

**13.** The facility will not destroy or significantly imperil significant wildlife habitat or that all reasonable means of preventing or minimizing the destruction or imperilment of such habitat will be utilized.

**14.** The facility will not generate undue noise.

**G. Continuing obligations for wireless telecommunication facilities.** The owner of a wireless telecommunication facility shall, at such times as requested by the DRB, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the facility. Failure to file a certificate within the timeframe requested by the DRB shall mean that the facility has been abandoned.

**H. Removal of Abandoned or Unused Facilities.** Unless otherwise approved by the DRB, an abandoned or unused wireless telecommunication facility shall be removed within 90 days of abandonment or cessation of use. If the facility is not removed within 90 days of abandonment or cessation of use, the DRB may cause the facility to be removed. The costs of removal shall be assessed against the facility owner.

Unused portions of a wireless telecommunication facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit, pursuant to [Section 6.8 B \(Permit Required\)](#).