

# ARTICLE 5 General Regulations and Standards

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## 5.1 Parking Requirements

### 5.1.1 Off Street Parking Requirements

The off-street parking specifications listed in [TABLE 5.1 - Required Off-Street Parking Spaces](#) below are required to avoid parking vehicles on roads, streets, and highways:

#### Reduction or Increase in Required Parking Spaces.

The DRB may approve an increase or a decrease of the off-street parking space requirements in [TABLE 5.1 Table 5.5\(a\)](#) (Off-Street Parking Spaces) based on a parking space analysis to be completed at the cost of the applicant by a qualified consultant approved by the DRB. Required parking spaces may also be reduced by the DRB in accordance with the shared parking provisions in [Section 5.6\(C\) \(Shared Parking\)](#) below. In no case shall the total number of off-street parking spaces be 110% of the required parking spaces in [Section 5.6\(A\) \(Off-Street Parking Requirements\)](#).

### 5.1.2 Shared Parking

**A.** Shared Parking arrangements, where one or more parking spaces is shared among a mix of adjacent land uses, is encouraged for the following reasons:

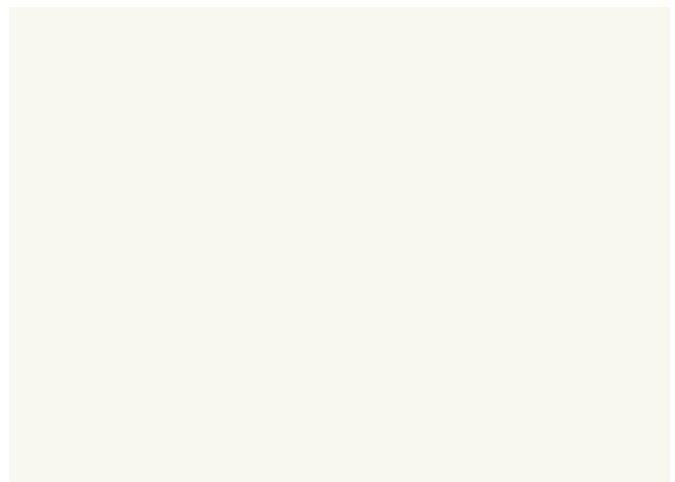
1. To promote compact development and the efficient use of land;
2. To promote non-motorized vehicle trips including walking and bicycling;
3. To improve accessibility and mobility to common destinations for users of all transportation modes; and
4. To reduce the overall amount of impervious surfaces, specifically the amount of land devoted to surface parking.

**B.** The DRB may approve shared parking as follows:

1. The number of off-street parking spaces required for a use for which shared parking is proposed can be reduced pursuant to one, but not a combination of, the following scenarios:

**a.** The DRB shall approve the use of up to 90 percent of the required off-street parking for a daytime use (a use primarily operating between the hours of 8:00 a.m. and 6:00 p.m.) to count toward the required off-street parking provided for a nighttime use (a use primarily operating between the hours of 6:00 p.m. and 8:00 a.m.), or vice-versa, when the applicant demonstrates that the following requirements are met:

- There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
- All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
- A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement shall guarantee access to, use of, and management of designated shared parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.



**Figure 5.1 - Shared Parking.**

**TABLE 5.1** - Required Off-Street Parking Spaces

Use	Parking Spaces Required
Dwelling	2 per dwelling unit except 1 per Accessory Dwelling Unit
<u>Dwelling, Two-Household and Multi-Household</u>	<u>2 per dwelling unit</u> or 1.5?? (rounded up) if located more than 1/4 mile from public parking.
Multi-Tenant Housing for Older Persons	1 per dwelling unit
Offices, Personal and Professional Services, Retail Store, <u>Family Child Care Daycare Level-1</u> , <u>Daycare Level-2</u> , Veterinary Clinics	1 per 200 SF of gross floor area, plus 1 for each employee per largest working shift
Convenience Stores	1 per 100 SF of retail floor area, plus 1 for each employee per largest working shift.
Lodging Establishment; Bed and Breakfast	1 for each three employees per largest working shift, plus 1 for each sleeping room, plus 75% of spaces required for accessory uses such as restaurants and banquet rooms, if applicable.
Restaurants and Banquet Rooms	1 for every 150 SF of gross floor area.
Light Industry, Heavy Industry	1 for every motor vehicle used in the business and 1 for each employee on the largest working shift.
Place of Worship	1 per six seats in principal assembly room plus 1 for each 400 SF of office space or administrative space.
School	1 for each 20 students of design capacity plus 1 for each 400 SF of office space or design capacity.
Marina	1 space for each boat berth plus any additional required for accessory uses or structures located on the same lot.
Hospitals, Nursing Homes	1 per each bed of design capacity plus 1 per each employee on the largest working shift
Group Homes	1 per two beds plus 1 for each employee on the largest working shift.
Motor Vehicle Sales, Repair and Service	1 per 400 SF of shop, sales, or service area plus 1 per employee on the largest working shift.
Campground	1 per camp site, plus 1 per every 200 SF of gross floor area of office or administrative space.
Municipal, State, Federal, or Regional Facility	1 per 200 SF of gross floor area.
Agribusiness and Heavy Equipment Sales	1 per 400 SF of enclosed shop, sales, or service area plus 1 per employee on the largest working shift.
Public Outdoor Recreation, Private Outdoor Recreation, Public Indoor Recreation, Private Indoor Recreation	1 per employee on the largest working shift plus 1 for every two patrons for the design capacity.
Trucking Terminal	A minimum of 1 per employee on the largest working shift plus 1 per truck or vehicle used in the business.
Warehouse	1 per employee on the largest working shift plus 1 per 2000 SF of gross floor area.
Other Commercial Uses Not Listed in This Table	One space for each employee on the largest working shift, 1 for each motor vehicle used in the business, and 1 for every 200 SF of gross floor area.

b. The DRB shall approve the use of up to 90 percent of the required off-street parking for a weekday use (a use only operating Monday through Friday) to count toward the required off-street parking provided for a weekend use (a use only operating Saturday and/or Sunday), or vice-versa, when the applicant demonstrates that the following requirements are met:

- There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
- All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
- A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement shall guarantee access to, use of, and management of designated shared parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.

c. The DRB shall approve up to a 20 percent reduction in the total number of parking spaces required for four or more separate commercial uses whose hours of operation may overlap; up to 15 percent reduction in the total number of parking spaces required for three separate commercial uses whose hours of operation may overlap; or up to a 10 percent reduction in the total number of parking spaces required for two separate commercial uses whose hours of operation may overlap when the applicant demonstrates that the following requirements are met:

- There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
- All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
- A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement shall guarantee access to, use of, and management of designated shared parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in

**TABLE 5.2 - Parking Lot Stall and Aisle Dimensions**

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle		Minimum Width for Emergency Access Drive Aisles
	Width	Length	One-Way	Two-Way	
Standard Parallel	9 ft.	24 ft.	12 ft.	20 ft.	20 ft.
Standard 45 Degree	9 ft.	18 ft.	16 ft. 4 in.	20 ft.	20 ft.
Standard 60 Degree	9 ft.	18 ft.	19 ft.	20 ft.	20 ft.
Standard 90 Degree	9 ft.	18 ft.	20 ft.	25 ft.	20 ft.
Disabled Accessible	9 ft. 5 in	18 ft.	20 ft.	25 ft.	20 ft.

force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.

### 5.1.3 Off-Street Parking Lot Design Standards.

- A.** Each off-street parking space shall be provided access to a public street through a drive or aisle. Adequate space shall be available for maneuvering in and out of parking areas and located so as not to interfere with circulation to and within the site according to the stall and access aisle dimensions in [Table 5.5\(b\) \(Parking Lot Stall and Aisle Dimensions\)](#).
1. Parking areas are clearly defined and marked at their edges so as to prevent parking outside these designated areas.
  2. Parking and loading areas include sufficient space for refuse and snow removal.

### 5.1.4 Loading Areas

- A. Number of Spaces.** At a minimum, one loading space (dock or parking space) shall be provided for all commercial and industrial buildings in excess of 10,000 square feet of gross floor area plus one additional space for every additional 20,000 square feet of gross floor area.
- B. Dimensions.** Each required loading space shall be not less than 10 feet wide, 35 feet long and with 14 feet of clear height. Loading zones shall be separate from other required parking and maneuvering area.
- C. Location.** Where feasible, loading zones and docks shall be located to the rear of properties.

## 5.2 Signs

- A. Applicability.** All signs, except as indicated in [Section 5.9\(F\) \(Exemptions\)](#), require a Zoning Permit prior to being erected, constructed, or replaced. Examples of outdoor signs are illustrated in [Figure 5.8 \(Examples of Types of Signs\)](#).
- B. Location.** All signs must be located on the same lot as the use to which they refer.
- C. Number of Signs Permitted.** Up to two (2) signs may be permitted for any non-residential use. Only one of the two permitted signs may be freestanding.
- D. Sign Size**
1. **Business Districts.** The maximum sign size in the Business (B), Village Core (VC), and Business Hamlet (BH) shall be 25 square feet. This size may be increased to not more than 50 square feet with conditional use approval by the DRB.
  2. **All Other Districts.** In all other zoning districts, the maximum sign size shall be 16 square feet.
  3. Sign area shall be calculated as the surface area within. The total area of each sign panel shall not exceed sixteen (16) square feet, with a single continuous perimeter enclosing the extreme limits of the sign panel surface. The area of any supporting framework shall not be included in the area calculation if such framework is incidental to the display and does not bear any copy or graphics. In the case of two-sided signs, Signs may be two-sided; in such cases, the area requirement shall apply to each side separately. A larger sign area may be approved by the DRB as a conditional use provided it does not exceed twenty-five (25) square feet in area in the South Village Core District and fifty (50) square feet in area in all other districts. These size limits shall also apply to the overall size of multi-business signs.
- E. Sign Height.** The height of a free-standing sign shall not exceed eight (8) feet. This height may be increased

to not more than 20 feet with conditional use approval by the DRB, except in the Village Core (VC) district. A taller free-standing sign may be approved by the DRB as a conditional use, except in the South Village Core District, provided it does not exceed twenty (20) feet in height.

### 5.2.1 Standards for Specific Sign Types

Signs may fall under one or more of the following types:

- A. Freestanding Signs.** Freestanding signs shall not be placed within ten (10) feet from the edge of the right-of-way or ten (10) feet from a property line, except in the ~~South~~ Village Core (VC) district, where signs shall not be placed within five (5) feet from the edge of the right-of-way or the sidewalk, whichever distance is further from the road.
- B. Projecting Signs.** Projecting signs shall not extend more than three (3) feet from the building and shall have a clearance of a least eight (8) feet in height. They shall not extend above the roof line or parapet of the building nearest the sign.
- C. Wall Signs.** Signs attached to buildings shall not extend above the nearest roof line or parapet of the building closest to the sign.
- D. Illuminated Signs.** Illuminated signs shall be lighted only by a continuous, non-flashing light. Such illumination shall not be provided by neon ~~or similar sources~~. Internally illuminated signs, including electronic message signs, are permitted only in the Business (B), Village Core (VC), and Business Hamlet (BH) districts unless utilized as part of an official municipal facility or school building. [xx Note have added a definition for electronic message signs]

### 5.2.2 Signs for Home Business, Home Occupation, Home Industry

- A. Home Occupation.** A sign on a property where a home occupation is conducted shall not exceed six

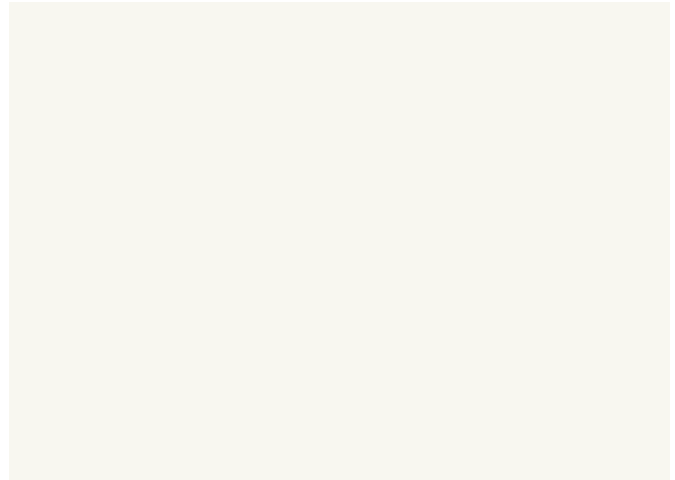


Figure 5.2 - Awning Sign.

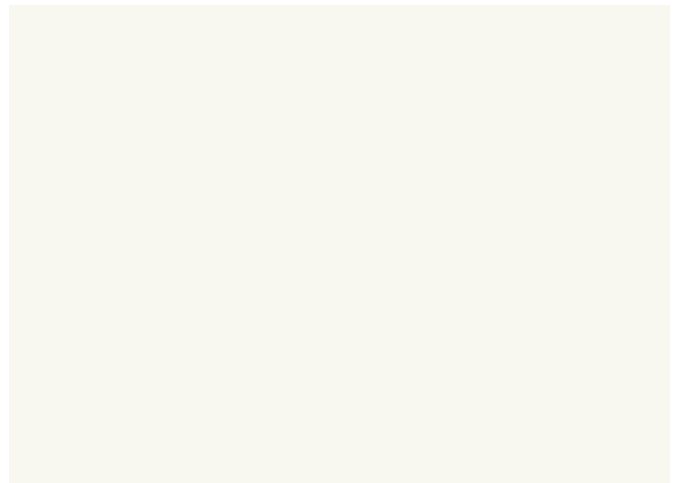


Figure 5.3 - Window Sign.

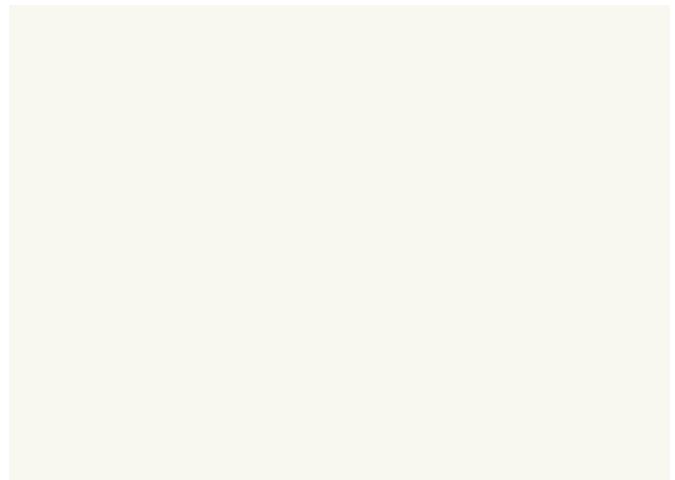
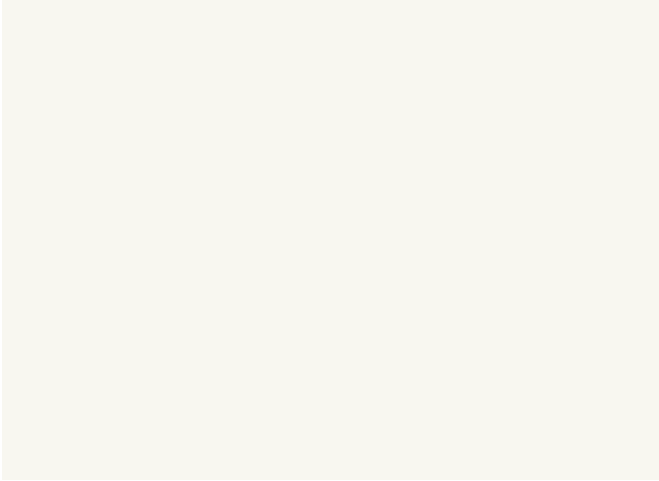
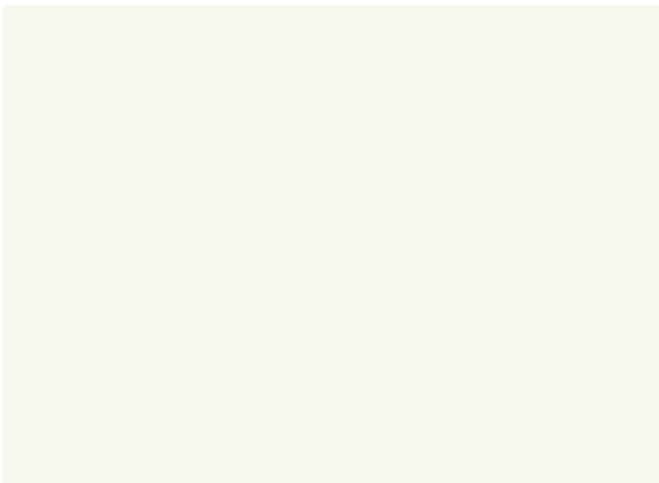


Figure 5.4 - Projecting Sign.



**Figure 5.5 - Wall Sign.**



**Figure 5.6 - Freestanding Sign.**

(6) square feet in area and, if freestanding, eight (8) ~~four (4)~~ feet in height. The sign shall not be illuminated and shall be limited to the name, address, phone, profession, and name of the home occupation of the occupant of the premises on which said sign is located.

- B. Home Industry.** A sign on a property where a home industry is conducted shall not exceed twelve (12) square feet in area and, if freestanding, eight (8) ~~six (6)~~ feet in height. The sign shall not be illuminated and shall be limited to the name, address, phone, profession,

and name of the home industry of the occupant of the premises on which said sign is located.

### 5.2.3 Exemptions

- A.** The following signs do not require zoning permits, but such signs must comply with the standards above to the extent they provide additional restrictions not in conflict with the requirements below.
1. Signs associated with residential uses that do not exceed four (4) square feet in area.
  2. Farm signs.
  3. Historic markers not exceeding four (4) square feet in area and, if freestanding, six (6) feet in height.
  4. Signs displayed for community or special events that are not commercial retail sales and that do not exceed thirty-two (32) square feet in area, and that are displayed for not more than ten consecutive days and a total of no more than twenty days per year.
  5. On-site directional, safety, or parking signs.
  6. Signs erected by a public school, the Town of Georgia, the State of Vermont or the United States government.
  7. Electronic Message Signs ~~Bulletin boards~~ on the premises of any church, school, or similar public structure that do not exceed twenty-four (24) square feet in area and, if freestanding, ten (10) feet in height. ~~[[This seems to conflict with previous electronic message sign requirement in 5.2.1 D]]~~
  8. Real estate or construction signs displayed temporarily that do not exceed twenty-four (24) square feet in area and, if freestanding, eight (8) feet in height, and are removed promptly when the property has been sold, leased or developed.
  9. Signs for roadside stands that meet the requirements of Section 6.9 that do not exceed sixteen (16) square feet in area and, if freestanding, eight (8) feet in height. The sign may remain in place when the stand is not in business but shall be covered.



10. Signs or flags indicating that a business is open and/or the hours of operation, provided such signs or flags are:
  - a. Limited to two per use (one for hours of operation, and one open/closed sign, or one for both);
  - b. Are located on the premises of the use for which the sign or flag is advertising; and
  - c. Do not exceed fifteen (15) square feet in area for a flag and two (2) square feet in area for a sign.
11. ~~No~~ String lighting, pennants, feather flags or other attention-gathering devices ~~may not~~ **shall** be displayed for more than four weeks per calendar year.

## 5.3 Access and Driveways

- A. **Access to Lots without Required Frontage.** Land development may be permitted on pre-existing lots that do not have frontage either on a public road or public waters only with the approval of a site plan review application by the DRB except for one- and two-household dwellings (Section 3.3). Access to such a lot shall be provided by a permanent easement or right-of-way at least thirty (30) feet wide or a Class IV road. In addition to other review criteria, the DRB, or the ZA in the case of a one- or two-household dwelling, may consider the intended use of the property, safety, traffic, and road and site conditions in granting, conditioning or denying the approval.
- B. **Driveways.** Driveways may serve up to two (2) lots. Driveways shall meet the following standards:
  1. **Curb Cuts.** Access onto town highways is subject to the approval of the ~~Georgia Selectboard with input from the~~ Road Foreman/Public Works Director and Zoning Administrator; an Access Permit must be obtained. State highways are subject to the approval of the Vermont Agency of Transportation; an Access Permit must be obtained. As a condition to access permit approval, compliance with all local ordinances and regulations pertaining to roads and land development is required. Access permits must be obtained prior to the issuance of a zoning permit.
    - a. ~~<## add coordination here to notify ZA of new driveways - do we want to have notification before SB approval so that ZA has a heads up?>~~
  2. **Driveway Construction Standards.** All residential driveways servicing single- or two-household dwellings shall be constructed in accordance with current Vermont Agency of Transportation B71 Standards and the Town of Georgia Private Road and Driveway Standards policy dated July 27, 2020 [xx Confirm name], and as may be amended. In addition, the following standards shall apply:



- a. Driveways to be a minimum 12' in width with 2' shoulders.
- b. Culverts required within the town right-of-way shall be of a type approved by the Town and be a minimum of 30' in length and 18" inches in diameter. A waiver of the required culvert diameter may be requested of, and granted by, the Selectboard if the applicant can demonstrate an unnecessary hardship due to unique physical circumstances or conditions. (Applicant shall attach a waiver request to the Access/Driveway Permit application.)
- c. Driveway sight distances shall meet requirements as listed within the Vermont B-71 Sight Distance Chart. Applicants may request a waiver of the sight distance standards from the Georgia Selectboard. All driveway waivers approved by the Selectboard require an advanced warning sign to be installed and maintained at the property owners' expense. Location of said sign shall be determined by the Georgia Road Foreman.
- d. All driveways shall have a hammerhead type turnaround to eliminate vehicles backing onto private or public roads. A waiver may be granted for driveways off private roads, or approved as part of the overall site plan by the DRB.
- e. A letter certifying compliance with the standards of this section by a licensed engineer, Vermont licensed Site Technician, or the excavating contractor responsible for the construction of the residential driveway shall be submitted to the ZA prior to the issuance of a Certificate of Occupancy. A form of surety, such as a bond, escrow or letter of credit, shall be attached to any certification letters by excavating contractors to assure warranty of work for a one-year period from the date of the letter.
- f. All construction shall meet current "Vermont Low Risk Site Handbook" requirements.
- g. No driveway shall be constructed with a grade greater than 10%. A waiver may be granted by the DRB Selectboard to allow 11-12% grade if the applicant can demonstrate an unnecessary hardship due to unique physical circumstances or conditions. The DRB may request that any section of driveways approved by said waivers shall also be paved with a minimum of 2" of asphalt pavement.
- h. All common or shared driveways shall be created by an easement referenced or recorded in the deed of each lot involved or in a declaration of covenants that creates a homeowners' association. Language outlining the construction and maintenance of the shared portion of the driveway shall be included in the said deed or covenants.
- i. All driveways greater than 400' in length shall have a pull-off greater than 14' in additional driveway width and 60' in length for each 400' of driveway length. Said pull off shall meet the required Vermont Agency of Transportation B-71 driveway constructed materials standards.
- j. All culverts required for private roads and driveways, shall be installed and maintained solely at the property owner's expense. In the event a culvert located within the town right-of-way fails, the cost for replacement or repair of the culvert shall be the property owner's responsibility. Prior to the repair or replacement of said culvert, the property owner shall complete and submit an application for Town of Georgia Access Driveway Permit for approval by the Selectboard with input from the Road Foreman. All work within the town right-of-way shall meet the standards provided within the Georgia Road and Driveway Standards.

### 3. Access Management

- a. No driveway shall be located within fifty (50) feet of a road intersection. This standard shall not apply to land development located in the South Village Core (VC) District.

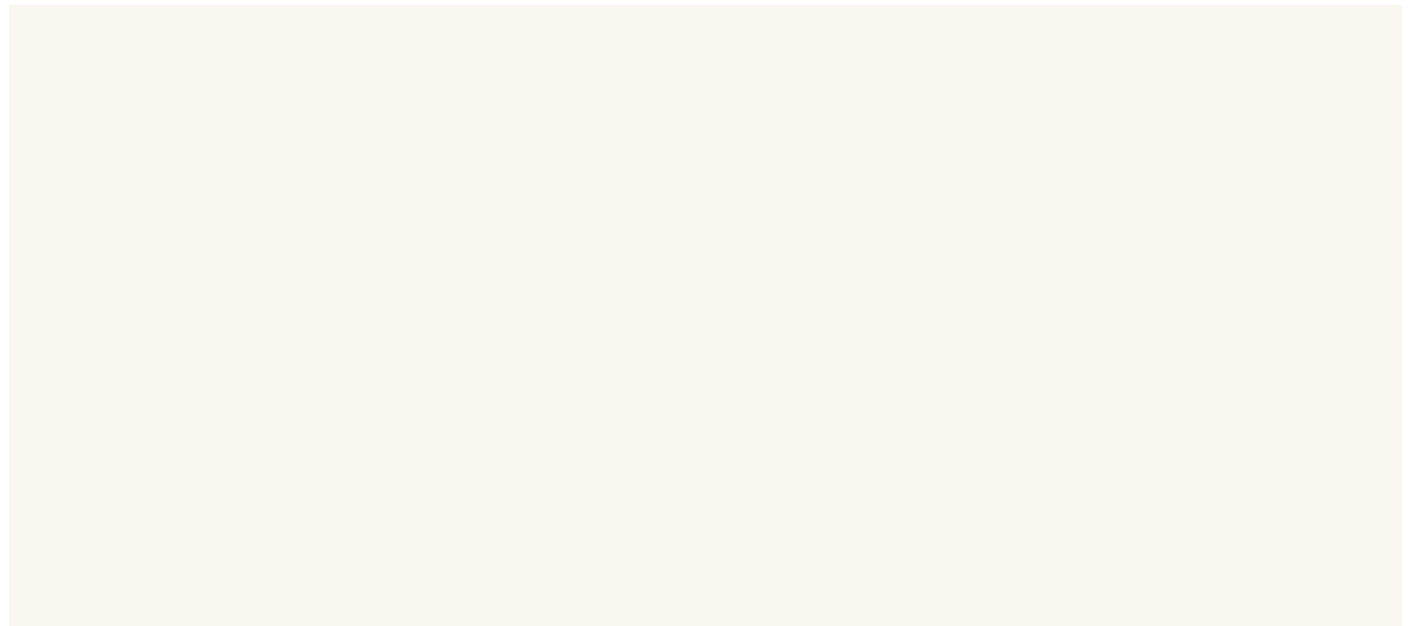
- b. Where a lot occupies a corner of two (2) intersecting roads, the driveway access to the lot shall be located on the less traveled road.
- c. Land Development on Private Roads. The following are requirements for all land development on any private road:
  - Private roads that have been constructed to meet the private road standards in [Section 7.11](#), as certified by a professional engineer; ~~may serve as access for no more than ten (10) dwelling units or ten (10) lots used for non-residential purposes~~ [\[##what is the rest of this sentence?\]](#). Private roads that have not been constructed to meet the private road standards in [Section 7.11](#) may only serve as access to three (3) dwelling units or three (3) lots used for non-residential purposes, except for lots solely in agricultural or forestry use, or a combination of dwelling units and non-residential lots greater than three, except in a PUD where a waiver is granted by the DRB. [Existing private roads that do not meet current A-76 road standards cannot add additional lots or dwelling units unless the road is brought](#)

[up to standards and approved by the Public Works Director and ZA.](#) [\[xxNeed to confirm this parag above was interpreted correctly\]](#)

- An application for a Zoning Permit for a lot with access by a private road shall include a copy of the deed for the lot, declaration of covenants creating a homeowners' association or other easement deed, which shall address the following:
  - A clear statement of the rights of ingress, egress, or any other rights of those sharing the right-of-way.
  - A clear statement setting forth terms and conditions for maintenance of the right-of-way.

## 5.4 [Principal and Accessory Structures](#)

### A. [<insert>](#)



**Figure 5.7** - Calculating structure height.

## 5.5 Height Limits

All structures shall comply with the height restrictions in [Article 2](#). Chimneys, non-commercial antenna structures; ~~rooftop solar collectors~~ extending less than 10 feet above roofs, and wind turbines with blades equal to or less than 5' in length attached to structures shall not be considered in calculating the height of the underlying structure.

In all zoning districts, except where noted, the following uses or structures can exceed the height limitation, as stand-alone structures or as included in the height calculation for a structure to which they are attached, if the DRB grants a conditional use permit, as provided under [Section 3.2 \(Conditional Use Review\)](#):

1. Windmills and wind turbines with blades more than 5' in length.
2. Rooftop solar collectors extending more than 10' above roofs.
3. Belfries (Nonresidential).
4. Church spires.
5. Monuments.
6. Water and fire towers.
7. Telecommunication/communication towers.
8. Single purpose industrial structures (within the I-1 zoning district only).

## 5.6 Nonconformities

**A. Applicability.** The following provisions apply to all lots, uses, and structures legally existing on the effective date of these Regulations that do not conform to the requirements of these Regulations as they exist or as may be amended. Structures located on existing small lots, which otherwise conform to these Regulations, including setbacks, are not considered nonconforming. Structures and uses improperly authorized as a result of error by the ZA are nonconforming.

**B. Public Nuisance & Public Health, Safety, & Welfare Considerations.** Nothing in this Section

shall prevent municipal or other appropriate officials from taking actions legally authorized to abate any public nuisance, health, safety, or welfare concerns as related to nonconforming lots, nonconforming uses, or nonconforming structures.

### 5.6.1 Pre-Existing Small Lots

**A. ~~Non-Conforming Lots.~~** ~~Non-conforming lots are subject to the requirements of Section 5.3 (Existing Small Lots).~~

**B.** Pre-existing non-conforming small lots which do not meet the minimum dimensional requirements of this code may be developed for purposes allowed in the district in which they are located if the lots meet all of the following criteria:

1. Are legally subdivided;
2. Are separately deeded in individual, separate and non-affiliated ownership from surrounding properties;
3. Were legally ~~Are~~ in existence at the time a bylaw or the Regulations made them non-conforming;
4. Include a minimum 1/8 acre of land area and a minimum 40 feet width or depth dimension;
5. Are serviced by adequate wastewater disposal and water supply facilities, including possible off-lot facilities, as evidenced by written confirmation from the Department of Environmental Conservation; and
6. Otherwise comply with these Regulations.

**C.** If an existing small lot comes under common ownership with one or more contiguous lots, it shall be deemed merged with the contiguous lots. An existing small lot shall not be deemed merged and may be separately conveyed if all the following conditions apply: [xxNot sure this is legal]

1. The lots are conveyed in their preexisting, nonconforming configuration;

2. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system;
3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in the event there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

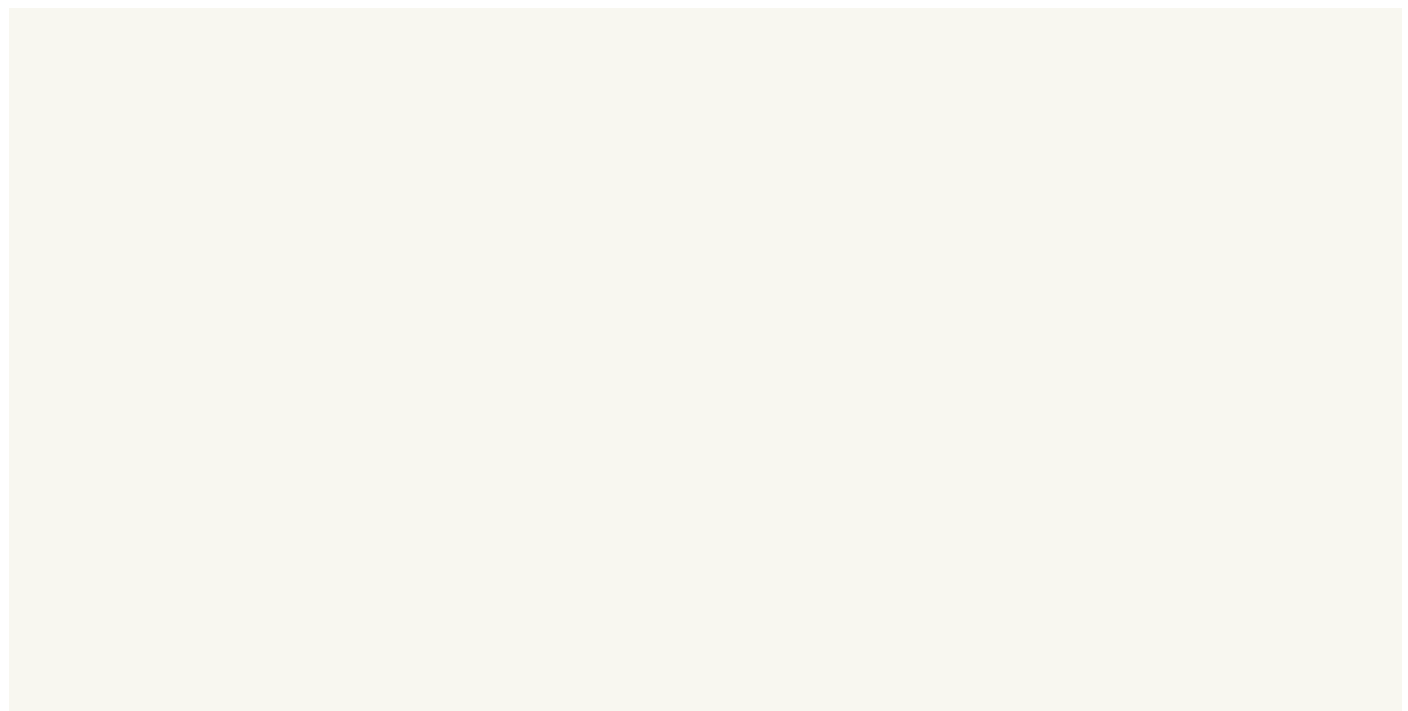
### 5.6.2 Non-Conforming Uses

- A. Non-conforming uses may be continued indefinitely, subject to the following conditions:
1. The area used for a non-conforming use shall not be expanded beyond the square footage in use when the use first became non-conforming under the Regulations.

2. The use shall not be changed to another nonconforming use.
3. The use shall not be re-established if discontinued or abandoned for a period of twelve (12) months, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use will not confer the right to do so.
4. The use shall not be restored to other than a permitted or conditional use with approvals as needed after damage from any cause, unless the nonconforming use is reinstated within twelve months of such damage. If the restoration of a building containing a nonconforming use is not completed within twelve months, the nonconforming use of such building will be deemed discontinued, unless carried on without interruption during that twelve-month period in an undamaged part of a building or site, as applicable.

### 5.6.3 Non-Conforming-Structures

- A. Non-conforming structures may continue to be utilized, subject to the following.



**Figure 5.8** - Increasing the degree of nonconformity of a structure

1. Non-conforming structures shall not be extended, expanded, altered, or reconstructed in any manner that increases the extent or degree of nonconformity or non-compliance. No expansion of a nonconforming structure that causes soil erosion shall be permitted.
2. In the **South** Village Core **(VC)** district, in no case shall a pre-existing structure that does not meet the maximum front yard setback be permitted to be extended, expanded, altered, or reconstructed so that it is located further from the road right-of-way (made more nonconforming).
3. A non-conforming structure that is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results in a structure that is no more non-conforming than the original structure, and that the work is completed within one year of the damage or destruction. A one-year extension of this deadline may be granted by the ZA the applicant demonstrates reasonable, good faith efforts to commence reconstruction of the structure before the expiration of the twelve-month period. [xx **WOULD THIS COVER REBUILDING DEADLINES?**]
4. Normal maintenance and repair of non-conforming structures is permitted provided that such actions do not increase the degree of non-conformity.

#### 5.6.4 Nonconforming Mobile Home Parks

- A. Mobile Home Parks, if nonconforming in lot size, use or structures, shall be treated as one nonconformity pursuant to 24 V.S.A. Section 4412(7)(B).

#### 5.6.5 **Grandfathering**

- A. Pre-existing structures in the Lakefront (LF) zone that are above the 16' height limit may be renovated in place as part of a new build. Any demolishing of the existing structure would require the new structure to meet all current height limits within the zone.

### 5.7 Performance Standards

- A. The following performance standards must be met in all zoning districts for all uses except residential and agricultural uses. The applicant or operator may be required to furnish engineering or testing results to demonstrate that the proposed use will meet, or, in the case of an operating business, is meeting and will continue to meet, the performance standards. The ZA and DRB may determine whether the proposed use or present operation meets these standards. The use must not:
  1. Emit noise in excess of 70 decibels at the property line or unreasonable noise. A noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace, health or safety of two or more occupants on different properties, or when it endangers the health, safety, or welfare of the community.
  2. Emit any odor, dust, dirt, or smoke which is considered offensive.
  3. Emit any noxious gases that endanger the health, comfort, safety, or welfare of any person or that could cause injury or damage to property, business or vegetation.
  4. Cause as a result of normal operations a vibration that creates a displacement of .002 inches within the ground at the property line.
  5. Have lighting or signs that create glare that could impair the vision of a driver of any motor vehicle.
  6. Have exterior lighting that is not downward facing and shielded, or is otherwise directing light into an abutting dwelling.
  7. Cause a fire, explosion or safety hazard.
  8. Discharge harmful substances into a sewage disposal system or watercourse.
  9. Create an unsafe or unhealthy condition as determined by the Town of Georgia Health Officer.
  10. Interfere with a renewable energy resource or the ability to utilize a renewable energy resource.

## 5.8 Non-Commercial Excavation and Fill

- A. Applicability.** The provisions of this section apply to all excavating and filling of land not exempted or associated with an extraction operation as defined under these regulations. A property owner must obtain a zoning permit for excavating and filling of land in accordance with the provisions of this section.
- B. Limitations.** The Development Review Board shall make the determination to approve more than one excavation and fill project in any 5-year period for a subject lot and all contiguous land under the same ownership. The Zoning Administrator may only issue one permit for excavation and fill in any 5-year period if the subject lot is less than one acre.
- C. Excavation and Fill Near Waterways.** Excavation and fill is prohibited within surface waters, wetlands and any required buffers or setbacks to surface waters or wetlands unless the proposed activity will be subject to state permitting and the applicant demonstrates that he/she has obtained all required state permits. Excavation and fill within the Flood Hazard Overlay District is subject to the standards of Section 2201.
- D. Fill Material.** The use of any material other than uncontaminated soil for fill is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail. The Town of Georgia strongly encourages property owners to test any fill for hazardous elements.
- E. Standards.** Excavation and fill must conform to the following unless otherwise approved by the Development Review Board as an element of proposed land development subject to site plan approval:
1. Excavation and fill is prohibited within zoning district setbacks.
  2. Excavation and fill must not alter the pre-existing grade by more than 5 feet.
  3. Excavation and fill must not result in a slope steeper than a 2: 1 (horizontal-to-vertical) ratio.
- F. Operational Standards.** The following minimum operational standards will apply to all excavation operations unless otherwise approved by the Development Review Board:
1. Any topsoil removed from the surface and retained on the site for reapplication to disturbed areas during reclamation must be carefully removed and stockpiled to prevent erosion.
  2. An excavation operation must not cause the permanent lowering of the water table on surrounding properties.
  3. An excavation operation must not cause the drainage of a wetland except as permitted by the Vermont Agency of Natural Resources.
  4. Excavation activity must not occur within riparian buffers as established in [Section 3011](#).
  5. Operational activities, including blasting, excavation, processing and hauling are prohibited between the hours 7 p.m. (or dusk if earlier) and 7 a.m. (or dawn if later). The Development Review Board may further limit hours as deemed necessary to mitigate impacts to adjacent properties and roads.
  6. The Development Review Board may impose fencing requirements as deemed necessary to protect safety and general welfare in the area.
  7. All equipment and machinery must be operated and maintained in such a manner as to minimize dust, noise and vibration. Access and haul roads must be maintained in a dust-free condition by surfacing, watering or other treatment on a regular basis.

## 5.9 Portable Structures

- A.** The following will be subject to the same permitting requirements as permanently located structures or



accessory structures with foundations under these regulations unless specifically stated otherwise:

1. Temporary structures;
2. Moveable structures;
3. Unlicensed, unregistered and uninspected vehicles;
4. Storage containers; and
5. Other similar structures without a foundation.

- B. Vehicles not regularly used for their manufactured purpose may not be permitted as a structure.

## 5.10 Wastewater and Potable Water Supply

### 5.10.1 General Requirements ~~for Wastewater and Potable Water Supply Systems~~

- A. **Purpose.** The purpose of this Section is to protect human health and the environment, including potable water supplies, surface water, and groundwater.

- B. **Certificate Required.** All new dwellings are required to have a Wastewater System and Potable Water Supply Installation Certificate issued by the Vermont DEC Drinking Water and Groundwater Protection Division before a Certificate of Occupancy can be issued by the town. Any creation of a new dwelling unit, accessory dwelling, or additional bedrooms to an existing structure will need to:

1. Have a wastewater permit that covers the number of bedrooms; [and/or?]
2. Have a letter from a certified engineer that the current system can handle the additional bedroom count;

If the wastewater system was created prior to 2007, then a certified letter [or a letter certifying?] from the homeowner or occupant [certifying] that the existing structure had # of bedrooms, otherwise the Town of Georgia Lister cards may be used to determine the

existing number of bedrooms. [##Need to review and rethink this, it is not clear]

### C. Wastewater and Potable Water Supply Permit.

Wastewater disposal and potable water supply are regulated by the Vermont Agency of Natural Resources, DEC, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective **September 29, 2007**, or as periodically revised or amended.

1. Applicants for a Zoning Permit for land development of the type addressed in 10 V.S.A. Chapter 64 shall contact the District Permit Specialist at the DEC to obtain a determination if a Wastewater and Potable Water Supply Permit is required by the DEC in accordance with 10 V.S.A. Chapter 64 and the Wastewater System and Potable Water Supply Rules.
2. If, according to the DEC, a Wastewater System and Potable Water Supply Permit is not required for the proposed land development, the applicant for a Zoning Permit shall provide written proof of such from the DEC to the ZA with the Zoning Permit application. Where a Wastewater System and Potable Supply Permit is required, initiation of construction under a Zoning Permit issued in accordance with the Town of Georgia Development Regulations shall be prohibited unless and until a Wastewater System and Potable Water Supply Permit is issued.
3. If a Wastewater System and Potable Water Supply Permit under Section 5.11 is required, the ZA shall not issue a Certificate of Occupancy until any necessary Wastewater System and Potable Supply Permit has been issued and filed in the Georgia Land Records and a statement that the wastewater disposal system has been constructed in full compliance with the permit has been submitted by the qualified designer as defined in the Wastewater System and Potable Water Supply Rules.



## 5.11 Wetlands and Vernal Pools

- A. Purpose.** The intent of this regulation is to minimize the net loss of wetlands in the Town of Georgia. Wetlands classified by the State of Vermont as Class I or Class II wetlands (which includes vernal pools) are valuable resources. Wetlands' functions (e.g., water and air purification, flood attenuation, speciation, and nutrient cycling) are critical to the support of human, animal and plant populations.
- B. Applicability and Process.** The following standards shall apply to all land development in the Town of Georgia except land development in the **South Village Core (VC) Zoning** district. The Vermont Significant Wetlands Inventory (VSWI) maps published by the Vermont Agency of Natural Resources shall be used by the Applicant as a tool to determine whether or not a wetland may exist on a property. However, such maps should not be relied upon to provide precise information regarding the location or configuration of significant wetlands. Where uncertainty exists as to the existence or location of a significant wetland, the Zoning Administrator and/or Development Review Board shall require that the applicant submit written documentation of a wetland's delineation based on consultation with a State Wetlands Ecologist or a private consultant with expertise in identifying wetlands prior to issuing a zoning permit or development review approval.

### 5.11.1 Review Standards

- A.** No land development shall be permitted in a Class I or Class II wetland, except as exempted in **(D) (4)** below.
- B.** No land development shall be permitted within the 100-foot buffer surrounding a Class I, **and** within the 50-foot buffer of a Class II wetland, or within 100-foot of an impaired waterway except as exempted in **(D) (4)** below.
- C.** Applicant shall provide a copy of Project Review Sheet from the Vermont Agency of Natural Resources

indicating whether or not the development proposal requires a state wetland permit.

- D. Exemptions.** Driveways, public roads, and private roads are exempt from this subsection if the following standards are met:
1. The applicant provides proof to the DRB that developable land on the property can be accessed by no other reasonable means and the applicant agrees to monument the location of the wetlands and associated buffer.
  2. A State Wetlands Individual or General Permit for any wetland or buffer encroachment has been issued to the applicant by the Vermont Agency of Natural Resources.

### 5.11.2 Conditions

- A.** The DRB may impose the following conditions for all land development applications involving lands that contain wetlands:
1. The applicant may be required to monument the boundary line of all Class I or Class II wetlands as identified on the property.
  2. Boulders at least three cubic feet in size, or other permanent marking materials as approved by the DRB, shall be placed along the boundary of the wetland buffer.
  3. Building envelopes approved by the DRB must be a minimum of twenty (20) feet from the outer boundary of the wetland buffer.

## 5.12 Abandoned Land Development

- A.** If the land development authorized by a zoning permit is abandoned without being completed, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion prior to or within 12 months after the zoning permit expires.

### 5.13 Blighted or Damaged Structures

- A. A landowner must act promptly to secure a structure blighted or damaged by any cause as necessary to protect public health and safety.
- B. Within 12 months of a structure being damaged by any cause or of the Zoning Administrator notifying a landowner that a structure is blighted as defined in these regulations, a landowner must either:
  - 1. Secure the structure as necessary to protect the structure from the elements and to protect public health and safety, if the structure will be reconstructed; or,
  - 2. Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion.
- C. The Zoning Administrator may grant one or more extensions to the 8-month deadline established in Subsection 1207.B for a total of not more than 36 months upon the landowner demonstrating that:
  - 1. The property does not pose a hazard to public health or safety; and,
  - 2. The landowner has been unable to meet the deadline due to factors beyond their control.
- D. If a nonconforming structure is blighted or intentionally damaged, a landowner may rebuild and use the structure in accordance with Section 1302 provided that:
  - 1. The structure as reconstructed does not exceed the original floor area; and
  - 2. The structure as reconstructed is not more nonconforming than the original structure.
- E. If a nonconforming structure is unintentionally damaged or destroyed, see Section 1302.F.
- F. As part of any redevelopment project requiring approval from the Development Review Board, a landowner must secure or demolish any blighted, damaged or destroyed structures located on the subject property.

### 5.14 **Removal of Structures After Damage**

- A. Allowing the ruins of any structure damaged by any cause, including but not limited to fire, explosion, acts of God, excavation, demolition, or deterioration to remain for more than one (1) year from the date of damage is prohibited. Within one (1) year after damage from any cause, all structural materials must be removed or backfilled, or the process shall have begun to have the structure rebuilt, repaired, or replaced in accordance with these Regulations. Any excavation remaining will be covered over with earth to the normal grade level. The rebuild or reconstruction will be completed within two years of the date of the damage, with the possibility of a two-year extension by the approval of the ZA upon finding that the rebuild or reconstruction has commenced within two years of the date of the damage.

### 5.15 Demolition

- A. Demolition of any building over 250 square feet in size will need a Demolition Permit issued by the ZA. Upon completion of any demolition project, a Certificate of Occupancy is required to close out the permit. [##Why is CofO required for a building that has been torn down?] If demolishing and rebuilding an existing structure, then the demolition and rebuild must occur [rebuild commence? rebuild complete?] within 1 year of the Demolition Permit being issued. The ZA may

grant an extension of up to 1 year. [xxWant to check  
wording on this, unclear]

B. Historic Structures. <insert>