

<p>1</p> <p>GP A.1 Support and promote agriculture of all types, and encourage preservation of farm and forestlands for future generations through conservation easements and other mechanisms.</p> <hr/> <p>GP A.2 Minimize loss of primary agricultural soils.</p> <hr/> <p>4.1.J.1 Discourage development on soils classified as Prime, Statewide and Local by requiring clustering, minimal soil loss to development, and/or mitigation on- or off-site.</p> <hr/> <p>4.3. RURAL 6 All land identified by the state as prime agricultural, soils of statewide or local significance will not receive densities above one unit per five acres (or currently five-acre minimum lot size).</p>	<p>ZONING</p> <p>1.2 Purpose. These regulations are designed to: (4) Conserve the town’s rural agricultural landscape.</p> <p>4.2.A RA-5 Purpose. Generally, these areas do not have the soil characteristics with good residential or commercial development potential, but are best suited for agricultural use. Other compatible uses would be open space, conservation and forestry.</p> <p>5.21.A PRD Purpose. The purpose of the planned residential development (PRD) provisions is to encourage preservation of forestry and agricultural lands by allowing flexibility of design and development of land in such a manner as to promote the most appropriate use of land.</p> <p>5.21.C PRD General Standards. (8) Any open space land will be evaluated as to its agricultural, forestry and ecological quality.</p> <p>5.21.D PRD Specific Standards. (5) The minimum acreage for a PRD shall be 25 acres and a minimum of 60% of the total parcel shall remain undeveloped.</p> <p>5.21.E PRD Open Space. If the PRD results in lands available for parks, recreation, open space or other municipal purposes the Planning Commission as a condition of its approval may establish such conditions as to the ownership, use and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purposes.</p> <p>9.5.B Conditional Uses Specific Standards. (2) Distance from adjacent or nearby uses, limiting the coverage or height of buildings because of obstruction to views, vistas, natural areas, wildlife habitat, productive woodlands, historic sites and agricultural land.</p>	<p>The bylaws are not effective at guiding development away from agricultural soils or preserving the rural agricultural landscape. The RA-5 district, which encompasses a significant portion of the rural areas of town, allows farmland to be subdivided into 5-acre house lots with no standards to guide the siting or placement of development away from agricultural soils. A density of one house for every 10 acres or even a lower density is necessary to preserve rural character, although that density standard needs to be combined with clustering requirements to adequately protect productive farmland and natural resources, and maintain traditional rural development patterns.</p> <p>The zoning bylaw includes PRD provisions (a term that has been replaced in state statute with PUD or planned unit development), but PRDs or other forms of clustered development are not required. Conservation subdivisions (a form of PUD) that require new lots to be clustered and open space to be conserved can be used to accommodate residential development in rural areas while protecting productive farmland and preserving rural character. Conservation subdivisions could be required in certain districts and/or for subdivisions of a certain size.</p> <p>Agricultural soils and rural character can also be protected in conventional subdivisions. The subdivision bylaw could require each new lot to have a designated building envelope. A building envelope is one of the most effective tools for guiding development away from agricultural soil and preserving rural character because of the subsequent development of the lot will consist of constructing a house that will only require a zoning permit with no further consideration for resource protection. More than one development envelope can be approved per lot so that the future owner has options for where to build on the lot. Clear standards for locating development envelopes off productive farmland and away from important natural resources could be incorporated into the subdivision standards.</p>
<p>2</p> <p>GP A.3 Promote the adaptive reuse of vacant buildings, and encourage preservation of old and historic rural buildings.</p> <hr/> <p>GP B.3 Promote the preservation of historic structures and areas including villages, agricultural structures, public and private historic buildings, and remote areas of town.</p> <hr/> <p>4.2.E.1 Encourage the adaptive re-use of historic buildings, which retain authentic features.</p> <hr/> <p>4.3. NORTH 4 CENTRAL 3 SOUTH 6 Priority should be given to the re-use existing historic building or building footprint. Setback waivers apply for the re-use/re-purposing of existing historic buildings.</p> <hr/> <p>Support the re-use of existing historic buildings or building footprints. Setback waivers apply for the re-use/re-purposing of existing historic buildings.</p>	<p>ZONING</p> <p>10.8 Adaptive Reuse of Agricultural Structures. The zoning board may approve as a Conditional Use a new use within the current dimensions of former agricultural building. Any exterior renovations needed to accommodate the new use must be compatible with the original architectural design of the structure.</p>	<p>Section 10.8 of the adopted zoning bylaw does further the goals of the town plan related to preserving historic rural buildings. However, those provisions should be strengthened and clarified. Section 10.8 is not clear as to whether uses not otherwise allowed in the applicable zoning district are allowed as an adaptive re-use of a former agricultural structure (some communities with such provisions allow multi-family housing, lodging, events, retail, light industry and/or storage uses in historic barns even when those uses are not allowed elsewhere in the district). There is also no guidance on how to interpret whether exterior renovations are compatible. It also creates a large loophole in the regulations because this provision is not limited to historic barns. Agricultural structures can be built without a zoning permit provided state regulations are met. Such buildings could then be converted to a non-agricultural use under this provision.</p> <p>The nonconformity and waiver provisions could be revised to streamline the permitting process to make it easier to re-use an existing building. The ZA could be given the authority to permit minor expansions of nonconforming uses to fully use space in an existing building and the regulations could establish quantitative standards for waivers to ensure more predictable, consistent decision-making over time.</p> <p>Uses could be permitted with site plan review if locating within an existing structure but be conditional if a new building will be constructed. Alternatively, the regulations could provide for an administrative site plan approval process for uses within existing buildings. The adopted bylaw is silent on demolition. A zoning permit should be required for demolition and demolition of a historic structure could require conditional use approval. Design standards could incorporate provisions to preserve historic buildings.</p>

3	GP A.4	Promote development that directly supports farming and its supporting businesses.
	GP A.6	Promote local-grown food and fiber, farmers' markets and expanded market opportunities for value-added agricultural products and organic food.
	4.2.C.4	Support and encourage businesses that produce value-added products and use sustainable business practices, especially as they enhance and support the traditional agriculture and forestry and rural character of the town.
	4.2.C.6	Support and encourage the use of locally grown food products, farm stands and Community Supported Agriculture (CSA) in all parts of town.
	4.2.C.10	Support the development of local and sustainable food systems within town.

ZONING

5.16	Home Occupation II. (A) The home occupation may have employees other than family members. (D) The Zoning Board will set noise levels, outside lighting, or any other conditions that will insure that the character of neighborhood will not change. (E) The home occupation, if conducted in an accessory building, should be at least 200 feet from the nearest neighboring residence. (F) There should be no substantial increase of traffic. (G) All materials shall be inside or screened from the road and neighbors. (I) All home occupation II shall require Conditional Use approval from the Zoning Board.
5.28	Roadside Agricultural Stands. Temporary roadside stands for the sale of agricultural products raised on the property may be erected provided that: (A) No stand shall be closer to any lot line than twenty feet; (B) Off-street parking space shall be provided for at least two motor vehicles; (C) Access to or egress from any stand shall not create a traffic hazard.
10.8	Adaptive Reuse of Agricultural Structures. The zoning board may approve as a Conditional Use a new use within the current dimensions of former agricultural building. Any exterior renovations needed to accommodate the new use must be compatible with the original architectural design of the structure.

The adopted zoning is largely silent on farm-based business (with the exception of the provision for farmstands which is largely superseded by the state exemption). This has left those businesses that did not meet the state's definition of farming with a permitting problem and at risk from neighbor complaints as there may have been no pathway to making them legal and properly permitted under the town's adopted regulations.

Two elements of the adopted bylaw could provide a pathway to permitting some farm-based business. As discussed in #2, the adaptive reuse provisions may be able to be used to allow uses not otherwise allowed in the district although the language is unclear. The adopted bylaw also includes a provision that "other similar uses" to those uses allowed in a district may be allowed with conditional use approval. Depending on the characteristics of a proposed farm-based businesses, it may be considered similar. However, neither of these options provide the certainty necessary to fully implement the goals of the town plan.

There has been a change to state statute, which became effective on July 1, requiring municipalities to allow for an accessory on-farm business that either engages in (i) the storage, preparation, processing and sale of agricultural products at least 50% of which are produced on the farm; or (ii) hosting educational, recreational or social events that feature agricultural practices or products, including farm stays. These businesses may be subject to site plan review and may be required to meet the same standards as similar non-farm business in the district. Given the new state requirement, which is structurally similar to that for home occupations, the bylaw should establish two new uses – the on-farm business which meets the new state minimum requirements and a rural enterprise that would be more similar to light industry and would allow for the storage, preparation and processing of agricultural or forest products without the limitation on percentage of product produced on the property. Both would be treated as commercial or industrial uses and require site plan approval. The rural enterprise could be conditional. In combination with more robust home business provisions as discussed in #4, this could provide ample opportunity for businesses that support the economic viability of farming.

The bylaw could also make provisions for specific commercial or industrial uses that align with the town plan goals such as: food or beverage manufacturing, event facilities, lawn, garden or farm supply sales, composting facility, slaughterhouse, equestrian facility, etc.

4	GP A.5	Promote and support home occupations and accessory uses of private property for small business growth, especially as it relates to the agricultural and rural nature of the local economy.
	4.2.C.1	Encourage and support home occupations and home-based businesses throughout Ferrisburgh, so long as they are in keeping with the policies of the land use plan, human resource policies and natural resource policies within this document, and adhere to Ferrisburgh's zoning regulations.
	4.2.C.1	Clearly define home-based business and home occupation within Ferrisburgh's zoning regulations.
	4.3. RURAL 4	Home-based businesses, home occupations and telecommuting should be supported in this planning area [Rural] so long as they fit with the goals and policies of this plan.
	4.3. SHORE 6	Home occupations, telecommuting and appropriate home-based businesses meeting the goals and policies of this planning area are supported.

ZONING

5.15	Home Occupation I. (A) The home occupation shall be carried on by members of the family living on the premises only; (C) No exterior displays or signs shall be permitted other than one sign not exceeding four square feet in total area; (D) No traffic shall be generated in greater volume than would be normally expected in the neighborhood; (E) Excessive noise, smoke, vibrations, dust, glare, odor, electrical interference or heat that is detectable at the boundaries of the premises shall be prohibited; (G) No exterior storage of material shall be permitted.
5.16	Home Occupation II. (A) The home occupation may have employees other than family members. (D) The Zoning Board will set noise levels, outside lighting, or any other conditions that will insure that the character of neighborhood will not change. (E) The home occupation, if conducted in an accessory building, should be at least 200 feet from the nearest neighboring residence. (F) There should be no substantial increase of traffic. (G) All materials shall be inside or screened from the road and neighbors. (I) All home occupation II shall require Conditional Use approval from the Zoning Board.

The adopted zoning is generally implementing the town plan goals related to home businesses and is consistent with state statute but could be further revised to streamline the permitting process. The bylaws could exempt home offices or occupations that are entirely within the dwelling, don't have employees or signs, and don't occupy more than 25% of the habitable floor area (this figure is consistent with how VT Dep't of Taxes treats home office space). The bylaws could continue with two levels of permitted home occupation / home business. The smaller home occupation should closely mirror the minimum requirements from statute with some clarification of what constitutes a minor portion of the dwelling (percentage of floor area and whether space in accessory buildings may be used) as this use is protected under state law and is not subject to site plan review. The larger home business could be permitted with site plan review in some districts and conditional in others, and could continue to make provision for nonresident employees, use of space outside the home, etc. The larger home business should be required to meet the same performance standards as other commercial/industrial uses (signage, lighting, stormwater, noise, parking, access, etc.).

5	GP B.4	Protect the Lake Champlain shorelands, wetlands, rivers, watersheds and aquifers; and maintain capacity studies on aquatic systems and wetlands.
	4.1.E.1	Development on recharge areas or protection areas for municipal or private water supplies must not diminish the potential quantity or quality of ground and surface water by disrupting the flow, or polluting the water supply as a result of failed septic systems, storage of hazardous waste materials, runoff or other cause.
	4.1.F.3	Set back all development along the Lake Champlain shore as specified in the Shoreland Protection Act.
	4.1.F.5	Recognize that bank stabilization is critical to preserve lakeshore character and reduce sedimentation and runoff carrying nutrients like phosphorus and pollutants into the lake; require development setbacks to prevent increased bank erosion and pollution; and use site plan review for lakeshore district development proposals.
	4.1.F.1	Update zoning regulations to meet and/or exceed specifications of the Shoreland Protection Act in order to maintain local jurisdiction over Ferrisburgh's unique shoreline resources.
	4.1.G.1	Follow all federal and state laws regarding development in or near wetlands and wetland buffers.
	4.1.G.2	Maintain a minimum 50-foot buffer of natural vegetation around all Class Two wetlands.
	4.1.G.3	Require that a formal assessment be conducted of all wetlands, both Class Two and Class Three, on the portion of the parcel intended to be developed, including field delineation by a qualified wetland ecologist, with the costs borne by the applicant.
	4.3 SHORE 2	Include specific vegetated buffer requirements for all shoreline properties within Ferrisburgh's shoreline zoning regulations.
	4.3 CONS 4	A 50-foot vegetated buffer with a diversity of canopy heights must be maintained directly adjacent to banks of rivers and streams unless an alternative buffer that is approved by federal or state agricultural agency or certified consultant is designed and implemented.

ZONING

1.2	Purpose. These regulations are designed to: (5) Protect soils, water, wetlands, forests, wildlife and other natural resources.
5.20	Lots Location on Public Waters. On lots located on public waters there shall be no building construction within 80 feet of mean water line (95.5 feet).

The adopted zoning and subdivision bylaws are not implementing the town plan goals and policies related to protection of surface water, groundwater, wetlands and riparian buffers.

The zoning bylaw should be revised to incorporate a source water protection overlay district to protect public water supplies from land use activities that could potentially contaminate drinking water. Recommended model language is attached.

The town plan calls for implementing the setbacks required under the state's Shoreland Protection Act in order to qualify for municipal delegation of the shoreland permitting process. Applying the shoreland setback standards in Ferrisburgh results in a substantial number of nonconformities. Careful consideration should be given to whether the town has the administrative capacity to manage shoreland permitting and enforcement, and since town regulations could not be any less stringent than the state's rules, what the benefits of taking over the program would be for the municipality. Alternatively, the bylaws could balance consistency with state regulations with the town's administrative capacity by (1) conditioning approval of all permits for development within 250 feet of the lake upon the applicant submitting a copy of the state shoreland permit or registration prior to work commencing; (2) applying the current state setback only to new buildings and not to changes to existing structures and recreation/water access amenities; (3) prohibiting or limiting any net increase in impervious surface within 250 feet of the lake with some flexibility for lots that are entirely within that setback; (4) prohibiting development that would encroach any closer to the shoreline than the existing development on the lot; and/or (5) implementing these requirements through an overlay district for all land within 250 feet of mean water level (95.5 ft).

The zoning bylaw should be revised to incorporate riparian buffer requirements that would require a naturally-vegetated riparian buffer be maintained or established within at least 50 feet of all mapped surface waters (excluding Lake Champlain if shoreland provisions recommended above are implemented). Recommended model language is attached.

The zoning bylaw should be revised to incorporate wetland standards that would generally prohibit development within wetlands and require a naturally-vegetated riparian buffer within at least 50 feet of all Class 2 wetlands and 25 feet of all Class 3 wetlands. Recommended model language is attached.

The subdivision bylaw should be revised to include natural resource protection standards. Recommended model language is attached. The effectiveness of such standards could be further improved by requiring all newly created lots to have a designated building envelope and to exclude wetlands, wetland buffers and riparian areas from those envelopes.

6	GP B.5	Encourage for recreation in town, including public access to Lake Champlain, Otter Creek, Little Otter Creek and Lewis Creek, walking trails, cross country skiing, snowshoeing, snowmobile trails, bicycle paths, boating and parks.
	GP B.6	Encourage new development that does not diminish the value of outdoor recreation.
	4.1.G.4	Ensure that recreational use in or near a wetland will not interfere with necessary wildlife habitat or significant wetland function.
	4.2.I.5	Maintain public access to traditional recreation areas and encourage the common rural practice of allowing for hunting, fishing and other low-impact recreational activities on private lands.
	4.3. SHORE 2	Recreation and tourism related businesses shall be supported given they meet the goals and policies of this town plan.

ZONING

2.2	Motor Lodge. A building or group of buildings used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals.
2.2	Recreation, Indoor. Bowling alley, theater, pool hall, arcade, skating rink, gymnasium, swimming pool, or other similar places of indoor recreation
2.2	Recreation, Outdoor. Golf course, hunting preserve, skating rink, park, beach, recreation stadium, skiing facility, playground, ballfield, commercial stable, swimming pool, or other similar places of outdoor recreation.
2.2	Tourist Home. Building wherein people are sheltered for profit.
IV	Outdoor recreation is a conditional use in the RR-2, RA-5, CON-25 and SD-2 districts. Indoor recreation is a conditional use in the HC-2 and SD-2 districts. Marina and resort are conditional uses in the SD-2 district. Recreational facility is a conditional use in the VIL-2 district.
IV	Tourist home is a conditional use in the RR-2 and RA-5 districts. Motor lodge is a conditional use in HC-2, SD-2 and VIL-2 districts.

The adopted zoning bylaws allow outdoor recreation uses in most zoning districts and are consistent with the goals of the town plan. The zoning bylaw could be revised to promote more recreation-based uses by: (1) providing a more detailed list of recreation uses that would include specific uses like campground, golf course, marina, equestrian facility, etc.; (2) distinguishing between public and commercial recreation and passive/active recreation; (3) allowing certain types/scales of recreation uses as a permitted use with site plan review in some districts; and/or (4) not requiring a zoning permit for trails that are open for public use.

The adopted zoning bylaws make provision for lodging in most zoning districts and are consistent with the goals of the town plan. The zoning bylaw could be revised to better ensure a lodging use will be compatible with the character of the area by more clearly defining different types of lodging (B&B, inn, hotel/motel, short-term rental, campground/rental cabins, resort) and assigning these uses to the appropriate district. Generally, B&Bs are treated the same as home occupations and permitted with site plan review in all districts where single-family homes are allowed. The number of guest rooms is often limited to 4-12 and there is no food service to non-guests. Inns are still residential character with a resident manager but may have more guest rooms and may have accessory uses like a restaurant that serves the general public. Hotel/motel is a commercial use. Towns are starting to regulate short-term rentals (AirBnB) as that has become a commercial enterprise often with provisions related to the owner's minimum residency period on the property each year or length of time each year the property can be rented, the number of guests that can be accommodated based on number of bedrooms, parking, etc.

The protection of public access to traditional recreation areas is best accomplished through the subdivision bylaw. The adopted subdivision bylaw currently does not clearly require open space / recreation amenities within a proposed subdivision (although there is out-of-date language about providing such if desired future public recreation areas are identified in the town plan). The bylaw could require a minimum amount of common open space or recreation amenities per lot within a subdivision. This is particularly suitable when the house lots will be small (so it would also include PUDs with clustered lots). Zoning and subdivision bylaws alone, however, cannot be used to mandate public access to open space.

Municipalities do have a tool that can be used to secure land or rights-of-way for public access and recreation – the Official Map. It gives the municipality the authority to buy the land or a right-of-way for a planned path, park, etc. when development is proposed irrespective of whether the property owner is a willing partner. This does not assure that the path or park will be built but it allows the municipality to reserve the rights-of-way or land for future recreational use.

7	GP B.7	Limit development in areas of town where significant environmental and natural resources are located, while promoting development in clearly identified areas away from those critical areas.
	4.1.H.1	Work with the Vermont Agency of Natural Resources Non-game and Natural Heritage Program to ensure development does not endanger significant habitats of state rare, threatened or endangered species.
	4.1.H.2	Maintain a natural buffer from any development adjacent to significant habitat, as shown on the Significant Habitat map, and from conservation areas, shown in green on the Planning Areas map.
	4.1.H.4	Use the most current Significant Habitat map and other natural resource maps in any town planning decision process, including subdivision review.
	4.1.H.1	Develop an overlay district which increases awareness and preservation of rare, threatened and endangered species, wildlife habitats and travel corridors.
	4.3.	Development must adhere to the criteria within the natural resource section of this plan, zoning regulations and state regulations to protect and conserve Ferrisburgh's natural and scenic resources.
	NORTH 5	
	CENTRAL 7	
	SOUTH 7	
	5.1.4.2	Identify zoning tools that can be applied to the zoning bylaws to protect important wildlife habitats.

ZONING	
1.2	Purpose. These regulations are designed to: (5) Protect soils, water, wetlands, forests, wildlife and other natural resources.
4.3	Purpose. The purpose of the conservation district is to protect high elevations, wetlands, wildlife, flood hazard areas and discourage development of remote, unserviced areas which are unsuitable for residential and commercial development.
9.5.B	Conditional Uses. Specific Standards. In permitting a conditional use, the Zoning Board may impose, in addition to the standards expressly specified by this Bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood or the town as a whole. These conditions may include among others: (2) Distance from adjacent or nearby uses, limiting the coverage or height of buildings because of obstruction to views, vistas, natural areas, wildlife habitat, productive woodlands, historic sites and agricultural land.

The adopted zoning and subdivision bylaws are not implementing the town plan goals and policies related to protection of natural resources and wildlife habitat.

Recommend revising the boundaries of the Conservation district to add public and conserved lands and major wetland areas, and draw the district boundary following property lines whenever feasible then assessing the amount of significant habitat covered. With that change to the boundaries Conservation district, recommend basing the density (1 use/dwelling per 25 acres) on buildable land (exclude wetlands, slopes >25%, floodplains), and requiring that any lot created through subdivision in the Conservation district have a building envelope that includes only buildable land.

Also see response to #5. If the riparian buffer and wetland standards recommended in #5 were incorporated into the zoning and if the natural resource protection standards recommended in #5 were incorporated into the subdivision that would protect a significant amount of habitat.

Carefully consider the need for additional natural resource overlay districts given the availability and accuracy of site-level habitat data. A substantial amount of mapped habitat is located on land that is already publicly owned or conserved, or that is protected through wetlands regulations. Some of the areas mapped as significant habitat would also be within the flood hazard area and/or shoreland protection overlay districts. Multiple overlay districts also increase the complexity of the regulations, which is a challenge for both adoption and administration.

8	GP C.2	Work with the Agency of Transportation (AOT) to limit new highway accesses onto US Route 7.
	4.2.H.6	Work with the Agency of Transportation (AOT) to implement changes to Route 7 in ways that support the four business planning areas (including the industrial area) and other adjacent land uses, as identified and described in the land use plan.
	4.2.H.7	Limit the number of curb cuts when developing new roads or drives.
	4.2.H.15	Maintain safe sight distances for access to Route 7 and other major intersections.
	4.3.	Consider creating a limited access policy to encourage limited driveway cuts and shared driveways to increase safety in this area [Business North].
	NORTH 3	
	4.3.	Encourage any new services, amenities and/or street designs to safely connect vehicular and pedestrian traffic with those existing along Monkton Street in Vergennes, with no new roads and/or new driveways connecting directly onto Route 7.
	SOUTH 5	

ZONING	
6.3	Access Permit. Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersection with a public right-of-way shall obtain an access permit from the Board of Selectmen prior to the issuance of a zoning permit. The Selectmen may attach conditions to the access permit with respect to the design, construction, landscaping or location of such driveways in order to ensure safety, provide access by emergency vehicles and minimize traffic difficulties, specific standards may be set by the Board of Selectmen. State highways require an access permit from the Agency of Transportation.
SUBDIVISION	
260.4	Applications to State and Municipal Agencies: The subdivider shall apply for all municipal and state permits required of the proposed subdivision and shall submit copies of these applications to the commission. Such permits may include, but are not limited to, a Zoning Permit, Highway Access Permit, Act 250 Permit, Public Building Permit, and Department of Health Subdivision Permit.
420.10	Access Road (B) The commission may require the subdivider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.

The adopted zoning and subdivision bylaws are not implementing the town plan goals and policies related to access management. The bylaws should include specific standards for access and circulation that would apply to all development throughout town. This would be a comprehensive section that would include provisions such as:

- Requiring nonconforming access to be combined, eliminated, narrowed and/or defined when previously developed sites are being redeveloped (will need to clarify whether re-surfacing of existing driveways/parking areas would trigger a requirement to bring nonconforming access into compliance).
- Setting maximum widths for curb cuts of not more than 20 feet for residential driveways and 30 feet for commercial driveways (this may be narrower than what would be required under the VTrans B-71 standard and in that case state requirements will trump local zoning for access onto state highways).
- Requiring cross access (between adjoining properties) within commercial/ industrial districts (at a minimum to result in the creation of an easement for a potential future connection).
- Limiting subdivisions to a single access point onto state highways and town Class 1 or Class 2 highways (i.e., not one access per lot) and/or require shared driveways unless there is a physical reason for individual driveways.

Improved landscaping, lighting and signage standards would also contribute towards improved access management. The bylaws should also address the retrofit of previously developed sites that have poor access management. This could include triggers for when the width of existing curb cuts must be narrowed, when lots with multiple curb cuts must reduce the number of access points, when landscaping and screening must be provided, or when front parking must be eliminated or relocated.

- 9 **GP E.2** Encourage commercial and industrial uses that are low impact and compatible with the rural character of the town.
- GP E.4** Promote clean, light industry and commercial development in clearly defined areas of the town, while protecting agriculture and associated farming businesses.
- 4.2.C.2** All new commercial growth, which cannot be defined as a home-based business, and which are neither recreation nor agriculture-related businesses, should be developed within one of the four business planning areas associated with Route 7: North Business Planning Area, Central Village Planning Area, South Business Planning Area, or the Industrial Planning Area. Proposals must adhere to the policies of the Land Use Plan and natural resource section within this document.
- 4.2.C.3** Encourage businesses associated with tourism, recreation, local-food production and processing, which grow the skills, expertise and interests of Ferrisburgh residents and which are in-keeping with the goals of the land use plan and natural resource policies within this document, and adhere to the Ferrisburgh's zoning regulations.
- 4.2.D.1** Encourage high quality childcare services that meet the needs of the town's working parents.
- 4.3. IND 1** In reviewing industrial uses, the town should consider the impacts of the proposed use including traffic, noise, light and pollution, and require adequate buffers between industrial and non-industrial uses. Uses should also adhere to the economic development, natural resources and land use goals and policies in this town plan.

ZONING

	RR2	RA5	CON25	HC2	IND2	SD2	VIL2
Home occupation II	C	C		C		C	C
Tourist home	C	C					
Recreation, outdoor	C	C	C			C	C
Day care facility	C	C	C		C	C	
Marina			C				
Carwash				C			
Com. parking lot				C			
Gasoline station				C	C	C	
Freight terminal				C	C		
Recreation, indoor				C		C	C
Laundromat				C			
Mortuary				C			C
Motor lodge				C		C	C
Vehicle sales/service				C			C
Restaurant				C		C	C
Bar				C			
Retail store				C		C	C
Warehouse				C	C		
Light manufacturing					C		
Service and repair					C		
Contractors yard					C		
Veterinary clinic					C		
Extraction					C		
Office						C	C
Marina						C	
Greenhouse, nursery						C	
Personal service						C	C
Resort						C	
Bank							C

- 5.8 Landscaping. Where any non-residential district abuts any residential district, a strip of land as least twenty five feet in width shall be maintained as a landscaped area in the front, side, or rear yards which abut the residential district
- VIII Performance Standards. No land or building in any zoning district shall be used or occupied in any manner, nor shall a permit be issued, so as to create dangerous, injurious, noxious or otherwise objectionable conditions in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area of adjoining properties. [specific standards for noise, light, fire/explosives follow]

The zoning bylaw requires conditional use approval for all commercial or industrial uses in all zoning districts. To more effectively implement the town's economic development goals, some businesses should be allowed as permitted uses in appropriate districts.

Making some uses permitted would signal to applicants that they can reasonably expect to get site plan approval and a zoning permit for proposed business provided standards specified in the bylaws are met. Conditional use approval is less certain for the potential applicant with the possibility of a lengthy/expensive review process, particularly if unforeseen issues not specified in the bylaw are raised during the hearing process. A conditional use is not assumed to be compatible with the "character of the area" while a permitted use is. The applicant must demonstrate that compatibility for a conditional use, and abutters or other interested parties can argue that the proposed development is not compatible. This criteria is often at the core of disputed land use decisions. The interpretation of the character of the area criteria is often driven more by the level of neighbor or community opposition to an application than by the standards of the bylaw (which often lack adequate specificity for applying this criteria), resulting in an unpredictable development review and permitting process.

Permitting some businesses in appropriate districts should be done in conjunction with incorporating more specific site design standards (landscaping, lighting, parking, access, stormwater, etc.) into the zoning bylaw. Uses can also be permitted up to a certain size (ex. retail store up to 3,000 sf) or within an existing structure, but be conditional if larger or if a new building is proposed.

All expansions to existing businesses require conditional use review under the zoning bylaw as well. Expansions of conforming businesses that do not trigger site plan changes or exterior modifications (i.e., more parking or a building addition) could be allowed with only a zoning permit, and the ZA could be authorized to approve minor changes to site plans to streamline the permitting process and encourage business expansion.

Allowed commercial or industrial uses need to be consistently named and defined across all zoning districts. The "other similar uses" provision appears to be relied upon over a more comprehensive list of allowed uses creating uncertainty about what uses would or would not be allowed in a district and the potential for different interpretation over time. Recommend a more comprehensive list of clearly defined uses and elimination of the "other similar uses" provision in its current form (see attached example of allowed uses).

The zoning bylaw refers to site plan review, but there are no review criteria or administrative process provided beyond stating that the Planning Commission undertakes site plan review. It appears that Ferrisburgh is not currently applying site plan review to commercial, industrial and multi-family residential projects as authorized under statute and referenced in the zoning bylaw (rather these uses are conditional in all districts). Site plan review is the appropriate mechanism for regulating site layout and design (landscaping, lighting, parking, access and circulation, stormwater, signage, building form and placement), where as conditional use review is intended to evaluate the impacts of a proposed use on the character of the area, neighboring properties, public facilities and services, and natural or cultural resources.

As an example of site plan criteria, applications for proposed development that will be installing or modifying outdoor lighting should provide a lighting plan that indicates the location, luminance and fixture types. The bylaw should include clear technical standards regarding the total amount of outdoor lighting allowed on a site and more precise standards regarding fixture type and placement to ensure consistent application of lighting standards.

10	GP F.2	Permit and encourage density bonuses and other mechanisms in those subdivisions or PUDs that include affordable housing.
	GP F.3	Permit accessory dwelling units, multi-family housing & manufactured houses.
	4.2.B.1	Encourage all Planned Unit Developments (PUDs) to include affordable housing units.
	4.2.B.2	Encourage multi-family and manufactured housing that can provide affordable places for people to live.
	4.2.B.4	Allow for density bonuses for affordable housing units in PUDs.
	4.2.B.5	Support the provision of housing that will allow elderly residents to continue to live in the community.
	4.2.B.6	Support the provision of housing that will allow young people to buy homes and raise their families in the community.
	4.2.B.7	Work to ensure that Ferrisburgh is an attractive community with affordable housing options for younger residents.
	4.2.B.8	Work with land trusts and developers to encourage development of small-scale affordable housing PUDs.
	4.2.B.9	Promote affordable housing and an increase in availability of rental housing by allowing for apartments associated with existing houses or conversion of large single-family homes into multi-family homes, consistent with rural Ferrisburgh.
	4.2.B.10	Encourage accessory dwellings by adding rental units to existing homes or accessory structures.
	4.2.B.11	Maintain a mix of housing types and values by discouraging 'cookie cutter' housing developments that contain homes of a single style, size or sale price.

ZONING
 2.2 Accessory Apartment: A dwelling unit located on the same lot with, and clearly subordinate to, the principal dwelling. An accessory apartment may be located in the principal dwelling or in an accessory building provided that: (1) the unit shall contain no more than two bedrooms; (2) the size shall not exceed 30% of the total habitable floor area of the principal dwelling or 1000 square feet, whichever is larger (3) all applicable State regulations for the provision of sewage disposal and water supply shall be met.

The adopted bylaws do not include any provisions intended to foster development of affordable housing beyond allowing for accessory dwelling units. However, zoning does not affect the affordability of housing as significantly as other factors such as land costs and availability/lack of water and sewer infrastructure, but the bylaws could do more to facilitate greater diversity of housing including:

- Revise accessory dwelling standards to allow the homeowner to live in the apartment and rent the main house.
- Allow multi-family housing as a permitted use in higher-density districts.
- Offer incentives for small homes (1,600 sf of gross floor area or less) either through a density bonus or by basing density on square footage of residential space rather than number of units (1,600 sf of residential space per acre rather than 1 dwelling unit per acre, for example).
- Allow for a cottage cluster development (small footprint homes on small lots organized around common open space) at higher densities than traditional homes.
- Offer incentives for affordable or workforce housing (significant density bonuses as needed to achieve a density of at least 4 dwellings to an acre).

11	4.1.A.1	Follow a public hearing process to discuss the development of local extraction sites, being sure to distinguish between gravel (crushing) and hardrock (blasting) extraction.
	4.1.A.2	Local resource extraction shall happen only if the process does not unduly impact environmental quality or the character of the community. The extraction process must: (a) Prevent debris from erosion from entering watercourses; (b) Reduce safety hazards caused by pits or steep or unstable slopes; (c) Restore terminated extracted sites to a condition suited for an approved alternative use of development; and (d) Prohibit the removal of sand or gravel directly from watercourses, as stated in Vermont State law.

ZONING
 5.8 Extraction of Subsoil, Sand or Gravel. All removal of topsoil, subsoil, sand or gravel shall require a zoning permit. The removal of subsoil, sand or gravel for sale, including that which is incidental to construction of a building, pond, canal, conservation ditch or conservation practice, on the same premises, shall be a conditional use subject to Section 9.4. The removal of subsoil, sand or gravel which is not incidental to a construction project on the same premises shall be a conditional use and is allowed only in the Industrial District. [specific standards follow]

The adopted bylaws are implementing the town plan policies related to resource extraction. The bylaws includes a basic set of standards for extraction. These provisions could be strengthened with more specific criteria related to setbacks and buffering from surrounding development and sensitive natural resources. The incorporation of more detailed erosion control and stormwater standards would also address some of the potential adverse impacts of extraction. It could also be beneficial to establish a minimum lot size for extraction (10 acres or more).

12	4.1.B.1	Discourage removal of existing vegetative cover on all areas with slopes over 15 percent or where soils are shallow to bedrock, less than three feet.
	4.1.B.2	Ensure that grading, cutting or filling does not result in a finished grade over 50 percent.
	4.1.B.3	Discourage development, including driveways, on slopes over 15 percent without review by the Fire Department.

The adopted bylaws do not implement the town plan goals and policies related to steep slopes. The bylaws could limit development on steep slopes (typically defined to be somewhere between 15 to 25% and greater). It is important to define how slope will be calculated so that very small areas with steep slopes on an otherwise buildable lot do not cause unnecessary regulatory challenges. Improved erosion control and stormwater regulations would also address concerns about impacts of disturbing steep slopes, as well as road and driveway standards that limit the maximum grade of travel ways.

13	4.1.B.4	Refer to ANR's River Corridor maps to determine vulnerable areas for shoreline erosion.
	4.1.D.1	Continue Ferrisburgh's participation in and compliance with, the National Flood Insurance Program.
	4.1.D.1	Adopt a "no build" policy in identified river corridors, and in flood hazard areas, currently defined as areas that would be inundated during a 100-year flood.
	4.1.F.1	Use the Vermont Agency of Natural Resources fluvial erosion maps or, if not available, a 50-foot buffer, to guide development near stream banks.
	4.1.F.2	Avoid any new construction within river corridor zones to mitigate damages caused when stream banks erode.
	4.3. SHORE 3	Work with ANR and ACRPC to determine river corridor areas and flood mitigation measures needed for Ferrisburgh.
	4.3. CONS 7	Use the Vermont Agency of Natural Resources fluvial erosion maps and FEMA identified floodplain areas, to guide development near stream banks. Avoid any new construction within river corridor zones to mitigate damages caused when stream banks erode.
	4.3. CONS 1	Work with ACRPC to determine river corridor areas and needed flood mitigation measures needed for Ferrisburgh.
	4.3. CONS 5	Change zoning regulations to allow no new structures within the designated FEMA floodplain or FEH areas. Improvements and/or repair of existing structures must get a conditional use permit and comply with applicable federal and state regulations.
4.3. NF HIST 3	Incorporate FEH and Floodplain regulations along the Lewis Creek hazard areas.	
5.1.1.4	Ensure zoning regulations comply with federal and state regulations with regard to floodplains and Fluvial Erosion Hazard areas.	

ZONING

5.20	Lots Location on Public Waters. On lots located on public waters there shall be no building construction within 80 feet of mean water line (95.5 feet).
XI	Flood Hazard Area Regulations

The adopted zoning bylaw includes flood hazard provisions that meet the minimum requirements of the NFIP. However, there have been changes to the state's recommended flood hazard language and if Ferrisburgh's zoning bylaw is comprehensively revised, the flood hazard language will need to be brought into conformance with current practice. The adopted bylaw essentially makes all development in the SFHA a conditional use. If the standards are updated to match current state recommendations, which would likely include prohibiting new buildings in the SFHA, most development activity proposed in the SFHA could be administratively permitted as there is no discretion or interpretation needed to apply the NFIP standards.

Adopting river corridor standards would make Ferrisburgh eligible for an additional 5% of state ERAF funding (post-disaster mitigation and repairs of public roads and infrastructure). However, the state's river corridor maps are still a work in progress. The PC should review the maps carefully before deciding whether to move forward with river corridor regulations to determine whether they are reasonably accurate based on local knowledge and familiarity with the corridor and riparian areas. Consider should also be given to how much of the corridor area is already protected by other means (wetlands, floodplains, public land, conserved land, conservation zoning district, etc.). Adopting shoreland protection and riparian buffer provisions may be an alternative means of accomplishing the same goals related to guiding development away from fluvial erosion hazard areas.

14	4.1.C.1	Issue town permits for development contingent upon applicants receiving all required state & federal permits, including a state water & wastewater permit.
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The adopted zoning bylaw should be revised with an umbrella provision that would require the applicant to provide the ZA copies of state and federal permits before work commences. Of particular importance would be shoreland, wetlands, access and water/wastewater permits.

15	4.1.D.2	Stormwater runoff from developed lands, parking areas, roads and driveways must not negatively impact ground and surface waters.
	4.1.D.3	Subdivisions subject to state stormwater regulations should provide an adequate stormwater drainage plan for the entire subdivision parcel.
	4.3. SHORE 4	Include stormwater management regulations within Ferrisburgh's zoning regulations.

The bylaws lack stormwater management standards, which should apply to all subdivisions and development creating impervious surface. Erosion control and stormwater management plans should be mandatory for development that will be disturbing a minimum amount of soil and/or creating impervious surfaces (2,500 - 10,000 square feet is a typical range). Most development in Ferrisburgh is not subject to state stormwater permitting. State permits currently do not cover development that creates less than one acre of impervious surface (this will be decreasing to 1/2 acre when current draft rule is adopted).

Act 64 requiring municipalities to obtain a roads general permit means it is imperative for the town to be able to control stormwater drainage from private properties because once that stormwater flows into the town right-of-way, it becomes the town's problem. VLCT has an easy-to-use tool for sizing green stormwater practices to manage run-off from residential and similar small development sites. Larger projects can follow the requirements of the new state stormwater manual, which generally also require green stormwater practices.

16	4.1.H.3	Prohibit any unreasonable, out-of-the-ordinary, or unexpected noise, odors or artificial lighting.
	4.1.H.2	Require lighting in adjacent developments to be down-directed and shielded to minimize light directed upward or outward, to the greatest extent possible.
	4.1.K.1	Establish Design Standards for all business areas along Route 7 to determine appropriate scale, siting, massing, landscaping and parking policies.
	4.1.L.1	Impacts to air quality shall be considered in all development review processes. Impacts shall be considered to adjacent residents, properties, natural areas and town-wide impacts.
	4.2.C.2	Develop design standards within the Ferrisburgh zoning regulations for business developments within the Route 7 corridor that ensure development does not diminish the scenic characteristics of this travel corridor and which positively impacts the residents of Ferrisburgh.
	4.2.C.6	Review business development proposals for their ability to provide safe and enjoyable access to goods and services.
	4.3. NF HIST 2	All commercial uses should be conditional, make use of pre-existing buildings or building footprints, conform to a set of design standards and fit with the goals of this plan of supporting walkable, mixed-use, business areas which preserve large, contiguous blocks of surrounding open space and woodlands, and which maintain scenic views from Route 7.
	4.3. NORTH 2 CENTRAL 2	All commercial uses shall conform to a set of design standards and fit with the goals of this plan of supporting walkable, mixed-use, business areas that preserve large, contiguous blocks of surrounding open space and woodlands, and maintain scenic views from Route 7.
	4.3. NORTH 1 CENTRAL 2 SOUTH 2	Incorporate design standards into zoning regulations for Route 7 business areas which restricts scale and massing, and encourage safe access for vehicular and pedestrian circulation.
	4.3. SOUTH 2	All commercial uses shall be conditional-use only, conform to a set of design standards, and fit with the goals of this plan of supporting walkable, mixed-use, business areas that preserve large, contiguous blocks of surrounding open space and woodlands, maintain scenic views from Route 7, and adhere to the economic development goals and policies in this town plan.
5.1.1.1	Establish design standards for the North Business Planning Area, the Central Village Planning Area, and the South Central Business Planning Area along the Route 7 corridor.	

ZONING

5.8	Landscaping. Where any non-residential district abuts any residential district, a strip of land as least twenty five feet in width shall be maintained as a landscaped area in the front, side, or rear yards which abut the residential district. The outdoor storage of trash shall be screened or hidden from public view and view of persons in residential districts. In commercial or industrial districts such storage shall be screened and located to the rear of the buildings. Landscaping required by these regulations shall consist, at a minimum, of evergreen trees, shrubs and protective ground cover. One evergreen tree at least ten feet in height shall be planted no nearer than ten feet to any lot line for each three hundred square feet of required landscaped area and shall be located to minimize potential shading of south facing surfaces of adjacent residences or solar energy systems. One shrub shall be planted for each two hundred square feet of required landscaped area. Protective ground cover is required for the entire landscaped area.
VI	Transportation, Access, Safety and Parking.
6.1	Parking. No parking of motor vehicles shall be allowed in setback areas. Commercial parking lots adjacent to residential uses shall be set back at least 50 feet from the property line and shall be screened so as not to cause a nuisance.
VII	Signs
VIII	Performance Standards. No land or building in any zoning district shall be used or occupied in any manner, nor shall a permit be issued, so as to create dangerous, injurious, noxious or otherwise objectionable conditions in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area of adjoining properties. [specific standards for noise, light, fire/explosives follow]

The zoning bylaw includes a basic set of performance standards but does not include any design standards for commercial, industrial or multi-family development. From reviewing ZBA meeting minutes, it appears that exterior building materials and colors are frequently discussed during conditional use hearings and sometimes become part of the conditions of approval. The adopted bylaws provide no criteria to guide the ZBA's consideration of those aspects of proposed development and little to no foundation for conditions of approval that address design elements.

To provide clear criteria and a legal foundation for ZBA decisions, the bylaws need to be revised. Options to be considered include:

- A limitation on building footprint. This is a simple and effective tool for avoiding strip development patterns and maintaining rural, small-town character. A maximum footprint of 6,000 square feet should be considered for non-industrial buildings and/or buildings in village areas.
- Building form and design standards in village or commercial districts that require the mass of large buildings to be broken up by changes in wall plane (ex., facades must be divided into modules not more than 40 feet wide by changes in the wall plane at least 4 feet in depth) and require a minimum amount (typically 40-80%) of the ground level of the building facade to be composed of window or door opening and requiring that windows have transparent glass that allow views into the building.
- Prohibition on standardized corporate or franchise architecture, site elements, signs and/or colors.
- Requiring parking to be located to the side or rear of buildings, or limiting the amount of front parking (between the building and the road) to one or two rows in village or commercial areas. (current screening requirement only applies if there is an adjacent residential use)
- Specific landscaping requirements tied to number of parking spaces, length of property frontage and/or size of building. The landscaping can serve double-duty if designed to function as part of a green stormwater practice. (current landscaping standards only apply where a non-residential district abuts a residential district)
- Standards for outdoor lighting as discussed in response to #9.

The adopted sign standards should also be reviewed once zoning districts are revised. Signs can be an attractive site element and have an important function to facilitate safe way-finding. It is important for signs to be sized and designed in response to the setting. In village areas where traffic is moving slowly and buildings are located near the street, signs should be smaller and building-mounted. In rural areas where traffic is moving faster and buildings are set back from the road, signs should be free-standing and large enough to be read by passing motorists. There has been significant case law related to signs that needs to be addressed by the standards as well (non-commercial signs can no longer be regulated differently from one another based on content).

17	4.1.1.2	Identify forestlands not included in the conservation zoning district and determine how best to preserve them as determined in VNRC’s A Guide for Local Action. (Refer to VNRC’s 2013 report, Community Strategies for Vermont’s Forests and Wildlife, for non-regulatory and regulatory actions).
	4.1.1.3	Update zoning to a density-based code and require at least 50% of a development over 40 acres to be open or forested.
	4.1.1.4	Provide incentives to developers to maximize open space.
	4.1.K.2	In the next zoning update, consider density-based code to increase opportunities to cluster buildings and place them in a way that maximizes open space and natural areas.
	4.3. RURAL 7	Siting of new residential properties should place ample consideration on maximizing open space, minimizing new infrastructure and utilities, maintaining our working landscapes and keeping contiguous natural areas in-tact.
	4.3. NORTH 6	Protect and maintain vegetated open space north and south of this planning area [North Business Central South], to provide distinct and identifiable boundaries to the concentrated growth in this area.
	CENTRAL 6	
	SOUTH 3	
	5.1.1.2	Establish appropriate zoning regulations for the sections of the Route 7 corridor between the designated Planning Areas.
	5.1.1.3	Develop zoning regulations to promote density-based zoning, applicable to lots smaller than required for PUDs.

The bylaws are not implementing the town plan goals related to protection of forestlands and open space. Recommendations made in response to #1, #5, #7 and #12 would address these goals and policies. Other specific measures that should be considered include:

- Separating minimum lot size and maximum density in the rural districts. This would allow for the creation of small house lots (1-2 acres) while maintaining and overall low density of development (ideally not more than 1 dwelling per 10 acres on average). Given that subdivision of land in Ferrisburgh is incremental, this will be a more effect means to promote clustering of lots and preservation of open space / working lands than PUD requirements, which are better suited to larger developments or when an entire property is being developed.
- Requiring major subdivisions in rural districts to be designed as conservation subdivisions (a form of PUD with clustered lots and a minimum required amount of protected open space / working land, usually in the 40-60% range). Density bonuses could be offered in exchange for conserving additional land beyond the minimum requirements.
- Requiring that all new lots have designated building envelopes and that natural resource features be excluded from those building envelopes.
- Increasing the minimum lot frontage requirement for lots on Route 7 outside planned commercial or village areas and requiring setbacks and landscaping along the frontage to maintain rural character.

- 18 4.2.B.12 Encourage any new residential development to be energy efficient and promote use of the Vermont Sate Energy Code.

- 4.2.G.2 Promote the use of energy efficient lighting appliances and practices, replacing incandescent lights with compact fluorescent lights (CFL) or light emitting diode (LED) lighting.

- 4.2.G.5 Reduce energy use by town residents and business.

- 4.2.G.7 Increase energy conservation in new development projects.

- 4.2.G.9 Encourage the use of solar, wind, biomass, hydro and geothermal, carefully weighing the benefits of such installations against their impacts on water, wildlife, scenic, forest, and historic resources.

- 4.2.G.2 Encourage building practices that use energy-efficient materials and heating systems, solar orientation, and other alternative or renewable energy systems.

- 4.2.G.4 Review zoning bylaws to insure that they encourage and support the installations of renewable energy technologies/Vermont Energy Code in existing and new homes.

ZONING
 5.29 Solar and Wind Energy Systems. A solar energy system, whether as a part of a building or incidental to a building, is a permitted accessory use within all districts unless exempted under (D). A wind energy conversion system is a conditional use with the Zoning Board considering the following criteria in addition to the general standards specified in Section 9.4 unless exempted under (D). A. Climbing access to the tower shall be restricted. B. For rotors 20 feet in diameter or less, a setback from all lot lines shall be 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet. C. For rotors larger than 20 feet in diameter, a setback from a lot line shall be 275 feet plus 6 feet for each foot of rotor diameter greater than 20 feet. D. Power generation and transmission facilities regulated by the Vermont Public Service Board [30 V.S.A §248] may not be regulated in any manner under municipal bylaws. These included wind towers and other private generating facilities that are "Net Metered" or hooked into the power grid.

The bylaws do not directly address these town plan goals.

The bylaws can address demand for non-renewable energy to a limited extent by encouraging compact development patterns in and near existing settlement areas and major travel corridors, which reduce the distance people need to travel for work and services, and which make alternative transportation modes such as walking, biking and transit more feasible. Solar orientation can be a criteria for subdivision lot layout (making it possible to orient the house for passive solar, but this becomes less of an issue on the size of lots typically being created in Ferrisburgh.

Irrespective of whether the provisions are included in the bylaws, the town is required by state statute to provide information about the state energy standards to applicants. Since Ferrisburgh issues certificates of occupancy/compliance, the town is obligated under statute to require applicants to provide an energy certificate once construction is complete. The zoning bylaw could include a standard that development (all or of a certain type or scale) exceed the state minimum energy standards (i.e., meet the stretch code). This is already a requirement for certain development subject to Act 250.

Energy-efficient construction standards can be incorporated into zoning bylaws only to a limited degree. Zoning typically does not address interior building space and systems – that is regulated through building code, which most Vermont municipalities do not have. It is possible to offer bonuses and incentives for construction that conforms to some existing energy-efficiency rating system (such as Efficiency Vermont’s High Performance Home Program), but there are potential challenges if the promised efficiency levels are not initially achieved or maintained over time.

It should be noted that state statute exempts renewable energy facilities that meet various criteria from zoning as well as all development approved by the Public Utilities Commission under Section 248 (Certificate of Public Good), which includes any power generation facilities that are connected to the grid. This should be clarified in the zoning bylaw and the language of Section 5.29 updated to reflect current statute.

Under state statute, the town can establish screening requirements in the zoning bylaw that would be applied by the Public Utilities Commission during the Section 248 process. Those requirements need to be equivalent to what would be required of similarly situated commercial or industrial uses. By incorporating more specific screening requirements into the bylaw the town could take better advantage of that provision of state law.

- 19 4.2.E.2 Use landscaping as an integral aspect of all development in town such that protective ground cover is established and shade trees, screening trees and shrubs are planted in a manner that reflects a rural landscape.

- 4.2.E.3 Encourage use of native species for landscaping plants.

- 4.2.H.14 Encourage the maintenance of street trees in order to preserve and cultivate this scenic feature of our roadways.

ZONING
 5.8 Landscaping. Where any non-residential district abuts any residential district, a strip of land as least twenty five feet in width shall be maintained as a landscaped area in the front, side, or rear yards which abut the residential district.

Landscaping required by these regulations shall consist, at a minimum, of evergreen trees, shrubs and protective ground cover. One evergreen tree at least ten feet in height shall be planted no nearer than ten feet to any lot line for each three hundred square feet of required landscaped area and shall be located to minimize potential shading of south facing surfaces of adjacent residences or solar energy systems. One shrub shall be planted for each two hundred square feet of required landscaped area. Protective ground cover is required for the entire landscaped area.

The bylaws are not implementing the town plan goals related to landscaping and street trees. See response to #16.

The bylaws should include a clear standards for either maintaining existing mature vegetation or installing street trees at the edge of the right-of-way for all development requiring site plan approval and along any new roads constructed under a subdivision approval. The common standard is to require 1 large tree for every 50 feet of lot frontage or 1 small or medium tree for every 30 feet of frontage (large trees are used where there are no overhead utility lines, and small or medium trees are planted under utility lines).

20	4.2.E.4	Protect all archeological sites or potential sites, notably along all riverbanks and conservation areas, working with the appropriate state and federal agencies.	The adopted bylaws are silent on protection of archaeological resources. These resources are difficult to effectively protect through the bylaws because their location is generally not known. Implementing shoreland protection and riparian buffers could have the effect of protecting these resources.
21	4.2.G.1	Encourage growth toward compact development within village areas with appropriate sidewalks and paths linking amenities and services.	The adopted bylaws do not contain specific site design standards for pedestrian and bicycle facilities. To implement the goals and policies of the town plan, the bylaws will need to include provisions such as: <ul style="list-style-type: none"> • Requiring installation of public sidewalks along in village or commercial areas as part of any major development (particularly commercial and mixed use projects). • Requiring sidewalks from the road and parking lots to building entrances for commercial and mixed use buildings. • Requiring bike racks for commercial and mixed use buildings (as a proportion of vehicle parking spaces). • Adopting construction standards for new roads in village or commercial areas (subdivision) that include sidewalks. • Establishing minimum construction standards for sidewalks. • Requiring applicants to maintain or re-establish sidewalks across curb cuts It should be noted that most of the higher-density development in Ferrisburgh that would be suitable to serve with pedestrian and bicycle facilities is located along Route 7, a state highway, and complete street improvements would require the approval and participation of VTrans.
	4.2.H.2	Review Vermont’s Complete Street Law when upgrading roads, constructing new roads or improving intersections.	
	4.2.H.3	All public and private streets and walking/cycling trails, including those of any PUD, should connect to the greater network of streets and trails to support better emergency vehicle and public service access, improved bicycle and pedestrian routes, and to reduce redundant travel time for drivers.	
	4.2.H.11	Ensure that private roads and drives are constructed in a manner that causes minimal erosion, are not overly engineered, and are in keeping with the rural character of the town.	
	4.3. RURAL 2	Encourage shared driveways and utilities to minimize impacts to surrounding landscape.	
	4.3. NF HIST 3	All new road construction and upgrades to town streets, roads and highways should adhere to the State’s Complete Street Law and safely accommodate all transportation system users, regardless of age, ability, or what mode of transportation they prefer, not limited to vehicular only (walking, cycling, public transportation, equestrian, etc.).	
	NORTH 3		
	CENTRAL 4		
	SOUTH 4		
22	4.3. RURAL 1	The “suburban pattern of development” depicted in Illustrations B1 and B2 of “Design Considerations in Ferrisburgh’s Rural Landscape” is not allowed [in Rural Planning Area]. Instead, development should adhere to the “Sensitively Designed Planned Unit Development (PUD)” and “Small New England Village Pattern of Development” shown in Illustrations C1 and C2.	The adopted zoning allows for the uses in rural districts that are envisioned in the town plan, but the subdivision bylaws lack adequate standards to avoid the land use patterns deemed undesirable in the plan. See response to #17.
	4.3. RURAL 2	Low-density residential uses and other compatible uses such as open space, conservation, low-intensity outdoor recreation, forestry and farming are encouraged. Other uses, such as small-scale commercial activities which support agriculture, should be permitted as conditional uses only.	The “any similar use” provision opens up the possibility that the ZBA can approve uses not listed as allowed in the rural districts. As discussed in #9, that provision should be eliminated or revised.
	4.3 RURAL 1	Revise associated regulations to allow development based on density instead of minimum lot size to allow flexibility of building placement within the context of the immediate, surrounding landscape.	

23	4.3. RURAL 3	Utilize PUDs so as to cluster residential development whenever possible, and maximize usable blocks of undeveloped land when residential development is sought in this planning area.
	4.3. RURAL 3	Revise the planned unit development (PUD) provisions to ensure specific development standards support the policies in this plan.
	4.3. SHORE 4	Development densities should be used for Planned Unit Developments and utilize the land use plan where necessary to prevent impairment of adjacent, sensitive resources.

ZONING	
5.21	Planned Residential Development (PRD). In accordance with the provisions set forth in 4407(3) of the Act, and in those districts in which residential uses are allowed, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a site plan... [standards follow including a requirement that at least 60% of the parcel remain undeveloped]
5.22	Planned Unit Development (PUD). In accordance with the provisions set forth in Section 4407(12) of the Act, the modification of the district regulations by the Planning Commission is permitted in the Shoreland District (SD-2) simultaneously with approval of a site plan... [standards follow]

Under the adopted bylaws, PUDs (formerly PRDs) are optional and there are few incentives for applicants to use them. The primary benefit is the ability to modify dimensional standards within the development. PUDs are unlikely to be commonly proposed in Ferrisburgh due to the scale and rate of development (most subdivisions are small, incremental, and the opportunities for new large-scale shoreline development are limited).

However, the zoning bylaw could be revised by crafting PUD language to facilitate the forms of development desired in certain areas of town as follows:

- As discussed in #17, a conservation subdivision form of PUD should be included for rural residential development.
- A resort form of PUD should be included to address ongoing redevelopment and evolution of major existing lakeshore properties developed with multiple buildings and/or uses.
- A business park form of PUD could be considered for areas designated for industrial and commercial uses that would accommodate shared infrastructure and parking, allow for multiple principal buildings and uses on a lot, etc.

24	4.3. SHORE 1	This planning area will house both seasonal and year-round homes and provide both private and public recreational opportunities associated with Lake Champlain.
	4.3. SHORE 3	Review all development in this area as conditional use only, based on detailed standards and clear conditions that address issues such as riparian setbacks, soil erosion, possibility of wastewater pollution to surface water or surrounding wetlands, vegetation and wildlife corridors, scenic vistas and view corridors.
	4.3. SHORE 1	Create specific design and siting standards for this area within Ferrisburgh's zoning regulations, that at a minimum, meet any requirements set by the state associated with shoreland protection.

ZONING	
4.6	Shoreland District

The SD-2 district includes one large tract of land (the Basin Harbor Club). The remainder of the district is a strip of land a specified distance from the shoreline. Many lots are bisected by the district. As a result the district is made up almost entirely of nonconforming lots (pre-existing small developed waterfront lots that do not meet minimum lot size or setback requirements), creating administrative and permitting challenges. Recommend splitting this district up so that the small developed waterfront lots are in a single district that follows the lot lines, which can be better tailored to match the existing development pattern (it may be necessary to have more than one such district if there is substantial difference in the development pattern in different areas along the shoreline). The large parcels along the shoreline such as the state park and the Basin Harbor Club could then be in a separate district with standards appropriate to their function as major recreation/tourism destinations.

Because the district is a merger of waterfront homes or camps and major recreation/tourism facilities, the list of uses includes commercial activities that are not appropriate throughout the entire district (resort, marina, retail, lodging, etc.). Splitting up this district will allow the uses to be assigned to the appropriate district.

Essentially all development in the SD-2 district requires conditional use approval under the adopted zoning bylaw. The result of this approach is that essentially each application is treated as a unique case. Depending on what issues are raised during the hearing, very different conditions could be placed on applications that are essentially the same. It opens the town up to potential litigation and charges that the ZBA is being arbitrary and capricious if similarly situated applicants are not treated the same.

The conditional use requirement in this district is the primary generator of permit activity in town. However, nearly all that activity is modification of pre-existing development. With clear standards for setbacks, building size and height, riparian buffers and shoreland protection, most of the applications currently going to the ZBA for conditional use approval should be able to be approved administratively. This would substantially reduce the workload of the ZBA, at which point the town could consider converting from a PC/ZBA model to a PC/DRB model so that all development review would be done by one board, which can help streamline the permitting process.

25	4.3. CONS 1	Due to the importance of these areas for wildlife habitat, natural flood and erosion mitigation and/or scenic qualities, best uses for land in these areas are limited to agriculture, forestry, non-motorized, outdoor recreation such as walking or hiking trails, or wildlife refuge.	See response to #7. If the town wants to continue to allow single-family homes and camps as a conditional use, consider distinguishing between construction of a new home/camp and modification of an existing home/camp. Small changes to existing development should not be triggering conditional use approval. Incorporating specific provisions to protect wetlands and riparian buffers will provide adequate standards for the ZA to apply to any applications.
	4.3. CON 2	Commercial use in the conservation district is limited, through conditional use permit, to marinas and outdoor recreation facilities.	
	4.3. CON 3	Camps and single-family homes are conditional-use only, and shall be reviewed to determine potential impact on critical ecological habitats, soils, sewage, water, access, frontage and scenic considerations.	
	4.3. CONS 2	The Conservation Commission should identify all contiguous woodlands and other prominent natural features, such as ridges and steep slopes, currently within the rural planning area and adjacent to bordering towns to determine what additional lands should be considered for the conservation planning area and conservation zoning district.	
	4.3. CONS 3	Review the conservation district zoning regulations to determine needed updates to match the goals of this Land Use Plan and the permitted and conditional uses.	
26	4.3. NF HIST 1	The "suburban pattern of development" depicted in Illustration B1 and B2 of "Design Considerations in Ferrisburgh's Rural Landscape" is not allowed. Instead, development should adhere to the "Sensitively Design Planned Unit Development (PUD)" and "Small New England Village Pattern of Development" shown in Illustrations C1 and C2.	Consider a "rural hamlet" zoning district that would match the historic development pattern (eliminating most nonconformities) and allow for small-scale, low-impact businesses within the existing buildings. Ensure that any new buildings are compatible with the scale and form of surrounding historic structures. Allow higher densities for multi-family apartments within existing buildings (recognizing that wastewater and parking will likely remain a limiting factors to how much housing could be accommodated on a lot).
	4.3. NF HIST 2	All commercial uses should be conditional, make use of pre-existing buildings or building footprints, conform to a set of design standards and fit with the goals of this plan of supporting walkable, mixed-use, business areas which preserve large, contiguous blocks of surrounding open space and woodlands, and which maintain scenic views from Route 7.	
	4.3. NF HIST 4	Density of more than two units per acre is not recommended until further waste water feasibilities have been studied.	
	4.3. NF HIST 1	Update zoning to reflect the unique opportunities for both residential and appropriate re-use and restoration of commercial structures and small-scale businesses in this area.	
	4.3. NF HIST 2	Allow development based on density instead of minimum lot size.	
27	4.3. NORTH 1	The "suburban pattern of development" depicted in Illustrations B1 and B2 of "Design Considerations in Ferrisburgh's Rural Landscape" is not allowed. Instead, development should adhere to the "Sensitively Design Planned Unit Development (PUD)" and "Small New England Village Pattern of Development" shown in Illustrations C1 and C2.	Consider a "rural business" district that allows for commercial uses that require highway access and may not be well suited (due to scale, impact or site needs) to locating in a downtown or village setting. Require high-quality building and site design that results in development that is aesthetically pleasing and contributes to Ferrisburgh's rural character. The bylaws would need to include access management and site design standards.
	4.3. NORTH 2	Allow development based on density instead of minimum lot size.	

28	4.3. CENTRAL 1	The "suburban pattern of development" depicted in Illustrations B1 and B2 of "Design Considerations in Ferrisburgh's Rural Landscape" is not allowed. Instead, development should adhere to the "Sensitively Design Planned Unit Development (PUD)" and "Small New England Village Pattern of Development" shown in Illustrations C1 and C2.	Consider a "village center" district that would match the historic development pattern (eliminating most nonconformities) and allow for higher-density mixed-use development, small-scale businesses and residential infill. Ensure that any new buildings are compatible with the scale and form of surrounding historic structures. Allow higher densities for multi-family apartments within existing buildings (recognizing that wastewater and parking will likely remain a limiting factors to how much housing could be accommodated on a lot).
	4.3. CENTRAL 1	Revise the current zoning to reflect the policies of this planning area, by renaming the Highway Commercial (HC) district and creating one mixed use/central village district instead, focused on creating a community center.	
29	4.3. SOUTH 1	The "suburban pattern of development" depicted in Illustration B1 and B2 of "Design Considerations In Ferrisburgh's Rural Landscape" is not allowed. Instead, development should adhere to the "Context Sensitive Planned Unit Development (PUD)" and "Small New England Village Pattern of Development" shown in Illustrations C1 and C2.	Consider a "rural business" district that allows for commercial uses that require highway access and may not be well suited (due to scale, impact or site needs) to locating in a downtown or village setting. Require high-quality building and site design that results in development that is aesthetically pleasing and contributes to Ferrisburgh's rural character. The bylaws would need to include access management and site design standards.
	4.3. SOUTH 1	Review and revise zoning regulations, permitted and conditional uses for this area to determine best future use for this business area.	
30	4.3. IND 2	More than one use can be considered on the two-acre lot density if the infrastructure is adequate, especially water, wastewater and road access.	<p>Revise the current industrial zoning district to facilitate full use and occupancy of sites for industrial and non-retail/service commercial uses.</p> <p>The industrial district as established in the adopted regulations allows for residential uses including new single-family homes. This can have the unintended effect of diverting land intended to be available for economic development to residential development, and if residential development does occur that will likely make it more difficult to gain approval for a new business in the district because it could be viewed by residential neighbors as incompatible. Industrially zoned land that is well-suited for development is not common in Vermont and should be considered a valuable resource for future economic development. Land intended for industrial use should be designated as such and non-compatible uses should not be allowed in those areas. The district boundaries should be revised to eliminate existing residential lots (if there are any) to the greatest extent feasible.</p> <p>As this district is intended for industrial and commercial use, not all such uses should require conditional use approval (see response #9). Expansions or modifications of existing businesses and buildings should be able to be permitted administratively with site plan review only.</p>
	4.3. IND 3	Whenever possible, existing structures should be used for further economic development.	
	4.3. IND 1	Review and revise the current boundaries of the industrial district in Ferrisburgh's zoning regulations to reflect the above planning area and to allow an ample vegetated buffer and visual screen from Route 7 and any adjoining properties.	

