

DRAFT February 25, 2026

LAND USE REGULATIONS

**Town of
Ferrisburgh, Vermont**

Amended and Adopted xx xx, 2026

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ARTICLE 1 GENERAL PROVISIONS

Section 1.1 Title

This ordinance shall be known and cited as the Town of Ferrisburgh Land Use Regulations.

Section 1.2 Purpose

It is the purpose of these regulations to implement the policies set forth in the Planning and Development Act, 24 V.S.A. Chapter 117 (the Act) as amended, and the Ferrisburgh Town Plan. These regulations are designed to:

1. Protect the public health, safety and welfare;
2. Direct and manage growth in Ferrisburgh;
3. Promote a vital economy;
4. Conserve the town's rural agricultural landscape;
5. Protect soils, water, wetlands, forests, wildlife and other natural resources;
6. Preserve the town's quality of life; and,
7. Enhance Ferrisburgh's sense of community

Section 1.3 Amendments

Amendments to these bylaws shall be prepared in accordance with Title 24 V.S.A. Chapter 117.

Section 1.4 Repeal

The Zoning Bylaws and Subdivision Regulations in effect in the Town of Ferrisburgh are hereby repealed as of the effective date of the adoption of these Land Use Regulations.

Section 1.5 Severability

The invalidity of any provisions of these bylaws and regulations shall not invalidate any other part.

Section 1.6 Effective Date

These land use regulations become effective upon approval pursuant to Title 24 V.S.A. Ch. 117.

ARTICLE 2 DEFINITIONS

Section 2.1 General Definitions

Definitions contained in the Vermont Planning and Development Act shall be applicable throughout these regulations unless otherwise specifically defined in this section.

Section 2.2 Specific Definitions

ABUTTING / ADJOINING LANDOWNER: a person who: Shares a boundary with the tract of land where the proposed or actual development or subdivision is located; or Is adjacent to a tract of land where a proposed or actual development or subdivision is located and the two properties are separated only by a public road, a river or stream.

ACT or THE ACT: Title 24, VSA, Chapter 117, The Vermont Municipal and Regional Planning and Development Act.

ACCESS PERMIT: A permit required for all development that requires a new or modified curb cut or access to a parcel or lot or other legal division on land. Such access permit is approved by the

Selectboard through the Road Foreman for access to town roads. Access to Route 7 or 22A requires a State-approved Access prior to development. (See also: "CURB CUT")

ACCESSORY DWELLING UNIT (ADU): Any self-contained residential unit located on the same parcel as an existing single family dwelling. It includes independent facilities for living, sleeping, cooking, sanitation and potable water.

ACCESSORY STRUCTURE OR USE: A structure or use which is incidental and subordinate to the principal building or use located on the same lot.

AFFORDABLE HOUSING: See 24 VSA (1), Affordable Housing.

AFFORDABLE HOUSING DEVELOPMENT: See 24 VSA (2), Affordable Housing.

APPROPRIATE MUNICIPAL PANEL: Appropriate Municipal Panels (AMP) in Ferrisburgh are: The Planning Commission (PC); and the Zoning Board of Adjustment (ZBA).

BASEMENT: Story partly or wholly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is, at minimum, 6 feet.

BED & BREAKFAST: (See SHORT TERM RENTAL)

BOUNDARY ADJUSTMENT: A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where all of the following are met: No new lot or parcel is created, and the boundary adjustment does not create a non-conforming use or lot. The Planning Commission approves the adjustment after notice and public hearing.

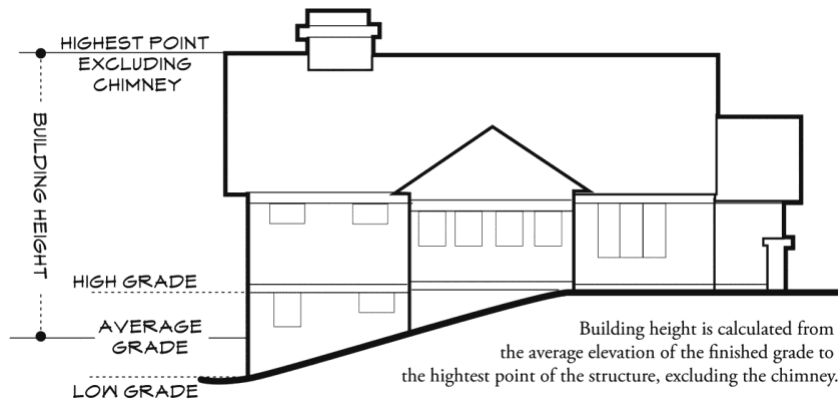
BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or personal property. Including, but not limited to, any carport, porch, utility storage shed or mobile home.

BUILDING AREA/FOOTPRINT: The ground area, footprint, enclosed by the exterior surfaces of the walls of a building, together with the areas of all porches and decks.

BUILDING ENVELOPE: SEE DEVELOPMENT ENVELOPE.

BUILDING FRONT LINE: Line parallel to the street line transecting that point of the building that is closest to the street line. Where a lot fronts on public water but not on a public road, "high water line" (98 feet above mean sea level), or top of the river bank, shall replace "street line" in this definition. (See also LAKE CHAMPLAIN MEAN WATER LEVELS)

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front or the rear of the building to the highest point of the structure (see Diagram).



CAMP/SEASONAL USE DWELLING: A dwelling unit which is not used as a primary single-family residence and which receives intermittent use on a seasonal basis for no more than six consecutive months.

CAMPER: Any motorized or non-motorized vehicle mounted on wheels and used as sleeping, camping or living quarters. This includes a camper body mounted or intended to be mounted on a truck, and excludes mobile homes. Includes vehicles described as Recreational Vehicles (RV's).

CAMPGROUND: Any tract of or parcel of land occupied by three (3) or more campers, tents, or tent-sites or equivalent.

CERTIFICATE OF COMPLIANCE: A certificate, or letter issued to an owner by the Zoning Administrator certifying compliance with applicable zoning regulations and permits.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Administrator certifying that the construction, or alteration of a structure, for which a permit was granted has been completed in accordance with the approved plans on file and the requirements of these regulations.

CLUB: Building or use catering exclusively to club members and their guests for recreational, educational or service purposes.

CLUSTERING: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to remain to be consistent with the goals and policies in the Town Plan. These policies may include conservation of some areas for agriculture, open space, recreation or preservation of natural habitat or other natural or cultural features.

COMMERCIAL PARKING LOT: Either: a facility where, for a fee, registered motor vehicles may be parked for a period of time; or a facility, such as a used car business, where cars are parked for a period of time for sale.

COMMUNITY CARE HOME: See GROUP HOME

COMMUNITY FACILITY: Any state or community-owned facility or institution such as a school, library, meeting hall, museum or other similar type of establishment.

CONDITIONAL USE: Use which may be permitted only by approval of the ZBA after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in these regulations and pursuant to the Act.

CONTRACTOR'S YARD: Lot and/or buildings used to store a construction contractor's equipment and materials; does not contain retail buildings or construction equipment and materials stored for retail sales.

CONVENIENCE STORE: A retail establishment whose principal use is the sale of products in small quantities for the daily use of customers.

CURB CUT: An access area, typically 60 foot wide, which is constructed in accordance with the Ferrisburgh Highway Standards; OR an access for ingress or egress to or from Route 7, or 22A for which a state permit shall be obtained. (See also "ACCESS PERMIT").

DAYCARE CENTER OR FACILITY: A licensed home or facility providing day care services for children or the elderly. A state registered or licensed day care facility serving 6 or fewer children shall be considered by right to constitute a permitted use of property under the same conditions as a single-family residence.

DEGREE OF NONCONFORMITY: The measurable extent to which an existing lot, use, structure or part of a structure fails to comply with the standards of these regulations.

DEVELOPMENT ENVELOPE: Specific area(s) of a lot, delineated on a subdivision plat, within which structures, parking and loading areas, shall be located, and outside of which no structures, parking or loading areas shall be located except as specifically permitted by the Planning Commission.

DRIVE-IN OR DRIVE-THRU FACILITY: An establishment designed or operated to serve a patron who is seated in/on a parked/stopped motorized vehicle.

DWELLING UNIT: Building or part thereof used as living quarters, which includes facilities for living, sleeping, cooking, sanitation and potable water. The terms dwelling unit, single-family dwelling, two-family residence or multi-family dwelling shall not include a bed and breakfast, short term rental or motel.

DWELLING, SINGLE FAMILY: Building containing living quarters for one family which includes facilities for living, sleeping, cooking, sanitation and potable water for one family.

DWELLING TWO FAMILY: Building containing two dwelling units with facilities for living, sleeping, cooking, sanitation and potable water for two families.

DWELLING MULTI-FAMILY: Building containing three or more separate dwelling units with facilities for living, sleeping, cooking, sanitation and potable water.

DWELLING UNIT, SEASONAL: See "CAMP, SEASONAL USE DWELLING"

EQUIPMENT SALES AND SERVICE: A retail establishment for the display, sale, lease and repair of machinery and equipment including but not limited to farm machinery, boat equipment, recreational vehicle equipment, fishing or camping equipment.

EXTRACTION: Removal of stone, gravel, sand or topsoil by blasting, digging or other mechanisms.

FAMILY: One or more persons living, sleeping, cooking and eating on the same premises, and functioning as a single housekeeping unit.

FARM HOUSING: Dwelling provided specifically for person(s) working on the farm. The farm housing may be permanent, seasonal or year-round.

FARM STRUCTURE: A building, enclosure or fence for housing livestock, raising horticultural or orchard plants, or other activities associated with accepted agricultural or farming practices, including but not limited to a silo, greenhouse, apple packing-shed, sugarhouse, tractor storage shed.

FENCE: (See STRUCTURE)

FINISHED GRADE: Completed surfaces of ground, lawn, walks, paved areas and roads brought to grade and shown on plans.

FREIGHT OR TRUCKING TERMINALS: Buildings, facilities and parking areas used for the loading, dispatching and storage of freight, freight vehicles, including but not limited to trains, buses and trucks.

FRONT YARD SETBACK: Measured from the centerline of the existing roadway or right-of-way. It consists of the depth of the front yard (distance from building front line to street line) plus the distance from the street line to the centerline of the existing roadway.

GROUP HOME/COMMUNITY CARE HOME: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 VSA 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

HIGH WATER LEVEL: 98 feet above mean sea level. See "LAKE CHAMPLAIN"

HOME-BASED OCCUPATION/BUSINESS I: Any occupation by a resident of a dwelling which utilizes a portion of that dwelling or an accessory building and is clearly secondary to the use of the dwelling (See also Section 5.20).

HOME-BASED OCCUPATION/BUSINESS II: any occupation, small business, small industry or service type operation which is carried on within the residence or an accessory building, and that meets the provisions of Section 5.20.

IMPERVIOUS SURFACE: A constructed surface that either prevents or impedes the natural infiltration of water into the soil. Common impervious surfaces include but are not limited to roads, driveways, walkways, parking lots, rooftops, patios, porches, decks or other similar hard-surfaces whether constructed of concrete, asphalt, stone, brick, gravel, macadam, or compacted earthen materials.

KENNEL: Any lot or premises on which 4 or more dogs, over the age of four months, are kept for sale, commercial breeding or for boarding purposes or adoption.

LAND DEVELOPMENT: The division of a parcel or lot into two or more parcels or lots, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or any mining, excavation, or landfill; or any change in the use of any building; or other structure, or land, or extension of use of land. This includes the conversion of seasonal dwellings and camps to year-round use.

LOT: A parcel or tract of land, with or without buildings, having not less than the minimum area, width, and depth required for a lot in the district in which such land is situated, and having frontage on a public road, or other means of legal access. This definition includes an existing non-conforming lot that may not meet minimum area, width or depth requirements. (See NONCONFORMING LOT OR PARCEL).

Where an existing public road bisects a parcel, the public right of way may be considered a boundary dividing the parcel into two lots. (See PARCEL)

LOT AREA: Total area within the property lines including any part thereof lying within the boundaries of a lot, exclusive of the area designated for an existing or proposed road right-of-way.

LOT, CORNER: A lot that has an interior angle of less than 135 degrees at the intersection of two streets.

LOT COVERAGE: That percentage of the lot area covered by buildings, structures, and other improvements, including patios and decks, covered or uncovered, driveways, parking areas, loading areas, service areas, and other impervious areas which prevent the infiltration of stormwater.

LOT DEPTH: The average of the shortest and longest distance measured along a straight line at right angle to the lot frontage from the rear lot line to the street line or front lot line. Where a lot fronts on public waters of Lake Champlain but not a public road, "mean high water mark" of 98 feet above mean sea level, shall replace 'street line' in this definition. Where a lot has frontage on Otter Creek, Little Otter Creek, Dead Creek or Lewis Creek, lot depth is measured from the top of the bank. Note that for measuring the setback from Lake Champlain for development purposes the setback measurement from the Lake is set at 95.5 feet above mean water level.

LOT FRONTAGE: The distance measured across the width of the lot at the public road or private right of way for lot access, or, in the absence of a public road, the public waters.

LOT LINE, REAR: The lot line opposite and most distant from the public road or street line. Where a lot fronts on public waters but not on a public road, "mean high water mark" of 98 feet shall replace "street line" in this definition.

LOT WIDTH: The horizontal distance between the side lot lines of a lot measured along a straight line, parallel to the front line.

MARINA: A use characterized by sales, repairs, derricks, docks, wharves, marine railways, boat storage areas and marina facilities for the commercial servicing, maintenance, storage, docking of vessels or the furnishing of general marina services which may include sales of food or other items clearly incidental to the operation of the other marine-based activities.

MEAN WATER LEVEL: The terms: *'mean water mark, mean water level and normal mean watermark'* are considered to be the same. For Lake Champlain the mean water level has been established by the State of Vermont Water Resources Board as 95.5 feet above mean sea level.

MOBILE HOME: A pre-fabricated dwelling unit which is designed for long term and continuous residential occupancy, which is built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to required utilities. This definition may include "tiny houses" if they are designed to be moved, but does not include recreational vehicles or travel trailers.

MOBILE HOME PARK: Any parcel or land under single or common ownership or control that contains, or is designed, laid out or adapted to accommodate more than two mobile homes. Does not apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land solely used on a seasonal basis for vacation of recreational mobile homes (10 VSA 6201 (2).)

MOTEL: A building or group of buildings used for providing overnight lodging facilities to the public for compensation, with or without meals. Does not include bed and breakfast.

MOTOR VEHICLE SERVICE STATION: Any lot or area of land including the building or buildings thereon, which is used for or which has commercial facilities for lubrication, washing, painting, repairing, or servicing motor vehicles.

NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but which were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator or Planning Commission.

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws including a structure improperly authorized as a result of error by the Zoning Administrator or Planning Commission.

NONCONFORMING USE: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws including a use improperly authorized as a result of error by the Zoning Administrator or Planning Commission.

PARCEL: A tract of land in the same ownership, which may be divided by a public or private road, or right-of-way, and which may contain more than one lot (see also LOT).

PARKING SPACE: Off-street space used for the temporary location of one motor vehicle, such space being at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street.

PERMITTED USE: Use specifically allowed in the district, providing performance standards are met, excluding illegal uses and non-conforming uses.

PLANNED UNIT DEVELOPMENT (PUD): One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or transfers or increases, as well as the mixing of land uses. A PUD may deviate from bylaws and regulations that are otherwise applicable to the area in which it is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards (See also Article 8).

PLAT: A document of record graphically depicting a plot of land.

PRIMARY/ PRINCIPAL USE: The main use or chief purpose of land or structures, as distinguished from a secondary or accessory use.

PROFESSIONAL AND PERSONAL OFFICE OR SERVICE: May include architect, accountant, barber, beautician, consultant, dentist, doctor, lawyer, engineer, psychologist, therapist or other similar occupation.

PUBLIC ROAD: Any road accepted as a state Highway (19 VSA 1), or town highway (19 VSA 302) including Class 4 roads.

PUBLIC UTILITY STRUCTURE: A structure used in conjunction with a public utility, including, but not limited to water, sewer, cable, telephone, electricity or similar utilities.

PUBLIC WATERS: Navigable waters of Lake Champlain and navigable lower reaches of Otter Creek, Little Otter Creek and Lewis Creek when Lake Champlain is at mean water level of 95.5 feet above mean sea level.

QUARRYING: Shale, gravel, marble, granite or other stone extraction operations and any accessory land development. Quarrying includes the enlargement of any existing quarrying excavations.

RECREATION, INDOOR: Bowling alley, theater, pool hall, arcade, skating rink, gymnasium, swimming pool, or other similar places and uses.

RECREATION, OUTDOOR: Walking trail, bike path, cross country ski trail, VAST trail, golf course, driving range, skating rink, park, beach, recreation stadium, skiing facility, playground, ball field, commercial stable, swimming pool, or other similar places, and uses.

RECREATIONAL VEHICLE: see CAMPER

RENEWABLE ENERGY RESOURCE STRUCTURE: A structure for the collection or conversion into energy of direct sunlight, wind, running water, organically derived fuels, including wood, agricultural sources, waste materials, waste heat and geothermal sources.

REPAIR AND SERVICE FACILITY: Any building premises or land where a business, service or industry involving the maintenance, servicing, repair or painting of machinery is conducted or rendered. Does not include gasoline station.

RESIDENTIAL HEALTH CARE FACILITY: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, convalescent home, and hospice.

RESIDENTIAL USE: One-family dwelling unit, two-family dwelling units, or multiple-family dwelling units.

RESORT: A lodging facility for transient guests and staff where the primary attractions are recreational features and activities typically within a self-contained complex and developed and operated with lodging facilities, recreation, food and other services for guests.

RE-SUBDIVISION: Any change of a recorded subdivision plat if the change affects a recorded map or plat.

RETAIL SALES: An establishment whose principal use is the sale of products for consumption or use by the customer off the premises. This shall include but not be limited to hardware, paint, office equipment, sporting goods, and redemption outlets, television, automotive supply and major household appliance stores.

RETAIL STORE: Any enclosed business concerned primarily with rental or the sale of produce, products, goods, equipment or commodities; but excluding any drive-in or drive-thru facility, road-side agricultural stand, gasoline or motor vehicle service station, motor vehicle sales facility, or restaurant.

RETIREMENT HOME: A residential building or complex containing multi-family dwelling designed for and principally occupied by senior citizens. Such a facility may include common dining and recreation areas.

RIGHT-OF-WAY: A legally defined right of access.

ROAD: (See also STREET) Any public or private right-of-way serving four or more lots, which is designed and intended for use by motor vehicles. The term includes the entire right-of-way. See also PUBLIC ROAD

SETBACK: Distance from neighboring property line, or from road, or from public waters, within which no structure or land development shall take place unless otherwise approved by the ZBA or PC.

SHORT TERM RENTAL: A furnished house, cabin, cottage, barn, camper, condominium or other dwelling room or self-contained dwelling unit rented to the transient, traveling or vacationing public for a period of fewer than 30 consecutive days, and rented more than 14 days per year. Does not include Motel, Hotel, Inn or Resort.

SITE PLAN: a scaled drawing which shows present and proposed uses, structures, landscape features, wastewater treatment, well heads, rights of way, easements and other information for a parcel of land.

SITE PLAN REVIEW: A process whereby the Site Plan is reviewed by either the Planning Commission or the Zoning Board of Adjustment (See also Article 6).

SKETCH PLAN: A sketch of a proposed subdivision showing general information for assessment by Planning Commission or Zoning Board of Adjustment as a preliminary step in Subdivision process (See also Section 9.3).

SOLAR COLLECTOR: A device or structure, combination or part thereof, that transforms direct solar energy into thermal, chemical, or electrical energy.

STABLE: A facility where fewer than four (4) horses are kept for remuneration, hire, sale or for private use. A stable may be considered an accessory use to a single-family home. Stables housing 4 or more horses are considered an accepted agricultural practice.

STORAGE TRAILER: A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation. This includes a storage body mounted or intended to be mounted on a truck or trailer chassis.

STREET: (See ROAD)

STREET LINE: Right-of-way line of a street/road, public or private, as dedicated by a deed or other proper instrument of record. Where the width of the street is not established, the street line shall be considered to be 30 feet from the centerline of the street

STRUCTURE: An assembly of materials for occupancy or use, including, but not limited to, a building, shed, garage, manufactured home or trailer, billboard, sign, or fence, (*except* a wall or fence on an operating farm), deck, porch, patio, swimming pool **or bridge**. Structures do not include sidewalks, driveways, roads, non-commercial parking lots, or fences less than four (4) feet in height or fences which can be seen through (non-opaque).

SUBDIVISION: The division of a parcel of land with or without roads/streets, into 2 or more lots, plots, parcels, or other legal division of land for the purpose of transfer of ownership, development, long-term lease, or sale. Subdivision includes re-subdivision. A municipal boundary does not create a subdivision.

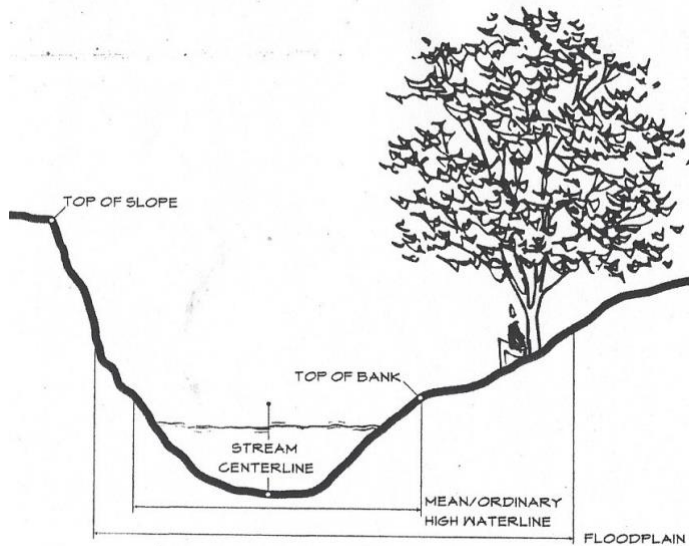
SUBDIVISION-MINOR: Any subdivision of land which results in 2, 3, or 4 parcels/lots, including all lots created from a single parcel within the past ten years, and which does not require any new municipal streets, street extension, or extension of municipal facilities.

SUBDIVISION-MAJOR: All subdivisions not classified as Minor subdivisions, including any division of land into 5 or more parcels/lots created from a single parcel within the past ten years; any subdivision which requires the installation of new streets, utilities, or public improvements; any planned unit development.

SUBSTANTIALLY COMMENCED: An approved permit shall be considered to have “substantially commenced” where the footings of a building have been constructed, AND approved in writing by the Zoning Administrator following a site inspection by the Zoning Administrator.

TINY HOME: See MOBILE HOME if it is designed to be moved, and BUILDING or ACCESSORY DWELLING UNIT if it is not able to be moved.

TOP OF BANK: The point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high-water stage (See diagram below).



VARIANCE: A departure from the zoning bylaws which is granted or denied by the ZBA. The conditions specified at 24 V.S.A. 4469 of the Act must exist in order for the variance to be granted.

WAIVER: A reduction in dimensional requirements of zoning by the ZBA or PC based on specific criteria. 24 VSA § 4414(8).

WAREHOUSE: A structure or part thereof for storing goods, wares, materials or merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage and bulk sales outlet. Does not include gasoline, fuel, chemical, hazardous or flammable fuel storage tanks.

WETLANDS: See Definitions at 24 VSA 4303, and Vermont Wetland Rules as adopted by the Vermont Department of Environmental Conservation (DEC).

WIND ENERGY CONVERSION SYSTEM: A device that converts wind energy to mechanical or electrical energy.

ARTICLE 3 ZONING DISTRICTS AND ZONING MAP

Section 3.1 Establishment of Zoning Districts and Zoning Map

Based on state statutes, and the most recently adopted Town Plan, and the data, maps, policies, recommendations, and Planning Areas Map in the Town Plan, the following Zoning Districts are established:

Rural Agricultural District (RA-5)

Rural Residential District (RR-2)

Mixed Use District (MU-2)

Ferrisburgh Town Center (FTC – 1)

North Ferrisburgh Village District (NFVIL – 2)

Lake Champlain District (LC-2)

Conservation District (CON-25)

Section 3.2 Zoning Map – Location of Districts

The location and boundaries of zoning districts are established as shown on the Official Zoning Map. The Zoning Map is hereby made a part of these Land Use Regulations and a part of all future Land Use Regulations. The Official Zoning Map shall be kept on file in the Ferrisburgh Town Clerk's Office.

Section 3.3 Interpretation of Zoning District Boundaries

District boundaries shall be interpreted in the following manner:

1. Boundaries indicated as following streets, highways, railroads, rivers or streams shall be construed as following the centerline of such streets, highways, road, railroad, rivers or streams unless otherwise described.
2. Boundaries indicated as following tax parcel property lines shall be construed as following such lines as they exist on the effective date of the district boundary created by these regulations.
3. Boundaries indicated as following the Lake Champlain shoreline shall be construed as following the mean high-water mark, which is set at 98 feet above mean sea level.

Section 3.4 Administration of District Boundary Rules

When the ZA cannot determine the location of a district boundary, the PC shall interpret the location of the district boundary with reference to the Official Zoning Map and the purposes set forth in all relevant provisions of these bylaws.

Section 3.5 Application of Zoning Bylaws

- A. No land development shall occur unless in conformance with the regulations for the district in which it is located or as otherwise permitted as a Planned Unit Development (PUD).
- B. The enactment of these regulations shall not repeal or in any way annul or impair any zoning permits previously issued.
- C. Uses allowed in each district are classified as permitted or conditional. The Zoning Administrator may issue permits for permitted uses. Applicants must receive approval from the ZBA for conditional uses before the ZA can issue a permit. Both permitted and conditional uses may be subject to site plan review by the PC.

ARTICLE 4 ZONING DISTRICT REGULATIONS

Application: These regulations shall apply to uses in all districts when relevant. The permitted uses, and uses permitted after issuance of a conditional use permit in each district, shall be subject to the specific standards set forth for that district.

Town Plan: The data, maps, including the Planning Areas Map, Policies and Recommendations provided in the most recent Town Plan, shall be taken into consideration when reviewing applications

Section 4.1 Rural Agricultural District (RA-5)

A. Purposes

Generally, these areas are best suited for agricultural use, on-farm business, agricultural enterprises, agro-forestry and low density residential housing. Home occupations and businesses are encouraged. Other compatible uses would be open space, conservation and forestry. It is town policy to protect all soils that could produce crops and, therefore, development on Prime and Statewide soil should be avoided whenever possible to maintain low density residential development.

B. Permitted Uses

1. Single family dwelling
2. Two family dwelling
3. Daycare facility for less than 6
4. Group Home/Community Care Home
5. Accessory dwelling unit
4. Home Occupation or Business I
6. Accessory Structure

C. Conditional Uses – with Site Plan Review

1. Short Term Rental
2. Daycare Center or Facility for more than 6
3. On-Farm Business
4. Farm Housing
5. Campground
6. Recreation, outdoor
7. Cemetery
8. Home Occupation or Business II
9. Agricultural Enterprises
10. Kennel
11. State or community owned and operated institutions and facilities
12. Public and private school and other educational institutions certified by the Vermont Department of Education.
13. Churches, convents and parish houses
14. Multi-family dwelling
15. Mobile Home Parks
16. Other similar uses

D. Dimensional Standards

- | | |
|--|----------|
| 1. Minimum lot size | 5 acres |
| 3. Lot frontage and lot width minimum | 400 feet |
| 4. Lot depth requirement | 450 feet |
| 5. Front yard minimum (measured from centerline of road) | 80 feet |
| 6. Minimum setback on Route 7 from centerline of road | 100 feet |
| 7. Rear and side-yard setbacks | 25 feet |
| 8. Maximum height | 35 feet |
| 9. Maximum lot coverage | 10% |

Section 4.2 Rural Residential District (RR-2)

A. Purpose

This district comprises areas located along existing year-round roads. It is anticipated that year-round family dwellings will comprise the major part of development in this area. Home based occupations and on-farm businesses are encouraged. A minimum lot size of two (2) acres is required for these areas in order to encourage preservation of agricultural soils, encourage home production of food, allow

medium density development, minimize impermeable surfaces and continue the historic settlement pattern.

B. Permitted Uses

- 1. Single family dwelling
- 2. Two family dwelling
- 3. Accessory dwelling unit
- 4. Home Occupation or Business I
- 5. Daycare Facility for less than 6
- 6. Group Home/Community Care Home
- 7. Accessory structure.

C. Conditional Uses – with Site Plan Review

- 1. Motel, Short Term Rental
- 2. Recreation, outdoor
- 3. Cemetery
- 4. Home Occupation or Business II
- 5. Day Care Facility for more than 6
- 6. Storage trailer or shipping container.
- 7. Multi-family dwelling
- 8. On-farm Business
- 9. Other similar uses.

D. Dimensional Standards

- 1. Minimum lot size 2 acres
- 2. Lot frontage and lot width minimum 200 feet
- 4. Lot depth requirement 350 feet
- 5. Front yard minimum setback (measured from centerline of road) 80 feet
- 6. Minimum setback from centerline of route 7 100 feet
- 7. Rear and sideyard setbacks 25 feet
- 8. Maximum height 35 feet
- 9. Maximum lot coverage 40%

Section 4.3 Mixed Use District (MU-2)

A. Purpose

It is the primary purpose of this district to provide an area for mixed use business and residential. The size of the commercial uses should be restricted to protect the residential and mixed-use character of the district. Road access should be limited in number, if practical, by use of multi-lot access roads, to promote safety and to ease traffic flow on public roads. Creative development and design is encouraged that will facilitate shared resources and utilities, provide opportunities for a diversity of multi-modal connections to street networks other than Route 7

B. Permitted Uses

The following uses are permitted in the MU-2 District

- 1. Single family dwelling
- 2. Two Family dwelling
- 3. Accessory dwelling unit

4. Day care facility, less than 6
5. Group Home/Community Care Home
6. Home Occupation or Business I
7. Accessory Structure

C. Conditional Uses – with Site Plan Review

1. Carwash
2. Churches, convents and parish houses
3. Community facility
4. Drive-in or Drive Thru
5. Commercial parking lot
6. Contractors yards
7. Home Occupation or Business II
8. Gasoline station
9. Convenience Store
10. Freight or trucking terminals
11. Indoor recreation facility
12. Laundromat
13. Manufacturing facility
14. Mortuary
15. Motel
16. Multi-family dwelling
17. Retail sales and service
18. Professional, Personal, Office or Service
18. Public and private schools and other educational institutions and facilities
19. Restaurant, Bar
20. Storage trailer, Self - storage Units or Shipping container
21. State or community institutions and facilities
22. Warehouse
23. Other similar uses

D. Dimensional Standards

- | | |
|---|----------|
| 1. Minimum lot size | 2 acres |
| 3. Lot frontage and lot width minimum | 200 feet |
| 4. Lot depth minimum | 300 feet |
| 5. Minimum setback from centerline of Route 7 | 100 feet |
| 6. Front yard setback from town roads | 80 feet |
| 7. Rear yard minimum setback | 50 feet |
| 8. Side yard minimum setback | 25 feet |
| 9. Building height maximum | 35 feet |
| 10. Lot coverage maximum | 70% |

Section 4.4 Ferrisburgh Town Center (FTC-1)

A. Purpose:

This District includes the town Civic Center. It is located roughly in the center of town, from Little Otter Creek in the south, north along Route 7 to the north property line of Atkins Farm Road. It is the purpose in this district to encourage a mix of uses, including municipal, school, recreation, post office, church, retail, grocery store, restaurant, highway commercial, residential, home occupation and business to

create an area which is pedestrian-friendly, walkable, with landscaping and native trees and shrubs for all development.

B. Permitted Uses:

1. Single family dwelling
2. Two family dwelling
3. Accessory dwelling unit
4. Home Occupation or Business I
5. Accessory Structure
6. Retail store
7. Personal Service Establishment
8. Group Home/Community Care Home

C. Conditional Uses – with Site Plan Review

1. Churches, convents and parish houses
2. Community facilities
3. Convenience Store
4. Drive-in or Drive Thru
5. Enclosed accessory use
6. Home Occupation or Business II
7. Gasoline station
8. Indoor recreation facility
9. Laundromat
10. Motel
11. Motor vehicle, mobile home, trailer, farm implement, equipment sales and service
12. Multi-family dwelling
13. Professional, Personal, Office or Service
14. Public and private schools and other educational institutions and facilities
15. Recreation Facilities, indoor or outdoor
16. Restaurant, Bar
17. Retail sales and service
18. Short term rental
19. State or community institutions and facilities
20. Other similar uses.

D. Dimensional Standards

- | | |
|---|----------|
| 1. Minimum lot size | 1 acre |
| 2. Lot frontage and lot width minimum | 200 feet |
| 3. Lot depth | 200 feet |
| 4. Minimum Setback from center of Route 7 | 50 feet. |
| 5. Minimum setback from other roads | 25 feet |
| 6.. Rear yard setback minimum | 15 feet |
| 7. Accessory Structure rear yard setback | 10 feet |
| 8. Side yard setback minimum | 25 feet |
| 9. Accessory structure side yard setback | 5 feet |
| 10. Building height maximum | 35 feet |
| 11. Lot coverage maximum | 50 % |

Section 4.5 North Ferrisburgh Village District (NFVIL-2)

A. Purpose: This District is established to recognize the pre-existing mixed uses of land that developed historically in the North Ferrisburgh Village where many historic lots are non-conforming. It is the purpose in this district to encourage the development of this district as a pedestrian-friendly walkable community, to enforce slow traffic speeds through the Village District, and enhance the historic village feeling of the Hollow. This district has recently been flooded in flash floods and thus it is the town policy that all development, renovations and changes in use in this district must consider flood resilience on both the site under development and potential impact on surrounding areas. All development, renovations and changes in use must include verification that the septic system meets state requirements.

B. Permitted Uses

1. Single family dwelling
2. Two family dwelling
3. Accessory dwelling
4. Home Occupation or Business I
5. Accessory structure
6. Retail store
7. Professional or Personal Office or Service Establishment
8. Multi-family residence
9. Group Home/Community Care Home
10. Day care facility, less than 6

C. Conditional Uses – with Site Plan Review

1. Recreational facilities
2. Community facilities
3. Home occupation/Business II
4. Restaurant, Bar
5. Short Term Rental
6. Day care facility, more than 6
7. Other similar uses

D. Dimensional Standards

- | | |
|---|----------|
| 1. Minimum lot size | 2 acres |
| 2. Lot frontage and lot width minimum | 200 feet |
| 3. Lot depth minimum | 200 feet |
| 4. Front yard minimum setback from center of road | 50 feet |
| 5. Rear yard minimum setback | 25 feet |
| 6. Rear yard accessory structure setback | 10 feet |
| 7. Side yard minimum setback | 25 feet |
| 8. Side Yard accessory structure setback | 5 feet |
| 8. Building height maximum | 35 feet |
| 9. Lot coverage maximum | 40 % |

Section 4.6 Lake Champlain District (LC-2)

A. Purpose

This district is 300 feet wide measured from mean water level except in the area around Basin Harbor Resort where the Lake Champlain District is more extensive. The district includes concentrations of

existing camps, private home, some commercial uses, and many nonconforming, previously established parcels, adjacent to large, substantially undeveloped tracts of land. All development in this district shall be carefully reviewed with reference to the legislative intent and regulations established in the Shoreland Protection Act. Minimum lot size of two acres is required for in this district. Many Lots in this district have limited road access and it is the town's policy not to provide such service. Land uses permitted in this district must be compatible with the limitations of the area and not create any erosion problems or harm any significant natural resources such as vegetation or wildlife habitats. Camps and single family dwellings shall receive Site Plan Review in regard to sewage, water, access, frontage, natural resource protection and scenic considerations. This District is also subject to the Vermont Shoreland Protection Act (10 VSA 1441 et seq.)

B. Permitted Uses - NONE

C. Conditional Uses – with Site Plan Review

1. Single family dwelling.
2. Two family- dwelling
3. Accessory dwelling unit.
4. Accessory Structure
5. Multi-family dwelling
6. Home Occupation 1 or II
7. Camp / Seasonal Dwelling Unit
8. Short Term Rental
9. Cemetery
10. Community facility
11. Bar
- 12 Recreation, indoor and outdoor
13. Retail store
14. Professional and Personal Office or Service.
15. Marina
16. Greenhouse or Nursery
17. Restaurant
18. Motel
19. Resort
20. Permanent boat hoists and launching ramps, permanent docks and stairways, manmade or improved beaches, shore stabilization, and retaining walls on the shoreline
21. State or community institutions and facilities
22. Churches, convents and parish houses
23. Other similar uses

D. Dimensional Standards

- | | |
|---------------------------------------|----------|
| 1. Minimum lot size | 2 acres |
| 2. Lot frontage and lot width minimum | 200 feet |
| 3. Lot depth minimum | 250 feet |
| 4. Front yard minimum | 80 feet |
| 5. Rear and sideyard setbacks | 25 feet |
| 6. Building height maximum | 35 feet |
| 7. Lot coverage maximum | 20% |

Section 4.7 Conservation District (CON-25)

A. Purpose

The purpose of the conservation district is to protect wetlands, high elevations, of land, steep slopes, wildlife, flood hazard areas and discourage development of remote, un-serviced areas which are unsuitable for residential and commercial development. State and municipal preserves are included in this District. Many of these areas in this district have limited road access and it is the town’s policy not to provide such service. Land use permitted in this district must be compatible with the limitations of these areas. Compatible uses include agriculture, forestry, non-commercial recreation use, and hiking trails. All development, including camps and dwellings shall receive Site Plan Review in regard to sewage, water, access, frontage, protection of natural resources and scenic considerations.

B. Permitted Uses - NONE

C. Conditional Uses – with Site Plan Review

1. Recreation, outdoor
2. Seasonal dwelling unit / Camp
3. Single family dwelling
4. Two family dwelling
5. Accessory dwelling unit.
6. Accessory structure
7. Home Occupation/Business 1
8. Parking lot as an accessory to outdoor recreation
9. Marina
10. Other similar uses

D. Dimensional Standards

- | | |
|---|----------|
| 1. Minimum lot size | 25 acres |
| 2. Lot frontage and lot width minimum | 500 feet |
| 3. Lot depth requirement | 500 feet |
| 4. Minimum setback (measured from centerline of road) | 80 feet |
| 5. Minimum setback on Route 7 from centerline of road | 100 feet |
| 6. Rear and sideyard setbacks | 25 feet |
| 7. Maximum lot coverage | 5% |

ARTICLE 5 STANDARDS General, Performance, and Specific Use.

Section 5.1 Abandonment of Structures

Within one year after work on an excavation for a building has begun or within one year after a permanent or temporary structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade and seeded by the owner to prevent erosion.

Section 5.2 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 Road Foreman, Town Highway Department prior to the issuance of a zoning permit. The Selectboard 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 Selectboard. State highways require an access permit from the Agency of Transportation.

Section 5.3 Accessory Uses and Buildings

An accessory use or building must conform to lot setback, lot coverage and building height requirements for the district in which it is located.

Section 5.4 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. Any application to the ZBA for adaptive reuse of an agricultural structure shall be reviewed under Conditional Use.

Section 5.5 Affordable Housing

These regulations shall be interpreted to promote and protect affordable housing as follows:

- A. In accordance with the Act no provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of pre-fabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded.
- B. Mobile homes shall be treated as, and meet all requirements pertaining to single-family dwellings except within permitted mobile home parks in accordance with PUD regulations.
- C. These regulations shall promote accessory dwelling units in all districts allowing single-family dwellings.

Section 5.6 Campers, Recreational Vehicles and other temporary shelters.

It shall be unlawful for any person to park a camper except:

- A. In an approved campground; or
- B. In an approved camper sales lot; or
- C. The owner of a camper may park it on his/her own property provided it is:
 1. Not used as permanent living quarters; and
 2. Not hooked up to water or sewer utilities.
- D. Any wastewater or sewage generated from a camper, boat or other temporary shelter shall be disposed of in accordance with all applicable state and federal regulations.
- E. Invitees may also park campers in the same manner as required of any owner on their own property for a period of time not to exceed fourteen days.

Section 5.7 Cannabis Cultivation, Manufacture, Testing and Sales

A) Retailer licenses

- Permitted as conditional use with Site Review and ZBA approval in the following Zoning Districts: Mixed Use; Industrial; and Lake Champlain
- Prohibited in the following Zoning Districts: Ferrisburgh Town Center; North Ferrisburgh Village District; and Conservation District.

B) Wholesaler licenses

- Permitted as Conditional Use with Site Review and ZBA approval in Mixed Use; RA-5; RR-2. Prohibited in the following Zoning Districts: Ferrisburgh Town Center; North Ferrisburgh Village District; Conservation District and Lake Champlain District.

C) Cultivation licenses

- Tier 1 Cultivation permitted in all Districts where Home Occupation/Business I is a permitted use.
- Tiers 2 through 6:
 - 1). Permitted as Conditional Use with Site Review and ZBA approval in Ferrisburgh except as prohibited in C) 2) below.
 - 2). Prohibited in the following Zoning Districts: Ferrisburgh Town Center; North Ferrisburgh Village District; Conservation District and Slake Champlain District.

D) Manufacturer licenses

- Tier 1 and 2 Permitted as Conditional use with Site Review in Mixed Use District
- Tier 3 Prohibited in all Districts.

E) Testing Laboratories

- Permitted as Conditional Use with Site review in Mixed Use District MU-2; RA-5; and RR-2.
- Prohibited in all other Districts.

F) Integrated licenses. Each license type under an integrated license application will be reviewed in accordance with the specific state regulations for the scope of licenses requested.

Section 5.8 Construction Approved Prior to Adoption of, or Amendment to Regulations.

- A. A new permit is not required for any building upon which construction has begun pursuant to a previously issued permit, prior to the effective date of these regulations, provided such construction is completed in accordance with the regulations in force at the time the permit was issued
- B. The Town shall not require any change in the plans for, or construction of, a structure or use for which a zoning permit has been issued and which has subsequently been made non-complying or non-conforming by an amendment to these bylaws if the activities authorized by the zoning permit are completed while the permit is valid.

Section 5.9 Corner Lot

- A. Obstruction of Vision. On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.
- B. Exceptions. For the purpose of determining setback requirements, any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front yards and side yards.

Section 5.10 Day Care Facilities

- A. A Day Care/Child Care facility that meets all of the following standards shall be allowed to the same extent that the zoning district allows single-family dwellings.
 1. A resident of the dwelling in which the use is occurring shall operate the childcare home.
 2. The day care/child care home shall be operated under state licensing or registration.
 3. The facility shall serve 6 or fewer children.
 4. One unlit exterior sign shall be permitted in accordance with Article 8.
 5. The day care/ child care activities shall occur primarily with the dwelling. This should not be interpreted to prohibit use of other parts of the home or property such as porches, decks or yards for children's play areas as is customary in residential areas.
- B. Daycare facilities that do not meet the above definition may be allowed in designated zoning districts subject to conditional use approval, as well as site plan review where required.
 1. The daycare facility shall be operated under state licensing or registration.

2. Parking shall be provided on-site in accordance with Article 7.
3. Signage shall be in accordance with these Article 8.
4. Lighting shall be in accordance with these regulations.
5. Daycare facilities shall meet all performance standards in accordance with Article 9.

Section 5.11 Erosion Control

- A. An application for land development that meets any of the following criteria must include an erosion control plan for the application to be deemed complete.
 1. If there is to be any disturbance on slopes of 15% or steeper.
 2. If there is to be any disturbance within a regulatory setback of a lake, pond, stream, wetland or vernal pool.
 3. If there is to be any disturbance to an existing channel, ditch or other concentrated stormwater conveyance.
 4. If the total area of disturbance is 10,000 square feet or greater.
- B. The erosion plan(s) shall, at a minimum, incorporate the accepted management practices as recommended by the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control as most recently revised.
- C. Development that obtains a State Construction General or Individual Permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditioned upon an applicant submitting a copy of the applicable State permits, if required, to the ZA prior to the start of construction.

Section 5.12 Existing Small Lots

- A. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of zoning regulations adopted pursuant to the Act may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.
- B. A nonconforming lot may be deemed merged if it comes into common ownership with one or more contiguous lots and may not be separately conveyed except as provided in Paragraph (C).
- C. A nonconforming lot shall not be deemed merged if it comes into common ownership with one or more contiguous lots and may be separately conveyed in its pre-existing configuration provided it can meet any of the following:
 1. The nonconforming lot was developed with a water supply and wastewater or disposal system as of the effective date of these regulations;
 2. The deeds of conveyance create appropriate easements for an off-site location for water supply and wastewater disposal systems to serve the nonconforming lot; or
 3. All parties submit a signed letter indicating that they understand that the lot is nonconforming and it may not be able to be developed if a potable water and wastewater permit is not issued by the state.
4. All applicable state permits have been obtained for the proposed use of the property.

Section 5.13 Extraction of Subsoil, Sand, Gravel or Stone.

The removal of subsoil, sand, stone 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. 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 may be allowed only in the **Mixed Use District (MU-2) or Rural Agricultural District (RA-5)** with Site Plan Review.

The following provisions shall apply:

- A. Before approval of any new sand or gravel operation, or extension thereof, a performance bond may be secured from the applicant sufficient to ensure that upon completion of the extraction operation the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this. The bond, if required, shall be sufficient to cover the cost of the plan.
- B. The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.
- C. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the ZA.
- D. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the ZA.
- E. No excavation, blasting or stockpiling of materials shall be located within two hundred feet of any street or other property line.
- F. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
- G. All excavation slopes in excess of 40% shall be adequately fenced.
- H. Extension of an existing non-conforming operation shall not be permitted.
- I. Removal of topsoil for sale or for use on other premises, except as may be incidental to a construction project on the site which the soil is being removed, shall be prohibited.
- J. The ZBA may attach any additional conditions it may find necessary for the safety and general welfare of the public.

Section 5.14 Fences

- A. General. 1) A permit shall be obtained from the ZA for the alteration, construction, or installation of any fence, other than an exempt fence, under these regulations, and 2) An application for a fence shall include a sketch plan indicating location, and an illustration of fence material proposed.
- B. Exempt. The following fences do not require permits:
 - 1. Non-opaque fences (fences you can see through).
 - 2. Fences less than four (4) feet in height.
 - 3. Agricultural fences.
- C. Setbacks. Fences are not required to comply with setback regulations.
- D. Additional Requirements.
 - 1. No fence may inhibit or divert natural drainage flow or cause blockage or damming of surface water.
 - 2. No fence may create a fire hazard or obstruct firefighting.
 - 3. No fence may interfere with visibility at a highway intersection or corner.
 - 4. A fence may not be constructed within a right of way of record without the express permission of the right of way owner.
 - 5. A fence that may obstruct or unreasonably impinge on the scenic view of an adjoining landowner shall receive site plan review.

Section 5.15 Filling of Land

In any district a zoning permit is required for the depositing of rock, concrete, stone, gravel, sand, cinders, stumps and soil or other material used for the filling of land. The ZA may issue a permit provided the applicant demonstrates that the activity will not significantly alter existing drainage patterns, cause soil erosion or result in any hazard or expense to the community. State laws governing the filling of land must be adhered to.

Section 5.16 Fire, Explosive and Safety

No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.

Section 5.17 Gasoline Station

Gasoline stations shall only be allowed in the Mixed Use or Town Center Districts on Route 7, and shall comply with all Federal and State laws, and with the following:

- A. A gasoline station lot shall not be located within 500 feet of any school, hospital, library or religious institution.
- B. Lot size shall be at least two acres.
- C. Lot frontage shall be at least 200 feet.
- D. Lot depth shall be at least 300 feet.
- E. Pumps, lubrication and other service devices shall be located at least fifty feet from the street line and the side and rear lot lines.
- F. All fuel and oil shall be stored at least 50 feet from any property line.
- G. No automobile parts and dismantled vehicles are to be stored on site.
- H. No signs shall extend beyond the pumps, nor exceed eighteen feet in height.
- I. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.
- J. A suitable curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

Section 5.18 Grading

No grading, cutting or filling which leaves the slope of the finished grade in excess of 40% shall be carried out in any district, unless a licensed engineer certifies that the finished grade is stable or the engineer submits a design for stabilizing the slope.

Section 5.19 Group Home/Community Care

A residential care or group home operated under a state licensing or registration, serving not more than 8 persons who have a handicap or disability as defined in 9 V.S.A. §4501 shall be considered to constitute a permitted residential use of property and shall be treated the same as single-family residences in all districts.

Section 5.20 Home Occupations and Home Businesses

A. **General.** No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation or business which is customary in the zoning District in which they live, and which does not change the character thereof.

A zoning permit application shall be submitted to the ZA so that a determination can be made as to whether the proposed use is, in fact, a home occupation I or home occupation II as defined by these bylaws.

B. Home Occupation/Business 1- Requirements

1. The home occupation shall be carried on by members of the family/residents living on the premises only.
2. No exterior displays or signs shall be permitted other than one sign not exceeding four square feet in total area.
3. No traffic shall be generated in greater volume than would be normally expected in the neighborhood.
4. Excessive noise, smoke, vibrations, dust, glare, odor, electrical interference or heat that is detectable at the boundaries of the premises shall be prohibited.
5. Parking shall be provided off-street and shall be located in the side or rear yard.
6. No exterior storage of material shall be permitted.

C. Home Occupation/Business 2 – Requirements

1. The home occupation shall be carried on by members of the family/residents, living on the premises, and the home occupation may have employees other than family members.
2. The home occupation may be carried on in the dwelling or in an accessory building.
3. The home occupation shall have enough parking spaces as deemed necessary by the ZBA.
4. Parking shall be in the rear or side lot.
5. The ZBA will set noise levels, outside lighting, or any other conditions that will ensure that the character of neighborhood will not change.
6. There shall be no substantial increase of traffic.
7. All materials shall be inside or screened from the road and neighbors by fencing or landscaping of trees and shrubs.

Section 5.21 Interior Lots

Any lot which does not have frontage on either a public or private road shall have a minimum width equal to the minimum frontage specified for the district and minimum yard requirement for all yards equal to the side yard setback distance for lots in that district and shall meet minimum lot depth requirements for that district unless part of a PUD.

Section 5.22 Landscaping

- A. All commercial uses, PUDs, and Subdivisions shall plant and maintain a landscaped area in front and side setbacks.
- B. The outdoor storage of trash shall be screened or hidden from public view and view of persons in residential districts. In the Mixed Use and Town Center districts such storage shall be screened and located to the rear of the buildings.
- C. Landscaping required by these regulations shall consist, at a minimum, of native evergreen trees, native deciduous trees, native shrubs and protective ground cover. One 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.

Section 5.23 Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the more restricted part.

Section 5.24 Mobile Home Parks

Mobile homes are permitted in approved mobile home parks subject to the requirements of this section and state law. New mobile home parks shall be allowed in the Rural Agricultural District as a conditional use and shall be reviewed under the PUD provisions of these regulations.

Section 5.25 Noise

No noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted. Specifically, the sound pressure level should not exceed sixty (60) decibels at the property line at any time, except for agricultural uses.

Section 5.26 Nonconforming Lots, Structures and Uses

A. A lawfully developed nonconforming lot:

1. May continue in its current use and configuration.
2. May, after receiving a permit from the ZA, have any structure located on it repaired, maintained, structurally enlarged, expanded or moved if such a structure meets the district standards for the district in which it is located.
3. May, after receiving a permit from the ZA, have a new structure built upon it if such a structure meets the district standards for the district in which it is located.

B. A nonconforming structure:

1. May undergo normal repair and maintenance without a permit if such action does not increase the structure's degree of nonconformity.
2. May, after receiving a permit from the ZA, be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that the reconstruction commences within 2 years and is completed within 4 years of the date the damage occurred.
3. May be structurally enlarged, expanded or moved, after receiving a permit from the ZA, provided that the degree of nonconformity is not increased.
4. May, subject to conditional use approval by the ZBA, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.

C. A nonconforming use:

1. Shall not be moved from one lot to another where it is also a nonconforming use.
2. Shall not be re-established if the use has been changed to or replaced by a conforming use for a period greater than two years. Intent to resume a non-conforming use shall not confer the right to do so.
3. Shall not be re-established if the use has been discontinued for a period greater than one year. Subject to conditional use approval and finding that reasonable effort is being made to reinstate the use, the ZBA may allow a nonconforming use in a structure that was damaged by any cause to be discontinued for two additional years. A non-conforming use may be re-instated if part of a structure damaged by any cause for a period of up to three years if the use had continued to be carried out in an undamaged portion of the structure.
4. Shall not be converted to another nonconforming use without conditional use approval. The ZBA shall only allow the use to be converted to another nonconforming use that, in its opinion, is the same or of a more conforming nature than the present nonconforming use, and which does not

have an undue adverse impact on the character of the area or neighborhood.

5. May not increase the degree of nonconformity except with the approval of the ZBA subject to conditional use approval.

Section 5.27 Obstruction of Vision

On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

Section 5.28 On-Farm Businesses and Agricultural Enterprise Standards.

- A. The provisions of this section are intended to encourage and support Ferrisburgh's rural economy and character by allowing for, and encouraging small businesses that are integrated with agriculture.
- B. Ferrisburgh adopts a less restrictive Bylaw than provided in the state regulations.
- C. An Accessory on-farm business will be allowed as a permitted use with site plan review, in all districts.
- D. An Agricultural Enterprise may be allowed in specified districts as a conditional use.
- E. An Accessory on-farm business must:
 1. Be located on-farm;
 2. Be operated by the farm owner, a lessee of a portion of the farm, or one or more people residing on the farm;
 3. May store, prepare, process or sell agricultural products produced on farm.
 4. Feature agricultural practices or qualifying products if hosting educational, recreational or social events;
 5. Conform to all applicable standards of these regulations, and obtain and operate in accordance with required state licenses.
- F. An Agricultural Enterprise must:
 1. Be engaged in storage, preparation, processing, and/or sale of agricultural products
 2. Generate more than 50% of its total annual sales from agricultural products that are principally produced in Vermont or within 30 miles of Vermont.
 3. Conform to all applicable standards of these regulations, and operate in accordance with all required state licenses.

Section 5.29 Outdoor Lighting and Glare

A. Purpose. Ferrisburgh is a rural town, and while some outdoor lighting may be necessary for safety and security, poorly designed or improperly installed outdoor lighting can create unsafe conditions for adjoining property owners or create a nuisance, and can cause sky glow which obstructs views of night sky.

B. General Standards. No glare, lights or reflection shall be permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety and welfare. However, reflections from solar energy collectors which are part of an operating solar energy system shall not be considered a nuisance to other property owners and tenants.

C. All outdoor lighting shall be kept to the minimum required for safety, security and consistent with the character of the neighborhood within which it is located.

D. Permanent outdoor lighting fixtures shall be designed to minimize glare, and shall not direct light upwards or onto adjacent properties, roads or public waters or result in lighting levels which are uncharacteristic of the surrounding neighborhood or area.

E. Specific Standards. For outdoor lighting installations associated with development that is subject to subdivision or site plan review, the ZBA or Planning Commission may also require the following, and condition approval accordingly:

1. Information regarding exterior lighting fixtures, including fixture type, mounting locations and heights, illumination levels and distribution, and color, to be submitted as part of the development review application. A lighting plan, prepared by a qualified lighting expert, may be required as appropriate for projects requiring outdoor parking area, street, or security lighting.

2. The burial of electrical service to outdoor lighting fixtures.

3. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that only designated surfaces or areas are illuminated.

4. Street lighting shall not be provided except where it is deemed necessary by the ZBA for safety or security, such as at road intersections, or pedestrian crossings or walkways.

5. Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during business hours, unless otherwise specifically approved by the ZBA or Planning Commission.

Section 5.30 Parking.

1. For the purpose of residential parking a standard parking space shall be no larger than 9 feet by 18 feet, and no parking of motor vehicles shall be allowed in setback areas.
2. Commercial parking lots adjacent to residential uses shall be set back at least 50 feet from the property line and shall be screened.
3. Off-Street parking. For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty feet clear in width, except for one-family and two-family uses.
 - A. Residential Uses: One-family and two-family dwelling units: two parking spaces for every unit. Multiple-family dwelling units: Four parking spaces for every three units.
 - B. Motor Lodge, Tourist Home: One space for every guest room.
 - C. Professional Office: One parking space, plus one additional parking space for every two hundred square feet of floor space.
 - D. Commercial, Business and Unspecified Uses: the number of parking spaces will be made in accordance with State Law.

Section 5.31 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.

Section 5.32 Projection into Setbacks

- A. Every part of a required setback shall be open from grade level to the sky unobstructed, except for vegetation and for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required setback.
- B. Additionally, certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors and piping may be permitted by the ZBA to project into the required setback if conformance with

setback requirements will cause undue expense or unusual difficulties.

Section 5.33 Public Utility Substations

Public utility substations and similar utility structures, where permitted, shall comply with the following:

- A. The facility shall be surrounded by a fence which is set back from the property lines in conformance with the district regulations for front, side and rear yards.
- B. A landscaped area at least twenty-five feet wide shall be maintained in front, rear and side yards.

Section 5.34 Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, frontage, coverage or other requirements of these regulations do not conform to the requirements herein prescribed for each district. The provisions of this section shall not apply to a PUD or when part of a lot is taken for a public purpose.

Section 5.35 Required Area of Yards

Space required under these regulations to satisfy area, yard or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

Section 5.36 Required Frontage and Access.

- A. No land development shall be permitted on lots which do not have either frontage on a public road (Class 1, 2, & 3) or, with approval of the PC, access to such a road by permanent easement or right-of-way of at least 60 feet in width, which could, if developed, serve as a year-round access by automobile, and which could accommodate utilities, power lines, water lines, cable and/or future sewer lines.
- B. Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an Access Permit from the Road Foreman if access is on to a Town Road or, if property will access onto US Route 7, an Access Permit approved by the State Agency of Transportation. Such approved access permit shall be obtained prior to issuance of a zoning permit. The Selectboard may attach conditions to the access permit with respect to design, construction, landscaping or location of such driveway in order to ensure safety, provide access by emergency vehicles, minimize traffic difficulties and minimize erosion.
- C. For access subject to site plan review by the PC, the Commission may require changes or additions in relation to yards, driveway entrances and exits, landscaping, and the location and height of buildings, and enclosures to ensure safety, minimize traffic difficulties and to safeguard adjacent properties.
- D. No lot shall be served by more than one access road or driveway unless otherwise permitted under site plan review, or subdivision or PUD review. Access points, including curb cuts shall be limited to those approved pursuant to these regulations.
- E. In all districts on a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points 25 feet away from the intersection, there shall be no obstruction to vision between the height of 3 feet and 10 feet above the average grade of each road.
- F. Frontage requirements for any lot served by a private right-of-way shall be the same as the dimensional requirements for a lot served by a public right-of-way.
- G. All driveways shall have installed tubing or culverts where needed to assist flow of surface water.

Section 5.37 Riparian Buffers Protection

- A. Land development, soil disturbance, including fill, with limited exceptions, is prohibited in riparian buffers in order to protect water quality, riparian habitat, to prevent surface runoff and accelerated soil erosion.

- B. Native woody vegetation must be maintained in the 50 foot riparian buffer, as measured horizontally from the top of bank for rivers and streams on both sides and from the Mean Water Level for lakes and ponds. All rivers, streams, lakes and ponds subject to this regulation are shown on the most recent Vermont Natural Resources Atlas.
- C. The provisions of this section do not apply to land located along Lake Champlain.
- D. Exceptions are limited to water-dependent structures or uses, streambank or shoreline stabilization projects, invasive species control and/or removal, public recreation facilities and amenities, green stormwater infrastructure practices (GSI), road and trail crossings, and culverts.

Section 5.38 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 side or rear 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.

Section 5.39 Shoreland Protection

All development along Lake Champlain shall comply with all applicable State Laws and Regulations, including the Shoreland Protection Act.

Applicants shall provide a written confirmation of compliance with the Shoreland Protection Act.

Section 5.40 Signs

A. General

1. A permit shall be obtained from the ZA for the alteration, construction, or installation of any sign, other than an exempt sign, under these regulations. A permit shall be obtained for any change in the size, shape, lighting, materials, or location of an existing sign. No permit shall be required if only words or images on the sign are changed.
2. An application for a new sign or for a change to an existing sign shall include a scaled drawing showing the lettering, sign dimensions, colors, materials, and method of illumination if any.
3. Signs shall be erected, constructed, and maintained in a manner that does not obstruct traffic movement or visibility, or cause any hazard to public safety.
4. Signs must be able to withstand a wind pressure load of at least 30 pounds per square feet.
5. Signs must not prevent free access to any door, window or fire escape.
6. Signs must not interfere with the architectural integrity of an historic site or structure.

B. Exempt Signs

The following types of signs may be erected and maintained without a permit:

1. One sign, not more than 32 square feet in area, designating a farm or farm stand.
2. One on-premises sign, either freestanding or attached, in connection with any residential building, for permitted home occupations, not exceeding 3 square feet. Such a sign shall state the name and/or occupation only, and shall not be illuminated.
3. Temporary signs. However, any temporary sign which is in place for more than two (2) weeks shall require a permit.
4. Real Estate signs.

C. Prohibited Signs

1. Signs with flashing, intermittent, rotating or moving lights.
2. Signs containing or consisting of any moving, rotating, revolving or audible parts.

D. Sign location, area and height.

1. Setback Requirement: The setback requirement of all proposed sign locations shall be at least 10 feet from the traveled portion of road. If in the Town right-of-way the sign will need Selectboard approval.
2. Signs on U.S. Route 7 and Route 22A shall comply with State Laws and Regulations.
3. Signs in Residential, Village, Conservation and Lake Champlain Districts are permitted as follows:
 - a). Home occupation sign between 3 and 6 square feet.
 - b). Sign, not exceeding 20 square feet, identifying any non-residential building or use approved in the district.
4. Signs in Mixed Use District are permitted as follows:
 - a). Signs up to a total of 50 square feet.
 - b). Any sign proposal in excess of 50 Square feet shall require Conditional Use Review.
5. Wall, Projecting, Ground and Roof Signs
 - a). Wall signs shall not exceed the highest point of the building's roof.
 - b). Ground signs shall not exceed eighteen feet in height above the finished grade.
 - c). Projecting signs shall not extend more than four feet from the building wall, shall not extend beyond the street line, shall not exceed eighteen feet in height above finished grade and not be less than ten feet above the surface of a public walkway.
 - d) Roof signs shall not exceed the highest point of the building's roof ridge.
6. Computation of Area. When computing the total permissible sign area for any use:
 - a). Existing signs shall be included.
 - b). Signs consisting of freestanding letters, numerals or other devices shall include any intervening spaces between them.
 - c). Only the larger faced area of a double-faced sign shall be used.

E. Sign Illumination.

1. No illuminated sign or lighting device shall be placed or directed so that its light is directed or beamed towards a residence; upon a public street, highway, sidewalk or adjacent premises in a manner that causes glare or reflection sufficient to constitute a nuisance or traffic hazard; or towards the sky.
2. Internally illuminated signs shall require Conditional Use Review.

Section 5.41 Slope Assessment

On any parcel or lot where development is proposed, the Planning Commission or ZBA may condition approval on the applicant obtaining an engineer certification of building design, slope stability, erosion control and drainage where there are any steep slopes (over 20%) on the parcel or lot.

Section 5.42 Solar and Wind Energy Systems

- A. Power generation and transmission facilities regulated by the Vermont Public Utilities Commission 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.
- B. Systems not regulated by the PUC must secure a town zoning permit and are subject to the following:
 1. A solar energy system, whether as a part of a building or incidental to a building, is a permitted accessory use within all districts.
 2. Ground-mounted solar facilities in the Conservation and Lake Champlain Districts must be sited so as to minimize visual impact.
 3. A wind energy conversion system is a conditional use. The ZBA will consider the following criteria in addition to the general standards specified under Conditional Use:
 - 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.
- 4. 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.

Section 5.43 State and Federal Laws and Regulations

All development shall comply with all applicable State and Federal Laws and Regulations

Section 5.44 Storage of Flammable Liquids

The storage and handling of flammable and combustible liquids shall comply with the relevant Federal and State Laws.

Section 5.45 Stormwater Management:

- A. Stormwater runoff from impervious surfaces must be managed to minimize impacts on surface waters including wetlands. For development that requires a state stormwater permit, issuance of the appropriate state stormwater permit meets this requirement, and the applicant must submit a copy of the state permit prior to construction.
- B. For development that does not require a state stormwater permit, adherence with the "Vermont Guide to Stormwater Management for Homeowners and Small Businesses" meets this requirement.

Section 5.46 Temporary Uses and Structures

A permit may be issued by the ZA for the period not exceeding one year after approval by the Zoning Board for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

Section 5.47 Wetland Protection

- A. In order to protect water quality and wetland functions, land development, soil disturbance, including fill, with limited exceptions listed in the State and Federal laws and regulations, is prohibited without a State or Federal permit. Wetlands are shown on most recent Vermont Natural Resources Atlas, or as delineated in the field by a qualified professional, and are defined by State and Federal regulations.
- B. Natural vegetation must be maintained within wetlands and their State-designated buffers, unless specifically allowed by a state or federal wetland permit.
- C. The Applicant shall obtain all necessary State and Federal permits for development within wetlands or wetland buffers prior to the start of construction.

ARTICLE 6 SITE PLAN REVIEW

Site Plan Review

- A. **Applicability.** Site Plan Review may be required as a pre-requisite of any use other than single family, or two-family residences or agriculture and forestry.
- B. **Purpose.** A Site Plan Review is intended to ensure that site layout and design is safe, functional, and of a scale that is compatible with its setting and context, and consistent with these Land Use Regulations.

- C. The ZA shall not issue a permit for any use or structure that requires site plan review, or for expansion or enlargement or change in use of a use that requires site plan review until the PC or ZBA grants site plan approval.
- D. The PC or ZBA shall make findings, hold hearings, require maps, data and other information, and may attach conditions, as provided for in 24 VSA Chapter 117, (24 VSA 4416) and all applicable sections of these regulations.
- E. **Application for Site Plan Review.** The applicant shall submit to the ZA at least 28 days prior to the regular meeting of the PC or ZBA a letter summarizing the proposed project which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the PC or ZBA to make its decision, including Zoning District boundaries, property identification numbers of property taken from the latest tax records; name and address of the owner of record and those of adjoining lots; name and address of person or firm preparing the map; map, with date, to scale, showing North. Applicant shall submit copies of all other required permits or applications, such as state and federal permits, wastewater, potable water, stormwater and access permits.
- F. The PC or ZBA may also impose conditions, and request documents, such as the following:
1. An accurate map or survey of the property showing existing features, including ground elevation contours, Wetlands, Flood Hazard Areas, streams, structures, decks, large trees, easements, location of water supply sources, wastewater treatment and disposal areas, rights of way, land use restrictions, and deed restrictions.
 2. A scaled site plan showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscape plans including site grading, curb cuts, landscape design and screening, wastewater treatment, signs, outdoor lighting, equipment and storage areas, buffer strips, and setback areas.
 3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development, which may be updated by written approval of the PC or ZBA .
 4. A description of energy utilization and conservation measures for each heated structure.
 5. A Soil Erosion and Sediment Control Plan where the proposed use or structure or activity may result in site disturbance.
 6. A Stormwater Management Plan
 7. Other information pertinent to the issue before the PC or ZBA.

G. **Review Criteria and Standards**

The PC or ZBA shall review site plans for the following and may impose conditions as it deems necessary to achieve the purposes of these regulations and the Ferrisburgh Town Plan:

1. **Traffic Circulation and Access.** The number and size of curb cuts shall meet the standards established by the Town Highway Department. In appropriate instances, the PC or ZBA may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Whenever a proposed site plan involves access to a state highway right of way, such as excavation, grading, paving or utility installation, the application for site plan shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit under 19 VSA 1111 (24 VSA 4417 (b)).

2. **Pedestrian Access.** The PC or ZBA may require pedestrian circulation within the site and along public roads or within the Subdivision. Such access may take the form of sidewalks or paths. In addition, adequate access from any parking areas and sidewalks to the building(s) that are open to the public, shall be provided for people with disabilities. Bike Racks may be required.
3. **Fire Safety.** The PC or ZBA shall refer the application to the appropriate Fire Department to assess fire protection and safety, **and, if appropriate, an E911 address shall be required.**
4. **Parking and Service Areas.** Parking and service areas shall be provided in accordance with these Land use regulations. Nonresidential parking and service areas shall be located to the side or rear of buildings, unless otherwise approved by the PC or ZBA .
5. **Building Design and Neighborhood Setting.** The PC or ZBA may impose conditions with regard to siting, density, setbacks, height, massing, materials, noise, vistas, natural areas, wildlife habitat, productive woodlands, agricultural land, to ensure that the proposed design and location of structures shall be compatible with their proposed setting and context, existing site conditions, features, adjoining structures and uses.
6. **Historic Structures.** The PC or ZBA may require conditions to preserve existing historic structures and to renovate and reuse them, while retaining their historic character and any significant architectural features. Renovations and re-use may include adaptive renovations, but the burden shall be on the applicant to demonstrate why any significant features (including windows, roofing, cornices, doors, siding) are being concealed or eliminated.
7. **Energy Conservation.** Applicants shall demonstrate that reasonable energy conservation measures will be taken and that the project meets all applicable state requirements for energy efficiency.
8. **Outdoor Storage and Display.** The PC or ZBA may limit or prohibit size, location and design of signs, outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving outdoor display or storage, the PC or ZBA may place conditions on the area and location of such storage or display, and may require appropriate screening.
9. **Landscaping and Screening.** Site Plans shall incorporate landscaping and screening designed to preserve existing vegetation to the extent feasible and enhance unique landscape features, and be suited to existing site conditions and be integrated with adjacent properties. The Planning Commission may require that parking areas be screened from view.

Landscaping shall be native shrubs, deciduous and evergreen trees, and ground cover. Invasive non-native species are prohibited.
10. **Exterior and Outdoor Lighting and Glare.** Proposed lighting shall be designed to minimize impact on neighboring properties and shall meet the requirements of Section 5.29 of these Regulations.

11. **Hours of Operation.** The PC or ZBA may limit the hours of operation. Hours of operation are generally expected to begin no earlier than 7:00 a.m. and end by 10:00 p.m. The burden will be on the applicant to demonstrate why longer hours should be allowed.

ARTICLE 7 CONDITIONAL USE REVIEW

Conditional Use Review must also satisfy Site Plan Review.

- A. **Applicability.** In any district, a conditional use may be permitted, expanded or altered only upon approval of the ZBA, after public notice and public hearing and after its determination that the proposed use will conform to the standards specified in these bylaws, and in accordance with 24 VSA 4414 (3).
- B. **Review Process.** The ZBA shall review the proposed use for compliance with all applicable standards as contained in these regulations and 24 VSA 4414 (3). This review shall specifically include consideration of the stated purpose of the district in which the proposed use is to be located. In granting such conditional use, the board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of these bylaws and the Act.
- C. **General Standards:** The ZBA shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:
1. The capacity of existing or planned community facilities.
 2. The character of area affected as defined by the purposes of the zoning district within which the project is located and specifically stated policies and standards of the Town Plan.
 3. Traffic on the roads and highways in the vicinity.
 4. The Town Plan, regulations, bylaws or ordinances in effect.
 5. Utilization of renewable energy resources.
 6. The appropriate use or development of adjacent property.
- D. **Specific Standards.** The ZBA may require additional specific criteria such as the following:
1. Distance from nearby or adjacent uses.
 2. Performance standards.
 3. Any other standards and factors that the bylaws include.
- E. **Application for Conditional Use Review**
1. The applicant shall submit to the ZA, at least 28 days prior to the regular meeting of the ZBA, a letter summarizing the proposed conditional use which addresses all elements of this section, and all other information necessary to illustrate compliance with these regulations and for the ZBA to make its decision, including property identification numbers of property taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map; scale of map; north point and date and all applicable documents listed in Article 6 for Site Plan Review, and as specified at 24 VSA 4416.
- F. **Performance Bond.** The ZBA may impose a performance bond on the applicant in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the ZBA.

ARTICLE 8 PLANNED UNIT DEVELOPMENT (PUD)

Section 8.1 Purpose

- A. To preserve and maintain agricultural land, Prime and Statewide soils, forests and open space and protect natural, cultural and scenic resources as identified in Town Plan.
- B. To encourage compact, village-scale mixed use development.
- C. To provide opportunities for a diversity of housing types, and promote housing which is both affordable and energy efficient.
- D. To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, pedestrian oriented development, and related site and design considerations that will best achieve the goals for the area as articulated in the Ferrisburgh Town Plan and Land Use Regulations.

Section 8.2 Modification of District Standards

To achieve the objectives set forth in this section the PC may modify applicable area and dimensional requirements in the Land Use Regulations simultaneously with approval of a subdivision plat. PUDs as authorized may deviate from the requirements of these regulations that are otherwise applicable to the area in which it is located with respect to lot size, size or type of building, uses, density, intensity, lot coverage, parking, required common space, or other standards.

Section 8.3 Applicability

PUD provisions may be applied, at the request of the applicant to any sized parcel.

Section 8.4 Application Procedures

- A. Application for a PUD shall be submitted following procedures under Subdivision Regulations for a major Subdivision, and shall be subject to Site Plan Review which may occur concurrently with Subdivision Review.
- B. Upon approval of the PUD all approved modifications of these regulations shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and sizes of lots and open spaces which shall be required, and these shall be in the Final Plan, and listed in the Planning Commission Decision.
- C. All other provisions of these regulations not specifically modified shall remain in force and be applicable to the project.

Section 8.5 Application Requirements

In addition to the material requested in the Subdivision Regulations, applications for a PUD shall include the following:

1. A statement from the applicant setting forth all the proposed modifications or changes of existing regulations, standards, criteria, and all development which may vary the density or intensity of land use otherwise applicable under the provisions of these Land Use Regulations.
2. A map showing Prime and Statewide Soils on the PUD.
3. The amount, location and proposed use of open space, and proposed agreements that will ensure the perpetual nature of any open space, or common land, or conserved land through the PUD.
4. Where there are multiple owners or multiple properties involved in developing the PUD the application shall be consolidated into one application, with approval of all owners, and treated as a single application binding all owners and properties.
5. The applicant may request, or the PC may require, that the PUD be developed in reasonable phases in accordance with the Town Plan

6. Any other supporting information that the PC deems necessary to determine whether the proposed PUD meets applicable standards.

Section 8.6 PUD involving Two or more parcels.

Two or more parcels, whether contiguous or not, may be combined in to a single application for a PUD.

Section 8.7 Conformance with Town Plan.

At the time of PUD approval the PC shall include in its decision a finding that the PUD conforms to the Ferrisburgh Town Plan, as well as a clear statement of all approved modifications of development standards.

Section 8.8 Combined Review

Applications for a PUD shall be reviewed under major subdivision review. The application may require both conditional use review and site plan review. If conditional use review is required the PC and ZBA may hold joint hearings.

Section 8.9 Conservation of Open, Common, or Public Land

The PUD applicant shall make provisions for protection in perpetuity of open space or public access, or common facility. This may be through a designated organization or trust, or through offsite mitigation or conservation easement or other mechanism. The applicant should review the Town's Open Space Agreement Policy.

1. The Minutes of the Planning Commission Hearing must include Findings which clearly state the location, size, purpose of the Open Space Agreement or Easement, and access;
2. The PC must issue a written Decision which includes all Findings, conditions and documents required;
3. There is a separate Open Space Agreement (OSA) approved by the Selectboard, and filed in Town Records;
4. The OSA shall include conservation of natural resources and benefit the environment and community;
5. The Final Plat includes a reference to the Agreement and Decision;
6. If applicable, the Home Owners Association will have a recorded Declaration of Covenants and Restrictions;
7. Property Deeds associated with the PUD will include reference to the Agreement.

Section 8.10 Phasing Development

The applicant may propose to phase development of the PUD, and the PC may require phasing.

Section 8.11 Approval of PUD.

- A. Upon approval of the PUD all approved modifications of these regulations shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and sizes of lots and open spaces which shall be required, and these shall be in the Final Plan, and listed in the Planning Commission Decision.
- B. All other provisions of these regulations not specifically modified shall remain in force and be applicable to the project.

Section 8.12 Amendment to approved PUD

Any change to an approved PUD shall require amendment to the prior approval in accordance with Subdivision Regulations.

Section 8.13 Performance Bond

The PC may impose a performance bond on the applicant in order to assure compliance with all conditions and modified standards.

ARTICLE 9 SUBDIVISION**Section 9.1 Application**

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, the subdivider shall apply in writing to the PC for and secure final approval of the proposed subdivision.

Section 9.2 Classification of Subdivisions

Subdivisions shall be classified by the Planning Commission as part of Sketch Plan Review, in accordance with the following:

- A. Minor Subdivision** (2 – 4 lots). Requires Sketch Plan Review, followed by one Warned Public Hearing and Final Plan approval. May require Site Plan Review.
- B. Major Subdivision** (5 or more lots, and PUDs). Requires Sketch Plan Review, followed by 2 Warned Public Hearings, Preliminary and Final, with Final Plan approval. Preliminary Plan approval also requires Site Plan Review.
- C. Boundary Adjustment.** This includes any realignment of a boundary line between existing adjacent Lots. Requires Sketch Plan Review and one Warned Public Hearing and Final Plan approval.
- D. Subdivision Amendment.** This includes changes to an approved subdivision, including, but not limited to lot lines, easements, development envelopes, or conditions of prior subdivision. Re-subdivision may be considered an amendment if no new lots are added. Requires Sketch Plan Review, followed by one Warned Public Hearing and Final Plan approval.

Section 9.3 Sketch Plan Review - Submission of Sketch Plan

- A. Application Requirements:** For the purposes of classification, and a preliminary discussion of compliance with these regulations, an applicant, prior to submitting an application for subdivision approval, shall submit to the ZA at least 28 days prior to the regular meeting of the PC, a Sketch Plan. At minimum the following information shall be submitted to the Planning Commission:
 - 1) Name and address of owner(s) and applicant;
 - 2) Copy of tax parcel map showing surrounding parcels, available from the ZA;
 - 3) An orthophoto map of the parcel available from the ZA;
 - 4) A brief Narrative describing the proposed subdivision, including any phasing schedule for any associated development;
 - 5) A request, in writing, for any waivers or other potential review standards;
 - 6) A conceptual plan of the proposed subdivision, amendment of subdivision, boundary adjustment, or PUD. This shall, at minimum, include the following:
 - a) Plan with date, and north arrow, showing lot layout, easements, development envelopes and areas proposed for open space designation;
 - b) All surface waters, streams, and wetlands.
 - c) Very Steep slopes (25% grade) and steep slopes (20 % grade).

- d) Wildlife Habitat, Flood Hazard areas and Riparian Buffers.
- e) A map of the Subdivision showing Prime and Statewide soils.
- f) Indicate on Sketch Plan Access roads to all lots.
- g) Other applicable items listed on the Application form for Sketch Plan Review.

B. Notice: Notice of the Sketch Plan Review shall be provided to all adjoining landowners.

C. The subdivider, or their duly authorized representative, shall attend the meeting of the PC to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects as well as the availability of existing services and other pertinent information.

D. Conformance with Regulations: The PC shall study the Sketch Plan and make a determination whether or not it conforms to, or would be in conflict with any of the following: the Town Plan; the Land Use Regulations; development proposed by any public agency; existing private and public development, facilities and services; and for any special problems that may be encountered. The Commission shall determine whether the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations for changes.

E. Classification of Subdivision: Prior to conclusion of Site Plan Review the PC shall classify the Subdivision as described in Section 11.2 above.

F. Site Plan Review. Prior to conclusion of the Sketch Plan Review the Planning Commission shall make a determination whether or not the Applicant is required to complete Site Plan Review.

G. Site Visit: Prior to conclusion of the Planning Commission Hearing on the Sketch Plan Review, the PC and applicant will determine when and if a site visit should take place, and set a date and time for a site Visit. A Site Visit may be delayed until after the initial Hearing on the Preliminary Plan, when there is a clear understanding of locations of buildings, etc.

Section 9.4 Boundary Adjustments -Procedures and Requirements.

A. A Boundary Adjustment requires one Warned Public Hearing following Sketch Plan Review.

B. The application shall be submitted at least 28 days prior to the regular meeting of the Planning Commission.

C. A Complete Application shall include:

1. The Minutes and any written Decision from the Sketch Plan Review Hearing.
2. All relevant documentation as discussed at the Sketch Plan Review.
3. A Plat showing:
 - a). The Lots affected by the adjustment with location and length of all lot lines.
 - b). Names of owners of lots affected and adjacent parcel owners.
 - c). Location of existing and proposed boundaries.
 - d). Location of any existing or proposed buildings, wells, springs, septic systems on any affected parcel.
 - e). All Easements, Rights of Way, Covenants or deed restrictions.

Section 9.5 Procedures for Minor Subdivisions

A. A Minor Subdivision requires one Warned Public Warned Hearing after Sketch Plan Review.

B. The Planning Commission may require where necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

C. Classification of Subdivision: Prior to conclusion of Site Plan Review the PC shall classify the Subdivision as described in Section 11.2 above.

D. Within six months of classification by the PC of the Sketch Plan as a Minor Subdivision, the subdivider shall submit an application for approval of a Final Subdivision plan according to the

procedures and requirements of these Land Use Regulations.

The Application shall include all relevant documentation from Sketch Plan Review Hearing, and all information listed on the most recent Checklist for Final Subdivision.

Section 9.6 Procedure for Major Subdivisions

A. A Major Subdivision, including a PUD, requires two Warned Public Hearings after Sketch Plan Review: a Preliminary Plan Review and a Final Plan Review.

B. A Major Subdivision, including PUD, requires Site Plan Review which takes place as part of Preliminary Plan Review.

C. **Classification of Subdivision:** Prior to conclusion of Site Plan Review the PC shall classify the Subdivision as described in Section 11.2 above.

D. Within six months after classification of the Sketch Plan as a Major Subdivision by the PC, the subdivider shall submit an application for approval of a Preliminary Plan according to the procedure and requirements of these Land Use Regulations

The Application shall include all relevant information from the Sketch Plan Review Hearing, and include all the relevant information listed on the most recent Checklist for Final Subdivision.

Section 9.7 Submission Requirements for Preliminary Plan

A. The Preliminary Subdivision Plan, submitted in both paper format and digitally, shall consist of one or more maps or drawings, plus written documents, and include all the information from Site Plan Review and the following:

1. Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points;
2. Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more;
3. Proposed lot lines with approximate dimensions and suggested locations of buildings;
4. Connection with existing and proposed water supply to the proposed subdivision;
5. Connection with existing Wastewater system or proposed alternative means or treatment and disposal;
6. If private wastewater disposal system is proposed, applicant will provide a letter from a certified site technician or engineer that preliminary soil testing has been done and capacity demonstrated.
7. Provisions and plan for collecting and discharging stormwater discharge;
8. Preliminary designs of any bridges or culverts which may be required;
9. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces;
10. The width and location of any existing and proposed streets or other public ways;
11. Typical cross sections of the proposed grading and roadways and of sidewalks;
12. The location of temporary markers adequate to enable the Commission to readily locate the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown;
13. All parcels of land proposed to be Open Space, or dedicated to public use, and the proposed mechanisms for such uses;
14. The location of tree line and all natural features or site elements to be preserved.
15. All items identified during the Sketch Plan Review by the Planning Commission as being required.
16. All relevant items listed in Article VIII on Site Plan Review.
17. All applicable documentation on the most recent Checklist for Preliminary Plan.

Section 9.8 Review and Approval of Preliminary Plan

- A. Application: The subdivider shall file an application for consideration of a Preliminary Plan on the proposed subdivision using the approved application form, and attach all relevant documentation as described in Section 11.6 above.
- B. Official Submission Date: The time of submission of the Preliminary Plan shall be the next regular monthly meeting of the PC following the receipt of the application.
- C. The subdivider, or their duly authorized representative, shall attend the meeting of the PC to discuss the Preliminary Plan.
- D. Preliminary Plan. The PC shall study the practicability of the Preliminary Plan. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, the natural resources features, lot sizes and arrangement, fire safety, the future development of adjoining lands as yet un-subdivided, and the requirements of the Town Plan, Land Use Regulations.
- E. Preliminary Approval of Preliminary Plan: Within forty-five (45) days after formal submission of a Preliminary Plat, the PC shall take action to approve, with or without modifications, or disapprove such Preliminary Plat. The grounds of any modification required or the grounds for disapproval shall be clearly stated in the findings of fact and conclusions of the PC. Failure of the PC to act within such forty-five (45) day period shall constitute a preliminary approval of the Preliminary Plat. Prior to preliminary approval the PC may hold a preliminary hearing after public notice according to the Act.
- F. When granting preliminary approval to a Preliminary Plan, the PC shall state the conditions of such approval, if any, with respect to :
 - 1. the specific changes which it will require in the Preliminary Plan;
 - 2. the character and extent of the required improvements for which waivers may have been requested;
 - 3. the amount of improvements or the amount of all bonds therefore which it will require a prerequisite to the approval of the Subdivision Plat. The action of the PC and any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the PC and one forwarded to the legislative body.
- G. Preliminary approval of a Preliminary Plan shall not constitute approval of the Subdivision Plan. Prior to approval of the final Subdivision Plan, the PC may require additional changes or conditions of approval as a result of further study.

Section 9.9 Review and Approval of Final Plan for Major and Minor Subdivisions, Boundary Adjustments and PUDs.

- A. Application: The subdivider shall file an application for consideration of a Final Plan of the proposed subdivision or PUD, using the approved application form available from ZA, and including the Checklist of required information. If the final application is not submitted within six (6) months after the preliminary approval of the Preliminary Plan for Major Subdivision, including PUDs, the PC may refuse, without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. If the final application for a Minor Subdivision or Boundary Adjustment, or Subdivision Amendment is not submitted within six months of classification by the PC of the Sketch Plan as a Minor subdivision, the PC may refuse without prejudice to act on the Final Plan and require resubmission of the Sketch Plan.
- B. One copy of the Final Plan, a copy of the application, drafts of any easements, covenants and agreements, shall be submitted at least 28 days prior to a regular monthly meeting of the PC.
- C. Public Hearing: A public hearing upon public notice according to the Act shall be held by the PC within thirty (30) days after the official submission of the Final Plan for approval. In addition, notice of such hearing shall be forwarded to the clerk of an adjacent municipality in the case of a proposed

development located within 500 feet of a municipal boundary at least 15 days prior to the hearing.

D. Final Plan Decision: Within forty-five (45) days of the adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the final subdivision plan based on a determination of whether the plan and associated plat conform to the Land Use Regulations and the Town Plan. Failure of the PC to act within such forty-five (45) days shall be deemed approval. Within the 45day period a written Decision of approval, approval with conditions, or disapproval shall be sent to the applicant and other interested parties who participated in the public hearing. The Decision shall indicate that the appeal period of 30 days begins as of the date of the written Decision. The Decision shall be recorded in the Ferrisburgh Land Records.

E. Performance Bond:

1. All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the PC. The PC may require that all such improvements be completed prior to the issuance of a zoning permit or certificate of occupancy for subsequent development on approved lots. A performance bond or comparable surety for completion of public improvements acceptable to the Selectboard may be required to ensure that all improvements that are to be taken over by the Town are completed to specification.
2. In accordance with the Act, for any subdivision which requires the construction of roads or other public improvements, the PC may require that the applicant post a performance bond or comparable surety to cover the cost and to ensure completion of specified improvements, and their maintenance for two years following completion, in accordance with the conditions of approval. Such bond or surety must be approved by the Selectboard prior to final plan approval. The term of the bond or surety may be fixed by the Selectboard.

Section 9.10 Filing of Approved Subdivision Plat, and Recording

- A. Approval of subdivision plans not filed within 180 days shall expire, unless the applicant requests and receives a 90 day extension from the Zoning Administrator based on a determination that necessary final municipal, state or federal permits are pending but have not been issued. Approved plats not filed and recorded as provided herein shall expire.
- B. Prior to recording the Final Plat, the plat must be reviewed and signed by the current Chair or Vice Chair of the Planning Commission, and given to the Town Clerk for recording.
- C. Filing of Phases/Sections of Subdivisions: At the time the PC grants final Plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the PC deems necessary in order to ensure the orderly development of the Plat.

Section 9.11 Revisions to an approved Plan

No changes, erasures, modifications, or revisions that alter the plan or conditions attached to an approved plan shall be made to any Subdivision Plan after approval has been given by the Commission and endorsed in writing on the Plat, unless the said Plan is first resubmitted to the Planning Commission and the Planning Commission approves any modifications. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Section 9.12 Public Acceptance of Streets, Recreation Areas

Approval of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such Subdivision Plat.

The Commission may require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such improvements.

Section 9.13 Final Plat

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on mylar, clearly and legibly drawn, and the size of the sheets shall be either 18 X 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies, and a designated space for signature of the Chair of the Planning Commission. The Final Subdivision Plat shall show:

- A. Proposed subdivision name or identifying title, the name of the Municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its location in relation to existing streets or other landmarks and scale, date and true north point.
- B. Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- C. Sufficient data acceptable to the Commission to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground.
- D. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- E. By proper designation on such Plat, all public open space for which easements, covenants or agreements have been proposed by the subdivider and those spaces title to which is reserved by subdivider.
- F. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- G. Permanent reference monuments shown thus "X".
- H. All lot corner markers shown thus: "O". They shall be of metal of at least three-quarters (3/4) inch in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
- I. Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by Municipal specifications of new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points in street lines, points of curve and such intermediate points as shall be required by the engineer.
- J. There shall be submitted to the Commission with the Final Subdivision Plat:
 1. Written offers of easements, covenants or agreements to the Municipality of all streets, public open spaces, and other areas to be dedicated to the public shown on the Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the subdivider, are to be maintained.
 2. Written evidence that the legislative body is satisfied with the legal sufficiency of the documents referred to in Paragraph 1, above. Such written evidence shall not constitute an acceptance by the Municipality of any streets, public open spaces, sewer and water connections to municipal facilities, and other areas to be dedicated to the public referred to in Paragraph (1), above.
 3. A certificate of the Municipal Engineer or Consulting Engineer registered in the State of Vermont, as to the completion of all improvements required by the PC to the satisfaction of the Engineer.

Section 9.14: Planning Standards

A. Character of the Land: All land to be subdivided shall be, in the judgement of the PC, of such a

character that it can be used for building purposes without danger to public health or safety, or to the environment. For example, land subject to periodic flooding, has poor drainage, or has other hazardous conditions, shall not ordinarily be approved for subdivision.

- B. Energy Conservation: In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits. All subdivisions shall be designed so as to take advantage of southeast, south and southwest orientations where possible and so that the maximum number of buildings shall receive sunlight sufficient for using solar energy systems for space and water heating. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain.
- C. Reserved Strips: No privately owned reserved strip, except on open space areas shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.
- D. Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, and other natural resources, and historic resources.

Section 9.15: Streets

- A. Topography: Streets shall be related to the topography so as to produce reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.
- B. All new streets shall comply with the Town Highway Specifications (or standards)
- C. Street Names: Streets shall be identified by name on the preliminary plat. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.
- D. The PC 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.
- E. Curbs and Sidewalks: Curbs and sidewalks may be required in zoning districts where deemed necessary by the PC.

Section 9.16: Pedestrian Travel and Access

Where necessary, in the judgement of the PC, rights-of-way for pedestrian travel and access, including sidewalks and footpaths, may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property and connect the subdivision to adjacent areas.

Section 9.17: Utilities

- A. Easements: The Commission may require that underground utilities be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.
- B. Extension of Utilities: All subdivisions shall make adequate provisions for water supply, stormwater discharge and sanitary sewage disposal, and required utilities and improvements.
- C. Water Supply Improvements: There are several private water lines in Ferrisburgh, with each landowner paying a regular fee for water purchased from the Vergennes Panton Water District (VPWD), and therefore the subdivider shall provide written evidence of the location and availability of potable water in adequate quantities to meet proposed development requirements.
- F. All wastewater systems in Ferrisburgh are private. Wastewater systems shall meet all applicable state statutes and regulations.

- G. Electric, Telephone, Cable T.V.: The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible, and when technology and terrain make it economically feasible, distribution systems should be built underground.
- H. Fire Protection Facilities: Adequate water storage facilities for fire protection, and adequate water pressure within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief. Where practicable fire hydrants shall be installed by the subdivider.

Section 9.18 Drainage Improvements and Stormwater Discharge. An adequate surface storm water drainage system for the entire subdivision area shall be provided. The subdivider may be required by the PC to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the PC shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way, there shall be provided a drainage easement of such width to encompass the 25-year flood area of such water course, such easement shall be indicated on the Final Plat.

Where applicable the applicant shall obtain a state Stormwater Discharge permit from the department of Environmental Conservation (DEC).

Section 9.19 Site Preservation and Improvements

- A. Natural Cover: Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the PC, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for the particular subdivision or to meet any requirements of these regulations.
- B. Shade Trees: The PC may require that suitable hardwood shade trees be planted in the Subdivision and along streets where trees do not exist. All trees shall measure at least 10 feet in height and at least two inches in diameter measured as a point six inches above finished grade level. All trees are to be planted within 5-8 feet from the street line.
- C. Erosion and Sediment Control: The smallest practical area of land should be exposed at any onetime during development. Land should not be left exposed during the winter months. Where necessary temporary vegetation and/or mulching and structural measures may be required by the PC to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.
- D. Excavation and Grading: The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of topsoil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The PC may require the developer to submit evidence of boring and/or other solid investigations to determine the depth of composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6)

inches in depth. They shall be thoroughly compacted. The PC may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

Section 9.20 Conservation of Open Space.

The Subdivision applicant may make provisions for protection in perpetuity of open space or public access. This may be through a designated organization or trust, or through offsite mitigation or conservation easement or other mechanism. PUDs require conservation of open space. The applicant should review the Ferrisburgh Open Space Agreement Policy. This policy includes:

1. The Minutes of the Planning Commission Hearing must include Findings which clearly state the location, size, purpose of the Open Space Agreement or Easement, and access; and
2. The PC must issue a written Decision which includes all Findings, conditions and documents required; and
3. There is a separate Open Space Agreement (OSA) approved by the Selectboard, and filed in Town Records; and
4. The OSA must include conservation of natural resources and benefit the environment and community; and
5. The Final Plat includes a reference to the Agreement and Decision; and
6. If applicable, the Home Owners Association will have a recorded Declaration of Covenants and Restrictions; and
7. Property Deeds associated with the PUD will include reference to the Agreement.

Section 9.21 Subdivision Organizations and Restrictions

When a development involves common ownership or community facilities, or other commonly held property, an organization to operate, maintain and monitor these facilities may be required by the PC. Documents shall be submitted by the subdivider describing this organization.

Section 9.22 Subdivision Amendment – Procedures and Requirements

An amendment to a subdivision requires Sketch Plan Review, followed by one warned Public Hearing. It will be determined at Sketch Plan Review if Site Plan Review is required.

The application shall include a Narrative clearly describing the amendment requested.

A Complete Application shall include all relevant documentation, and a Map, based on the Tax parcel map, showing:

1. The Lots affected by the adjustment or amendment with location and length of all lot lines.
2. Names of owners of lots affected and adjacent parcel owners.
3. Location of existing and proposed boundaries.
4. Location of any existing or proposed buildings, wells, springs, septic systems on any affected parcel.
5. All Easements, Open Space Agreements, Rights of Way, Covenants, or deed restrictions in place or proposed.

6. Description of any proposed amendments to any wastewater system, potable water, access or other restrictions on the original Subdivision
7. Copy of the Decision or Minutes approving the original Subdivision
8. List of all Conditions to which the original Subdivision is subject.

ARTICLE 10 PERMITS AND APPROVALS

Section 10.1 Permits and Approvals - General

A. Except as specifically exempt under these regulations, or in the Act, or in State Regulations, no land development or subdivision of land shall commence in Ferrisburgh until all applicable town permits and approvals have been issued.

Section 10.2 State Limitations/Exemptions

A. General: Pursuant to 24 V.S.A. §4413, the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic noise, lighting, landscaping and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use:

1. State or community owned and operated institutions and facilities;
2. Public and private schools and other educational institutions certified by the state;
3. Churches and other places of worship, convents and parish houses;
4. Public and private hospitals;
5. Regional solid waste management facilities certified by the state; and,
6. Hazardous waste management facilities certified by the state.

B. General: Pursuant to 24 V.S.A. §4413, these regulations do not apply to

- 1) Required Agricultural Practices, including the construction of farm structures as defined by the Secretary of Agriculture, Food and Markets; or
- 2) accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (24 VSA 4413 (d)(1) (B)); or
- 3) forestry operations as defined in 10 VSA 2602.

C. Notification to Town:

- 1) A person shall notify the Zoning Administrator of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.
- 2) No Municipal Permit shall be required for a farm structure. but notification must contain a sketch of the proposed structure including the plan dimensions of the building footprint, the building height and the set-back distances from adjoining property lines, road rights of Way and adjacent surface water.
- 3) The notification shall be recorded in the town's land records.

D. Local setbacks shall be observed unless the Secretary has approved the farmer's written request for other reasonable setbacks for the specific farm structure being constructed or maintained.

E. Hunting: Pursuant to 24 V.S.A. §4413(e), these regulations shall not restrict hunting, fishing and trapping.

F. Public Utility: Pursuant to 24 V.S.A. §4413(b), public utility facilities, including transmission as regulated under 30 V.S.A. §248, are exempt from permitting except as specified in 24 V.S.A. §4413(a).

Section 10.3 Town Exemptions.

A. Permit Exemptions: The following enumerated activities shall not constitute land development for the purposes of requiring land owner(s) to obtain a permit under these Bylaws:

1. Certain Fences: See Section 5.14 and interfere with corner visibility at a highway intersection or corner. (See also Section 6.14).
2. A residential terrace, patio, steps, handicapped ramp or uncovered deck up to 200 square feet.
3. A shed, dog house, child's play house or tree house or similar structure with a floor area of not more than 100 160 square feet and a height of not more than 10- 12 feet, may be located within any yard. Only two such structures per property shall be deemed exempt.

~~4. A pond up to a maximum size of 50 feet in diameter provided the pond does not affect drainage on other properties. (Delete)~~

4. Small above ground swimming pool, up to 6 foot high and 24 feet wide.
5. Routine repair and maintenance of a structure, interior and exterior which does not result in any change to the footprint or height of a building, or change the use of the structure. For example: new siding, new roofing, door or window replacement and other similar work.
6. Temporary or Seasonal Roadside Agricultural Stand.
7. Except to the extent that bylaws protect historic landmarks and structures listed on the State or National Register of Historic Places, no permit shall be required for placement of an antenna, or dish used to transmit or receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna or any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.
8. See also Exempt Signs at Section 5.40(B).

B. Setback Exemptions. The following enumerated structures shall be exempt from setback requirements:

1. Boat Launches, Docks, Boat Hoists, Steps and any necessary structure to allow access to Lake Champlain.
2. Fences (See also 5.14).
3. Signs (See also 5.40).

Section 10.4 Zoning Permits and Approvals

A. No permit may be issued by the ZA except in conformance with these regulations and the provisions of the Act, including the following:

1. Any development that requires the approval of an authorized municipal panel (AMP) until such approval has been obtained.
2. Any development on a lot for which subdivision approval is required until such approval has been obtained and the plat has been properly recorded.

B. The ZA shall not issue a permit or take action to submit it to the ZBA or PC until the application is deemed complete. In order for an application to be deemed complete, the applicant shall submit a completed application, all fees, site plans, plat plans, and required supplementary information including a narrative describing the proposed development.

C. The ZA will deliver a copy of the permit to the Listers and will post a copy of the permit at the Town Office within three days after issuing a permit. Notice of the permit must be posted for a period of 15 days from that date of issuance for building permits or 30 days for all other permits and approvals.

D. The notice of permit must be posted on the property within view of the nearest public right-of-way for a period of 15 days from the date of issuance for building permit and 30 days for all other

- permits or approvals.** The ZA will provide the applicant with a form for posting as prescribed by the town. The applicant is responsible for posting the notice and ensuring that it remains posted throughout the appeal period.
- E. All activities authorized by the issuance of a **building** permit shall be completed within two years of the date of approval or the permit shall expire and the applicant shall need to re-apply before commencing activity with the following exception:
1. Upon request of the applicant the ZA may renew a permit for a single, one-year period if the request is made while the permit is still valid and the circumstances under which the original permit was issued have not materially changed.
- F. The ZA may declare a permit invalid upon finding that the application contained any misrepresentation or material inaccuracies.
- G. Within 30 days after submission of a complete application for a permit, the ZA shall:
1. Approve the permit with appropriate conditions; OR
 2. Deny the permit, stating the reasons therefore in writing and immediately mailing notice of such denial to the applicant at the address indicated on the application, OR
 3. Determine that the application requires action by the PC or ZBA, in which case the ZA shall evaluate the application for completeness and either return it to the applicant for more information or deem it complete and work with the applicant to schedule a hearing before the AMP.
- H. Failure by the ZA to take action on a permit application within 30 days of receiving an application that is deemed complete may result in the permit being deemed approved.
- I. Effect of Issuance of Zoning Permit
1. No permit issued pursuant to this section shall take effect until the time for appeal has passed (24 V.S.A.§4465.
 2. In the event that a notice of appeal is properly filed, no permit shall take effect until adjudication of that appeal by the AMP is complete and the time for appeal to the Environmental Division has passed without an appeal being filed.

Section 10.5 Application for Permit

- A. A person desiring to undertake any development requiring a permit or approval shall complete an application for a permit and submit the application to the ZA.
- B. The initial application shall include, at minimum, all of the following:
1. Permit fee.
 2. Name of the applicant, name of the owner, the location of the tax parcel to be developed or improved, parcel identification number, book and page number of the deed and a written narrative description of the proposed development, improvements and uses.
 3. A statement as to whether or not Act 250 applies or may apply to the proposed development.
 4. A general site plan identifying the location of the parcel and the location of the development proposed in relationship to zoning boundaries, all lot lines, showing set back requirements, other structures on the parcel, driveways, parking areas, and utilities.
 5. The general site plan shall also show location of all streams and ponds on the parcel, and indicate if there may be Wetlands or if the parcel lies in a mapped Flood Hazard Area or Riparian buffer.
 6. Any sheet of the site plan shall not be 24 inches by 36 inches, drawn to scale, showing north.
 7. Dimensions of any structure, including height.
 8. An access permit signed by the Selectboard, or its designated agent, regarding access and curb cuts, driveways and culverts and if required drainage along town roads or a written statement that a curb cut or access permit shall not be required for development.
 9. Identify other town, state or federal permits which may be required before construction of any proposed structure, or change of use, including but not limited to wastewater treatment and

potable water permits, wetlands permits, and stormwater permits.

10. Any other document which the Applicant considers may be relevant to consideration of the Application.
11. The ZA shall receive all applications for development review and appeals, except for appeals of a decision or act of the ZA, and review them for completeness.
12. The ZA shall make a written determination as to whether the application appears to be complete.
13. An obviously incomplete application shall be returned to the applicant with a request for further information.
14. The ZA shall not schedule a public hearing on an application until the ZA has determined that the application is complete.
15. If the ZA determines the application is complete the ZA will either grant the permitted use; OR help the applicant submit the application to the appropriate AMP for approval.
16. If the ZA determines that the application must be reviewed by the AMP the applicant shall submit to the ZA at least 28 days prior to the regular meeting of the AMP an application with all those materials required by the provisions of these regulations and any application forms approved by the AMP for the type of action requested.

Section 10.6 Certificate of Compliance

Upon request or as specified in these regulations, the ZA may issue a Certificate of Compliance stating whether a parcel of land has any outstanding violations or permits. The ZA shall review all pertinent records on file in the Town Office and shall visit the property in question before issuing a Certificate of Compliance.

Section 10.7 Certificate of Occupancy

No newly constructed residence shall be occupied without a Certificate of Occupancy (CO) issued by the ZA. Substantial alterations or additions to residential structures or uses which require a municipal permit, may require a CO.

Section 10.8 Variances

A variance may be requested by an applicant who has been denied a permit by the ZA, and the applicant is proposing a project that would require deviating from the provisions of these regulations.

An applicant may not request a variance for a project which is primarily a renewable energy resource structure.

The ZBA may grant such variance after public hearing, only if all of the following facts are found affirmatively and these findings are specified in its decision (see 24 VSA 4469).

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulations in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

Section 10.9 Waivers

- A. **Applicability:** The PC or ZBA, after Public Hearing, may grant applicants waivers to reduce dimensional requirements as authorized by 24 V.S.A. §4414(8) and as specified in these regulations. Waivers shall not be granted to allow a use that is not permitted or conditional in the district in which the subject property is located. Waivers are intended to provide additional flexibility in the application of these regulations in addition to what is provided through the variance process as described in these regulations.
- B. **Application Procedure.** The steps to be taken to file and review a request for a waiver are the same as those for a variance, with the addition of the following:
1. The applicant's request for a waiver shall include a brief response to each of the criteria listed in Paragraph D, as applicable.
 2. The AMP shall make its decision on the request for a waiver by applying the facts presented in the application and at its hearing to the criteria listed below. All criteria shall be met for the AMP to grant a waiver. The AMP shall respond to each condition in its written findings of fact.
 3. The applicant shall submit to the ZA at least 28 days prior to the regular meeting of the AMP one original and three copies of all submissions.
- C. **Conditions for Waiver.** In granting a waiver, the AMP may impose conditions on the waiver. The nature of any waiver and any condition attached to it shall be entered on the face of the zoning permit or subdivision approval, incorporated therein and shall be enforceable in the same manner as any other applicable requirements of these regulations.
- D. **Criteria for Waiver of Dimensional Standards.** The AMP may grant waivers to alter dimensional requirements if the applicant can satisfy all of the following standards:
1. The waiver is for a use allowed within the district in question;
 2. The waiver requested is in conformance with the Ferrisburgh Town Plan and the goals set forth in 24 V.S.A. Chapter 117.
 3. The waiver requested is designed to conform to the character of the land use area in which the property is located as defined in the Ferrisburgh Town Plan and further designed to reasonably limit impact or the potential for impact upon neighbors.
 4. The waiver being requested is reasonable.

ARTICLE 11 ADMINISTRATION AND ENFORCEMENT

Section 11.1 Zoning Administrator

- A. Zoning Administrator (ZA) shall be nominated, for a term of three years, by the Planning Commission with the approval of the Selectboard, as provided for in Section 4448 of the Act.
- B. The ZA shall administer the Land Use Regulations literally, and shall not have the power to permit any land development which is not in conformance with these regulations.
- C. The ZA is subject to any personnel policies legally adopted by the town. After consultation with the the Selectboard may remove the ZA at any time for cause.
- D. The ZA shall enforce the provisions of these regulations and in doing so shall inspect developments, maintain records and perform all the following duties:
1. **Issue Permits:** Issue permits for developments that conform to these regulations, and certificates of occupancy for developments that conform to their permit, and other duties associated with the issuance of permits as described in 24 V.S.A. §4449.
 2. **Assist Applicants:** Provide necessary forms, answer questions about the application review process,

direct applicants to other permits such as state or federal permits, wastewater permits, wetlands determinations, access permits, which may be needed for their proposed development.

3. Make Inspections: Inspect structures or land in order to carry out enforcement of these regulations.
 4. Notify state agencies of development in the municipality according to 24 V.S.A. §4424 relating to flood hazards.
 5. Maintain records of all applications for permits and Certificates of Occupancy issued or refused with notations thereon of all special conditions involved.
 6. File copies of all plans submitted to the ZA and keep records of all actions taken pursuant to these regulations.
 7. Forward completed applications to the appropriate municipal panel (AMP) as necessary and required.
 8. Post and mail notices of public hearing and decisions for all permits as detailed in these regulations.
 9. Initiate enforcement actions under these regulations.
 10. Other Duties: Carry out other duties as apparent or as assigned by the PC.
- E. The ZA will provide applicants with all town forms required to obtain permits or approvals under these regulations and assist applicants in navigating the town's regulatory process. The ZA will inform applicants applying for town permits or approvals to contact the state's regional permit specialist in order to assure timely action on any related state permits. However, it remains the applicant's responsibility to identify, apply for and obtain the necessary state permits.
- F. Because decisions and actions of the ZA are appealed to the ZBA, the ZA shall not serve as clerk, take Minutes or draft Decisions for the ZBA.
- G. The PC may nominate and the Selectboard may appoint an acting ZA who shall have the same duties and responsibilities as the ZA in the ZA's absence or when the ZA has a conflict of interest.

Section 11.2 Appropriate Municipal Panels

- A. Appropriate municipal panels (AMP) in Ferrisburgh are the Planning Commission (PC) and the Zoning Board of Adjustment (ZBA). The AMP shall be responsible for conducting quasi-judicial reviews of specific types of applications as specified in these regulations. The AMP shall adopt rules of procedure and ethics, and follow public notice requirements, requirements regarding decisions, appeals and all other administrative matters as set forth in the Act and in these regulations (24 V.S.A. 4460).
- B. Advisory Committees and Commissions. AMPs may call upon advisory committees or commissions, such as the Ferrisburgh Conservation Commission, to provide advice on applications and other assistance with their duties as provided in 24 V.S.A. §4464(d).
- C. Independent Consultant. Upon submission of an application, an AMP may determine it needs the assistance of an independent consultant or consultants to evaluate the application. Upon making such a determination, the AMP may hire independent consultants, the reasonable costs of whose services shall be paid for by the applicant. Upon such determination, the applicant shall place in escrow sufficient funds to cover such costs as estimated by said consultant(s). All such consultants shall be qualified professionals with an appropriate combination of training, record of service and or certification in the related field.
- D. Concurrent Review. If more than one review is required for a project, the reviews shall be conducted concurrently by the AMPs to the extent feasible. The following shall apply:
1. Notice for a concurrent review hearing shall be made in accordance with these regulations. The hearing notice shall include a statement that the hearing will be concurrent review of the proposed project and list each review processes that will be conducted at the hearing.
 2. All hearing and decision requirements, and all deadlines applicable to each review process shall

apply. Separate written decisions may be issued for each review conducted as part of the concurrent review, but they should be coordinated where appropriate.

3. The ZA shall identify proposed projects appropriate for concurrent review and assist applicants in preparing and submitting coordinated applications to facilitate concurrent review.

Section 11.3 Planning Commission

- A. The Town of Ferrisburgh PC will have members appointed by the Selectboard for three-year terms. The Selectboard shall fill vacancies on the PC by appointment for the expired term. The Selectboard, upon written charges, may remove any member of the PC for just cause.
- B. Functions. The PC has a number of powers and duties, as established in 24 VSA 4325, including the following functions:
 1. Prepare and update the Town Plan every eight (8) years (24 VSA 4387).
 2. Prepare and amend these Land Use Regulations, and any bylaws, permitted under the Act.
 3. Resolve disputes regarding interpretation of district boundaries on the Official Zoning Map.
 4. Nominate a Zoning Administrator (ZA).
 5. Serves as the appropriate municipal panel to:
 - a). Hear and grant or deny approval for planned unit development applications.
 - b). Hear and grant or deny approval for subdivision applications.
 - c). Review requests for rights-of-way or other changes requested to plats of record.
 - d). Hear and grant or deny requests for boundary adjustments.
 - e). Hear and grant or deny requests for waivers associated with planned unit developments or subdivision applications.
 6. Undertake capacity studies.
 7. May submit recommendations to the Selectboard annually.
 8. Prepare the Capital Budget Plan.
 9. Perform other such functions as provided in 24 V.S.A. §4325 and as it deems necessary and appropriate to fulfill its duties and obligations.

Section 11.4 Zoning Board of Adjustment

- A. The Town of Ferrisburgh Zoning Board of Adjustment (ZBA) will consist of members to be appointed by the Selectboard for three-year terms. The Selectboard shall fill vacancies on the ZBA by appointment for the expired term. The Selectboard, upon written charges, may remove any member of the ZBA for just cause.
- B. Functions: The ZBA has the following functions:
 1. Hear and grant or deny appeals of the actions or decisions of the ZA.
 2. Hear and grant or deny requests for variances.
 3. Hear and grant or deny requests for waivers, except those associated with PUD or subdivision applications.
 4. Hear and approve Site Plan Review.
 5. Hear and grant or deny Conditional Use approvals.
 6. Any other form of land use regulation for which the ZBA is the appropriate municipal panel as authorized by these regulations as provided at 24 VSA 4460.

Section 11.5 Appeals of Zoning Administrator 's Actions or Decisions

Pursuant to Section 4465 of the Vermont Planning and Development Act, an interested person may appeal actions and decisions of the ZA to the ZBA, which shall conduct hearings on appeals.

- A. **Deadline to Appeal.** An appeal taken with respect to an act or decision of the ZA shall be filed within 15 days of such act or decision.

- B. Filing a Notice of Appeal.** The appellant shall file a notice of appeal with the Town Clerk. The following information shall be included as part of the submittal:
1. A copy of the original application and the written decision of the ZA;
 2. Name and address of the appellant;
 3. Name and address of the applicant, co-applicant or any person or party to the original application;
 4. Brief statement of the property from which the appeal is taken;
 5. A reference to the provisions of these regulations applicable to that appeal;
 6. The relief requested, such as a variance or waiver; and,
 7. The grounds as to why the relief requested is proper under the circumstances.
- C. Notification of Appeal.** If an interested person other than the applicant files the appeal, the ZA will inform the applicant that an appeal has been filed and advise the applicant that the project cannot commence until the appeal has been decided.
- D. Public Hearing and Notice.** The ZBA shall hold a public hearing on a notice of appeal within 60 days of its filing. The hearing must be warned and the zoning board shall mail a copy of the hearing notice to the appellant and the applicant, if different, not less than 15 days prior to the hearing.
- E. Rejecting an Appeal.** The ZBA may reject an appeal without a hearing and render a decision within 10 days of the filing of a notice of appeal, if the zoning board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on the same facts, by or on behalf of the appellant.
- F. Decision.** The zoning board must issue a written decision, with findings of fact, within 45 days after closing the hearing. The decision must be:
1. Sent by certified mail to the applicant and appellant;
 2. Mailed to all interested persons who participated in the hearing; and,
 3. Filed with the ZA and Town Clerk.

Section 11.6 Fees

The Selectboard shall, by resolution, establish a schedule of fees and related policies to cover all or a portion of the town's cost of administration and enforcement. The validity of any permit shall be contingent upon payment of such fees in accordance with the fee schedule and policy.

Upon submission of an application, the ZBA may determine that it needs the assistance of an independent consultant or consultants to evaluate the application. Upon making such a determination, it may hire independent consultants, the reasonable costs of whose services shall be paid for by the applicant. Upon such determination, the applicant shall place in escrow sufficient funds to cover such costs, as estimated by said independent consultant. These consultants shall be qualified professionals with an appropriate combination of training, record of service and/or certification in the related field.

Section 11.7 Enforcement and Penalties

Violations of these regulations shall be enforced in accordance with Section 4451 and Section 4452 of the Act, as may be amended from time to time.

ARTICLE 12 FLOOD HAZARD AND RIVER CORRIDOR REGULATIONS

I. Statutory Authorization and Effect

In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of Ferrisburgh, Vermont. Except as additionally described below, all administrative

procedures follow municipal procedures under 24 V.S.A. Chapter 117 and 44 CFR § 60.3(d), and as set forth in these Land Use Regulations.

II. Purpose

- A.** To implement the goals, policies, and recommendations in the municipal plan;
- B.** To protect health, safety and welfare of the public, minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards;
- C.** To support equitable wellbeing for the entire community;
- D.** To ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion;
- E.** To manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
- F.** To make the Town of Ferrisburgh, its citizens and businesses eligible for federal flood insurance, federal disaster recovery funds and hazard mitigation funds, as may be available.

III. Summary Table: Development Review in Hazard Areas

- P** – Permitted (Administrative Permit)
- C** – Conditional Use Review and Permit
- X** – Prohibited
- A** – Exempted
- S** – State Permit May Be Required

#	Activity	River Corridor	Flood Hazard Areas	Floodway
1	New Structures	C	C	X
2	Storage	C	C	X
3	Improvements to Existing Structures	P, C	P, C	C
4	Small Accessory Structures	P, C	P	X
5	At Grade Parking	P	P	C
6	Replacement water supply or septic systems	P, C	P	P, C
7	Fill or grading resulting in no net loss of flood storage	P, C	C	C

8	Fill or grading resulting in a loss of flood storage	P, C	X	X
9	Road maintenance	A	A	A
10	Road improvements	C	C	C
11	Bridges and culverts	S, A	S, A	S, C
12	Channel management	S, A	S, A	S, C
13	Recreational vehicles	P	P	P
14	Open space, recreation	A	A	A
15	Forestry and Agriculture	S, A	S, A	S, A

IV. River Corridor Protection

A. Purpose

River corridors provide rivers and stream channels with the space necessary to maintain or reestablish floodplain access and to reduce erosion hazards through natural physical processes. It is the intent of this bylaw to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.

A permit is required from the Zoning Administrator for all development that is located within the River Corridor except as provided in Section IV C.1. Where River Corridors and Flood Hazard Areas overlap, the Flood Hazard Area provisions shall also apply.

B. River Corridor Boundaries

1. This article applies to the River Corridors in the Town of Ferrisburgh, Vermont, as published by the Agency of Natural Resources (ANR), including refinements to that data which are hereby adopted by reference.
2. On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.
3. The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Zoning Administrator.
4. If the applicant disagrees with the determination made by the Zoning Administrator or with the river corridor as mapped, the applicant has the option to either:

- a. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,
- b. Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure (“Procedure”); or
- c. Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

C. Development Review in River Corridors

1. Exempted Activities

The following activities do not require a permit under this section of the bylaw:

- a. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Any changes to a structure that will not change the footprint of the structure;
- c. Maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;
- d. Functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a flood hazard area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder, including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants;
- e. Planting projects which do not include any construction or grading;
- f. Subdivision of land that does not involve or authorize development;
- g. Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including:
 - i. State-owned and operated institutions and facilities;
 - ii. Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
 - iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market’s Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the Zoning Administrator in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks;
 - iv. Public utilities regulated under 30 V.S.A. § 248;
 - v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

2. Prohibited Development in the River Corridor

- a. New structures, fill, and development that do not meet the standards in Section IV.D Development Standards;
- b. Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

3. Development Permitted by Zoning Administrator

The following development activities meeting the Development Standards in the River Corridor in Section IV. D1 or 2, may be permitted directly by the Zoning Administrator:

- a. A deck or patio that is attached to an existing structure, 200 square feet or less, and is located no less than 100 feet from the top of bank;

4. Conditional Use Review

Conditional use review and approval by the Zoning Board of Adjustment (ZBA) in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the Zoning Administrator for any activity in the River Corridor that is not exempt, prohibited, or a permitted use.

D. Development Standards within the River Corridor

These are the minimum standards for development in the River Corridor. Where more than one zoning district is involved, the most restrictive standard shall take precedence.

1. In-Fill: Development must be located no closer to the top of bank than the existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or

2. Down River Shadow: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Only primary structures existing before this bylaw may be considered for shadowing other development.

3. River Corridor Performance Standard

Proposals that do not meet the infill or shadowing criteria in section D. 1 or 2 must demonstrate, and

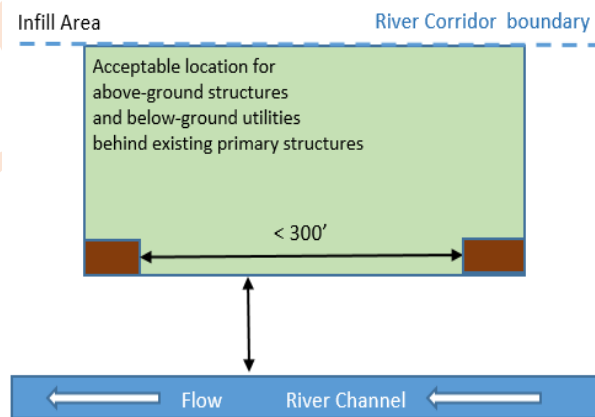


Figure 1: In-fill Development Standard

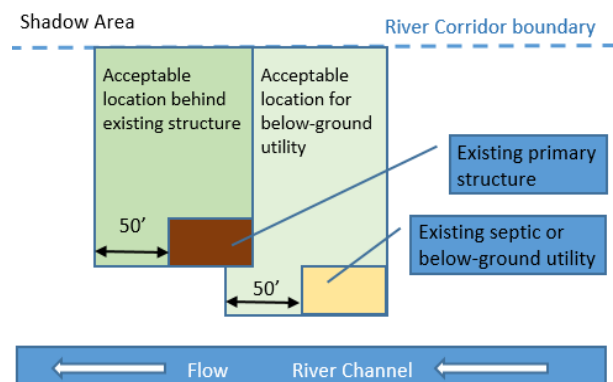


Figure 2: Shadow Area Development Standard

the ZBA must find, that the proposed development will:

- a. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; and,
- b. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and,
- c. not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

4. The ZBA may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

5. New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the channel adjusts toward the path.

V. Flood Hazard Area Protection

A. Purpose

To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

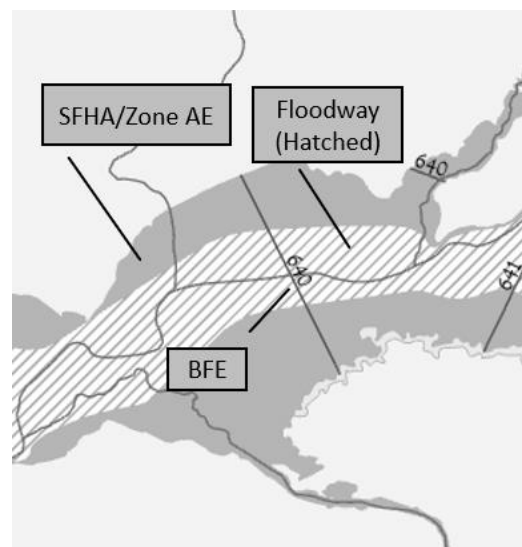
B. Lands to Which this Bylaw Applies

1. Flood Hazard Areas

This bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Ferrisburgh, Vermont, identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

2. Base Flood Elevations and Floodway Limits

- a. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.
- b. The floodway, as adopted by this community, shall consist of the channel of a river or other



Flood Elevation (BFE) at that location

watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

c. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

d. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

C. Jurisdictional Determination

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
2. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the Zoning Administrator.

D. Development Requirements in the Flood Hazard Areas

1. Permits

Except as provided in Section V D.2 Exempted Activities, a permit is required from the Zoning Administrator for all development that is located within the Special Flood Hazard Area. Development that requires conditional use approval or a variance from the ZBA under this bylaw must have such approvals prior to the issuance of a permit by the Zoning Administrator. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

2. Exempted Activities

The following activities do not require a permit under this section of this bylaw:

- a. The removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Routine maintenance of existing buildings;
- c. Interior improvements or repairs to existing buildings that cost less than 500 dollars;
- d. Maintenance of roads, bridges, or stormwater drainage;
- e. Streambank stabilization and abutment work that has coverage under a Stream Alteration Permit if required, and does not reduce the cross-sectional flow area of the river or stream channel;
- f. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c);
- g. Subdivision of land that does not involve or authorize development;

h. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):

- i. State-owned and operated institutions and facilities;
- ii. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
- iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the Zoning Administrator in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements;
- iv. Public utilities regulated under 30 V.S.A. § 248;
- v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

3. Administrative Review; Permitted Development

The following development activities in the Special Flood Hazard Area and meeting the Development Standards in Section V. E., may receive a permit from the Zoning Administrator without review by the ZBA:

a. Outside of the Floodway:

- i. Accessory structures not greater than 500 square feet;
- ii. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available;
- iii. Recreational vehicles or travel trailers;
- iv. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

b. Within the entire Special Flood Hazard Area:

- i. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of "substantial improvement" or "substantial damage";
- ii. Building utilities;
- iii. At or below grade development (e.g. parking areas);

- iv. Open fencing or posts;
- v. Municipal transportation infrastructure improvements designed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

4. Prohibited Development:

- a. New critical facilities;
- b. New residential or non-residential structures in the Floodway;
- c. Storage of materials or junk yards;

5. Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the ZBA is required prior to the issuance of a permit by the ZA for any activity in the Special Flood Hazard Area that is not exempt or prohibited.

E. Development Standards within the Flood Hazard Area

1. No net loss of flood storage capacity,
 - a. Except as needed to fill an existing basement or mitigate an existing structure;
2. All development below the DFE, except development that is exempt under Section V D2, shall be:
 - a. Reasonably safe from flooding;
 - b. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - c. Constructed with materials resistant to flood damage;
 - d. Constructed by methods and practices that minimize flood damage;
 - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - f. Adequately drained to reduce exposure to flood hazards;
3. Fuel storage tanks and vents must be elevated above the DFE and securely anchored;

Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.

4. In Zones AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported

by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer;

5. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:

- a. Be currently registered, licensed, and ready for highway use; or
- b. Be on site for fewer than 180 consecutive days; or
- c. Meet the requirements for structures in Section V. E. 12;

6. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

9. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream equilibrium;

10. Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required;

11. Subdivisions and Planned Unit Developments shall be accessible by dry land access;

12. Structural Standards

- a. New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate;
- b. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:

- i. Meet the standards of Section V. E.12.a, above; or,
- ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

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

- c. New or Substantially Improved structures in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified;
- d. Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher;
- e. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section V E.12);
- f. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
- g. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or,
 - ii. meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and
 - iii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section V E2 above.

F. Development Standards within the Floodway

1. Within the Floodway new encroachments are prohibited except for the following, which also shall comply with Section V. F.2, below:
 - a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
 - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
 - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.

2. Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:

- a. Not result in any increase in flood levels during the occurrence of the base flood;
- b. Not increase base flood velocities; and,
- c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

3. For development that will not result in any change in grade, the hydrologic and hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

VI. Other Provisions

A. Precedence of Bylaw

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this bylaw imposes a greater restriction the provisions here shall take precedence.

B. Validity and Severability

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

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This bylaw shall not create liability on the part of the Town of Ferrisburgh, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this bylaw, or any administrative decision lawfully made hereunder.

VII. Administration

A. Administrative Officer

The Zoning Administrator shall administer this section of the Ferrisburgh Land Use Regulations pursuant to 24 V.S.A. § 4448.

B. Zoning Board of Adjustment

The Zoning Board of Adjustment (ZBA) shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required in the town land use regulations.

C. Applications All applications for development shall include:

1. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, pre- and post-development

grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.

2. A copy of the ANR Permit Navigator Results Summary.

D. Action and Referrals

1. Within 30 days of receipt of a complete application the Zoning Administrator shall issue or deny a permit in writing or refer it to the ZBA.

2. Any application for a proposed conditional use, variance, or appeal shall be referred by the Zoning Administrator to the ZBA in accordance with 24 V.S.A. §§ 4448 and 4469.

3. Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the Zoning Administrator to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

4. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the AO to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

E. Public Notice

Prior to the issuance of a permit, proposals needing conditional use review, or consideration for a variance or appeal, must have a warned public hearing. Public notice of the hearing shall be provided by the Zoning Administrator at least 15 days before the date of the hearing by all the following:

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

2. Posting of the same information in three or more public places within the municipality, including posting of notice by the applicant within view from the public right of way nearest to the property for which an application is made; and,

3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. In any situation in which a variance is sought regarding setbacks from a state highway, written notification shall be sent to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

4. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

F. Decisions

1. Decisions on applications that go to the ZBA for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions.

2. The ZBA shall consider comments from the ANR.
3. No permit shall be issued by the Zoning Administrator for any use or structure which requires the approval of the ZBA until such approval has been obtained.

G. Permits

1. Where eligible, a permit shall be issued by the Zoning Administrator only in accordance with 24 V.S.A. Chapter 117;
2. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin. A notice of permit, on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property must be posted until the appeals period has passed. Any Appeals shall be made within 15 days of permit issuance.
3. The Zoning Administrator, within three days of the date of issuance of a permit, shall deliver a copy of the permit to the listers of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.
4. No permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the ZBA is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504.
5. Within 30 days after a permit has been issued, or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
 - a. deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and,
 - b. file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.
6. Expiration
 - a. A permit shall remain valid for two (2) years from the date it is issued as long as substantial land development has been made;
 - b. Permits shall run with the land regardless of owner;
 - c. Structures shall be considered abandoned where the structures are no longer being maintained as a habitable structure for a period of at least five years, regardless of evidence of intent to re-establish such use. A habitable structure is structurally sound, weathertight, with functional drinking water, wastewater, and heating systems.

H. Variances

Variances may be granted in writing by the ZBA only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. If the proposed development is

located within any Flood Hazard Area, the proposal shall comply with 44 C.F.R. § 60.6. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and may result in increased flood insurance premiums. Such notification shall be maintained with a record of all variance actions.

I. Appeals of a Permit Decision

Appeals from any decision or act of the Zoning Administrator in connection with this bylaw, shall be made to the ZBA as provided for in 24 V.S.A. § 4465. Appeals from any decision of the ZBA in connection shall be made to the Vermont Superior Court, as provided for in 24 V.S.A. § 4471.

J. Administrative Responsibilities

1. The Zoning Administrator shall properly file and maintain a record of:

- a. All permits and supporting documents;
- b. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
- c. All floodproofing and other certifications required under this regulation; and,
- d. All decisions of the Zoning Administrator and ZBA (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
- e. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.

2. Substantial Improvement and Substantial Damage Determinations

- a. In the event of damage of any kind to a structure located within any Flood Hazard Area, the Zoning Administrator shall determine if Substantial Damage occurred regardless of any intended repair at that time.
- b. In the review of any proposal for the repair or improvement of a structure located within any Flood Hazard Area District, the Zoning Administrator shall determine if the proposal indicates Substantial Improvement.
- c. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.

3. Certificate of Occupancy

- a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CO is issued by the Zoning Administrator in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.

- b. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.
- c. Upon receipt of the application for a certificate of occupancy, the Zoning Administrator shall review the permit conditions and inspect the premises to ensure that:
 - i. any required state and federal permits have been received,
 - ii. all work has been completed in conformance with the zoning permit and associated approvals, and
 - iii. all required as-built documentation has been submitted to the Zoning Administrator (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).
- d. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

4. Enforcement

- a. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.
- b. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

VIII. Definitions for this Article

“Accessory dwelling” means an apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are residential structures.

“Accessory structure” means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and only used for vehicle parking, storage or building access.

“Area of special flood hazard” is synonymous with the term “special flood hazard area” for the purposes of this bylaw.

“Associated transportation and utility networks” means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream .

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

“Base Flood Elevation” (BFE) is the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

“Basement” means any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

“Channel” means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

“Compensatory storage” means a volume not previously used for flood storage and which shall be incrementally equal to or exceed the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

“Common plan of development” means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

“Construction trailer” means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

“Critical facilities” means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

“Design Flood Elevation” (DFE) in the Town of Ferrisburgh means the Base Flood Elevation plus two feet.

“Designated center” means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

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

“Encroachment” means fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

“Equilibrium condition” means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in

such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

“Fill” means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

“Flood hazard” means those hazards related to damage from flood-related inundation or erosion.

“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study” (FIS) means an examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood-related erosion hazards.

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

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on separate map panels.

“Fluvial erosion” means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

“Grading” means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered “fill” and shall not be considered grading.

“Historic structure” means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. § 60.3.

“Maintenance” means periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition in the hazard area.

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

“New construction” means structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

"Nonconforming structure" means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

“Nonconforming use" means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error.

“Non-residential” includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

“Recreational vehicle” means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

“Replacement structure” means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

“River” means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. “River” does not mean constructed drainageways, including water bars, swales, and roadside ditches.

“River corridor” means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of

fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).

“Special flood hazard area” (SFHA) is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

“Start of construction” for purposes of floodplain management, determines the effective map or bylaw that regulated development in the special flood hazard area. The “start of construction” includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Storage” means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

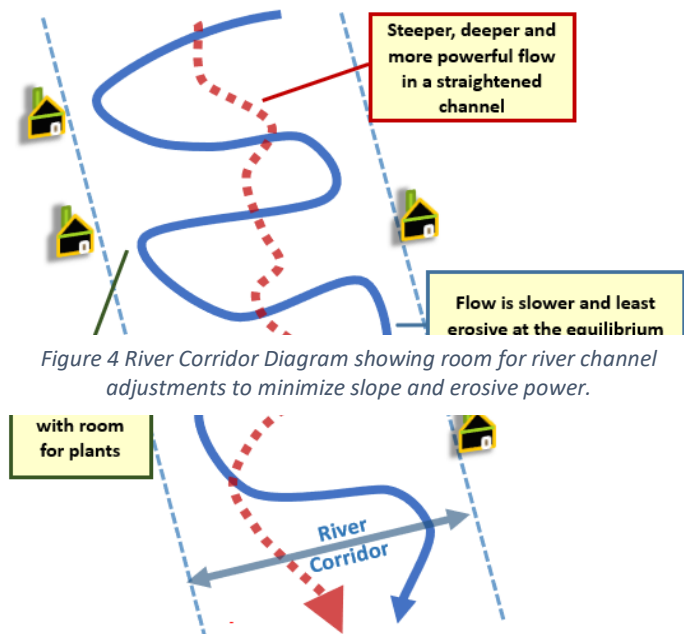


Figure 4 River Corridor Diagram showing room for river channel adjustments to minimize slope and erosive power.

“Structure” means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

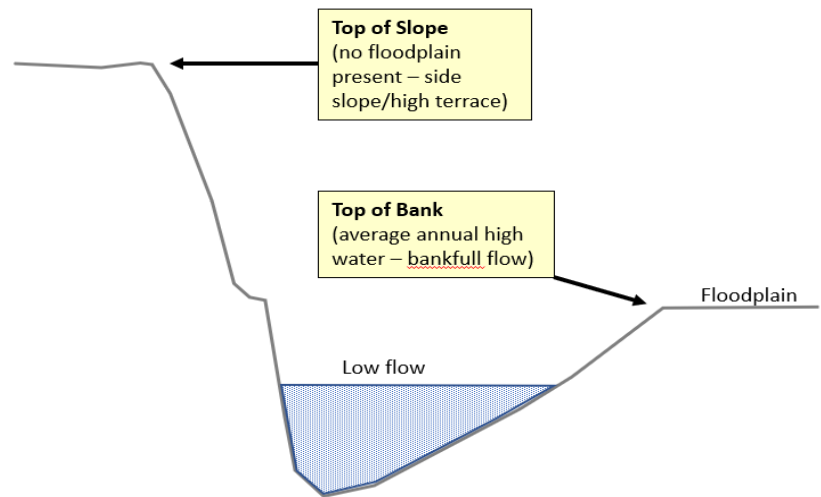
“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

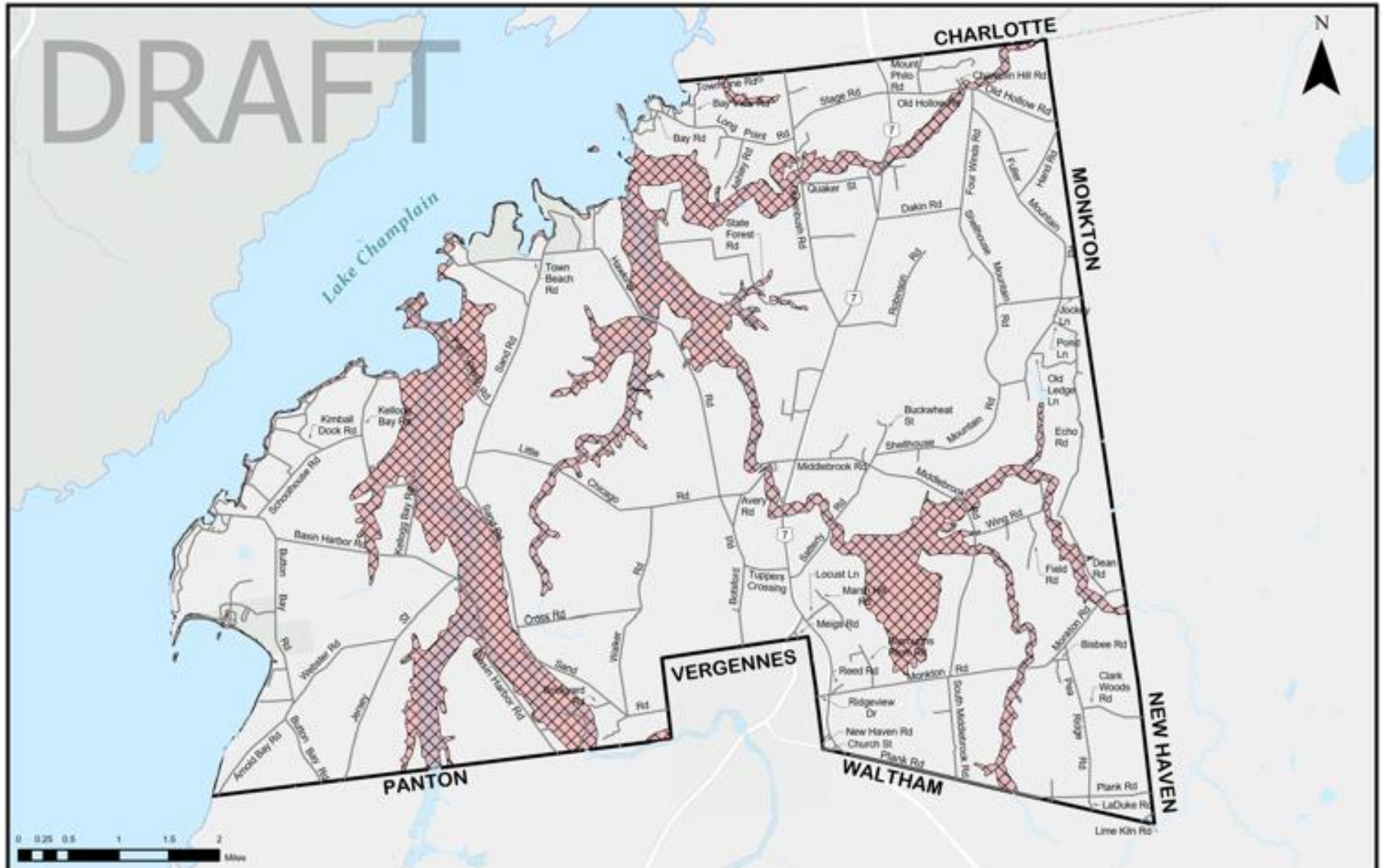
“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”

“Top of bank” means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.



“Top of slope” means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

“Violation” means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

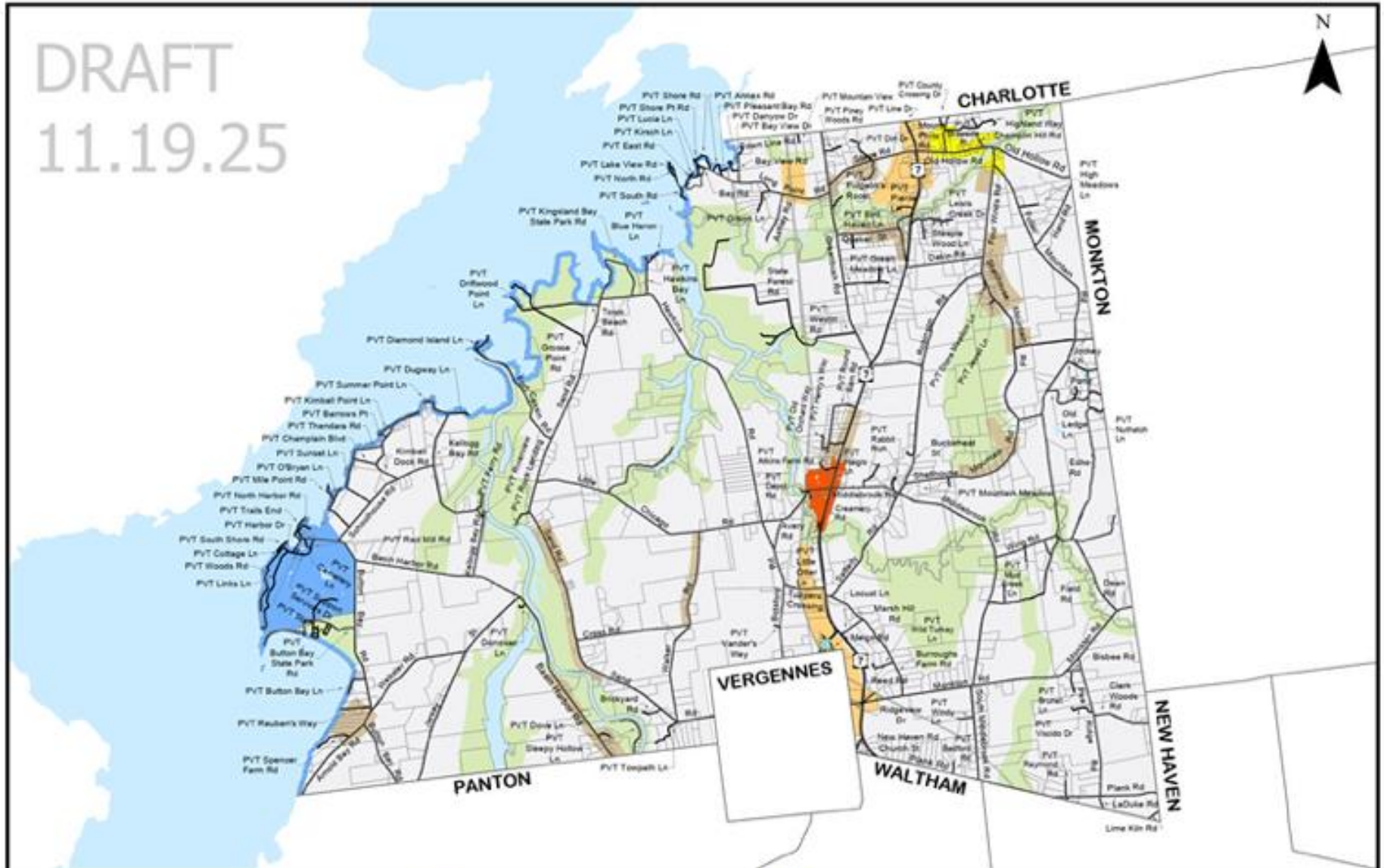




Flood Hazard Overlay District Ferrisburgh, VT

-  Flood Hazard District Overlay- DRAFT
-  Waterbody
-  Stream

Source(s): The Flood Hazard District Overlay is created by merging the boundaries of digitized FEMA FIRM Flood Maps and DEC River Corridors.



Draft Zoning District Map 2025
Ferrisburgh, VT

- | | |
|--|---|
|  Conservation District (CON-25) |  North Ferrisburgh Village District (NFVI-2) |
|  Ferrisburgh Town Center District (FTC-1) |  Rural Agricultural District (RA-5) |
|  Lake Champlain District (LC-2) |  Rural Residential District (RR-2) |
|  Mixed Use District (MU-2) | |

