



LAND USE REGULATIONS

Town of Orwell

Adopted: March 2nd 2010

Adoption History:

- March 1995 Revised.
- March 2007 Revised. Zoning regulations and subdivision regulations combined into these Land Use Regulations. Compliance with Act 115. Creation of Flood Hazard Overlay and Shoreland Overlay Districts. Village District separated from Neighborhood Commercial District. Establishment of minimum lot size and maximum density in each district. PUD requirements for some subdivisions. Inclusion of a Telecommunications Bylaw.
- March 2009 Revised to update the Flood Hazard Section of the Zoning Regulations
- March 2010 Revised and Adopted

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TABLE OF CONTENTS

Article 1. Authority, Purpose and Applicability 1

Section 1.1	Enactment and Authority 1
Section 1.2	Purpose 1
Section 1.3	Applicability 1
Section 1.4	State Limitations 1
Section 1.5	Exemptions 2
Section 1.6	Grace Period for Subdivision in the Rural District 3
Section 1.7	Zoning Permits and Approvals Reference Table 3
Section 1.8	Adoption and Amendment 4
Section 1.9	Severability 4
Article 2. Zoning Districts 5	
Section 2.1	Establishment of Zoning Districts and Map 5
Section 2.2	Summary Table of Permitted and Conditional Uses 6
Section 2.3	Explanation of Dimensional Standards 7
Section 2.4	Conservation District (CON) 10
Section 2.5	Rural District (RL) 11
Section 2.6	Medium Density Residential District (MDR) [CHANGES MARKED W/] 12
Section 2.7	Neighborhood Commercial District (NC) 13
Section 2.8	Village District (VIL) 14
Section 2.9	Flood Hazard Overlay District (FHO) 15
Section 2.10	Shoreland Overlay District (SHO) 17

Article 3. Administration and Enforcement 19

Section 3.1	Zoning Administrator 19
Section 3.2	Zoning Permit 19
Section 3.3	Certificate of Compliance 20
Section 3.4	Development Review Board 20
Section 3.5	Appeal of Zoning Administrator's Decision 21
Section 3.6	Waiver 21
Section 3.7	Variance 22
Section 3.8	Appeal to Environmental Court 23
Section 3.9	Interested Person 23
Section 3.10	Hearings 24
Section 3.11	Combined Review 24
Section 3.12	Decisions 25
Section 3.13	Violations and Enforcement 25

Article 4. General Regulations 27

Section 4.1	Abandonment and Demolition of Structures 27
Section 4.2	Access, Driveway and Road Standards 27
Section 4.3	Boundary Adjustment 28
Section 4.4	Conversion or Change of Use 29
Section 4.5	Dishes and Antennas 29
Section 4.6	Equal Treatment of Housing 29
Section 4.7	Farm Stands 30
Section 4.8	Fences 30
Section 4.9	Frontage 30
Section 4.10	Height Restrictions 30
Section 4.11	Lots and Yards 30
Section 4.12	Nonconformities 31
Section 4.13	Outdoor Lighting 33
Section 4.14	Parking, Loading and Service Areas 33
Section 4.15	Performance Standards 35
Section 4.16	Signs 36

Section 4.17	Temporary Uses and Structures	37
	Article 5. Specific Use Standards	39
Section 5.1	Accessory Apartment	39
Section 5.2	Campers and Temporary Dwellings	39
Section 5.3	Campground	40
Section 5.4	Daycare	40
Section 5.5	Energy Generating Facility	41
Section 5.6	Extraction	41
Section 5.7	Farm Housing	42
Section 5.8	Gas Station	42
Section 5.9	Group Home	43
Section 5.10	Home Occupations and Home-Based Businesses	43
Section 5.11	Light Manufacturing	44
Section 5.12	Marina	45
Section 5.13	Mobile Home Park	45
Section 5.14	Motor Vehicle Sales and Service	46
Section 5.15	Outdoor Furnaces	47
Section 5.16	Outdoor Recreation	48
Section 5.17	Salvage Yard and Junk Storage	48
Section 5.18	Storage Business	49
Section 5.19	Telecommunications Facilities and Antennas	50
	Article 6. Conditional Use Standards and Review	51
Section 6.1	Applicability	51
Section 6.2	Application Materials Table	51
Section 6.3	Review Process	51
Section 6.4	General Standards	52
Section 6.5	Specific Standards	53
Section 6.6	Rural Standards	54
Section 6.7	Village Standards	54
	Article 7. Planned Unit Developments (PUDs)	55
Section 7.1	General Purpose	55
Section 7.2	Coordination with Other Review Processes	55
Section 7.3	Applicability	55
Section 7.4	Application Requirements	55
Section 7.5	Conservation Areas	56
Section 7.6	General Standards	56
Section 7.7	Rural Standards	56
Section 7.8	Shoreland Standards	57
Section 7.9	Village Standards	57
	Article 8. Subdivision Standards and Review	58
Section 8.1	Applicability	58
Section 8.2	Classification of Subdivisions	58
Section 8.3	Sketch Plan Review	58
Section 8.4	Preliminary Plat Review	59
Section 8.5	Final Plat Review	59
Section 8.6	Plat Recording Requirements	60
Section 8.7	Revisions to an Approved Plat	60
Section 8.8	Application Table	61
Section 8.9	General Standards	62
	Article 9. Definitions	65
	Article 10. Town of Orwell Telecommunications Bylaw (under separate cover)	

ARTICLE 1. AUTHORITY, PURPOSE AND APPLICABILITY

Section 1.1 Enactment and Authority

- (A) In accordance with the *Vermont Municipal and Regional Planning and Development Act*, 24 V.S.A. Chapter 117, the Town of Orwell, Vermont has established these land use regulations. These regulations will be known and cited as the *Orwell Land Use Regulations*.

Section 1.2 Purpose

- (A) It is the purpose of these regulations to provide for orderly community growth, to further the goals established in 24 V.S.A. Chapter 117 and to promote the following objectives:
- (1) To maintain Orwell's rural character and way of life.
 - (2) To guide development in a manner that maintains the traditional settlement pattern of a compact village surrounded by an open, rural landscape;
 - (3) To guide future growth and development of the town in conformance with the purposes and policies established in the *Orwell Town Plan* (as most recently amended);
 - (4) To encourage the orderly, planned, efficient and economical development of the Town of Orwell in a manner that promotes and protects public health, safety and the general welfare of the community;
 - (5) To ensure that the rate of growth does not exceed the ability of the town to provide public services and facilities,
 - (6) To provide the most efficient relationship between land use and the circulation of pedestrian and vehicular traffic, and to avoid undue traffic congestion and overburdening of roads and highways.
 - (7) To preserve natural areas, critical habitat, scenic and historic resources and productive farm and forest land; and
 - (8) To promote the conservation of energy and permit the utilization of renewable energy resources;

Section 1.3 Applicability

- (A) No land development will commence in the Town of Orwell except in conformance with these regulations. Any land development not specifically authorized under these regulations is prohibited unless it is specifically exempted under Section 1.4 or 1.5.
- (B) Land development includes:
- (1) New construction, relocation or enlargement of any building or other structure, including outdoor furnaces;
 - (2) Any outdoor reconstruction, conversion, structural alteration of any structure that increases its height or footprint;
 - (3) The division of a parcel into two or more parcels or the adjustment of a boundary between parcels;
 - (4) The mining, excavation or removal of 300 or more cubic yards per year of topsoil, sand, gravel or other earth resources for sale or use offsite; and
 - (5) Any change in or extension of use of any building, other structure or land.
- (C) The application of these regulations is subject to all applicable provisions of 24 V.S.A. Chapter 117 as most recently amended.

Section 1.4 State Limitations

- (A) The following uses may be regulated only with respect to location (if not permitted as a conditional use within one or more of the town's zoning districts), size, height, building bulk,

yards, courts, setbacks, density of buildings, off-street 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) These regulations do not apply to accepted agricultural and silvicultural practices, including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forest, Parks and Recreation.
- (1) A farm operator must notify the Zoning Administrator of the intent to build a farm structure and must abide by the setback requirements of the zoning district in which the structure will be located, as per the secretary's policy. The secretary may grant a waiver to the setback requirements upon written request and after notifying the town.
 - (2) No town permits are required for construction of a farm structure.
- (C) These regulations do not apply to utility generation and transmission facilities requiring the issuance of a Certificate of Public Good by the Public Service Board.
- (D) These regulations comply with all other limitations on municipal bylaws specified in the Act.

Section 1.5 Exemptions

- (A) Construction of the following structures or undertaking the following activities do not require a town permit, but, except for exemptions 3 and 8, must be built or undertaken in accordance with the setback provisions of these regulations:
- (1) The normal maintenance and repair of existing structures, utilities and infrastructure that does not result in any change to the footprint or height of a structure or any change in use.
 - (2) Unattached and free standing doghouses, sheds, playhouses, treehouses or similar structures that are no greater than 100 square feet in floor area and no greater than 10 feet tall.
 - (3) Fences, hedges or walls not more than eight feet tall that do not interfere with corner visibility, highway safety and road maintenance practices.
 - (4) Chimneys.
 - (5) Patios, terraces and similar structures at grade.
 - (6) Residential entry stairs (excluding decks and porches), handicap ramps and walkways that do not obstruct public rights-of-way.
 - (7) Satellite antennae up to three feet in diameter.
 - (8) Minor grading and excavation associated with normal road, driveway and parking area maintenance and residential lawn and yard maintenance.
 - (9) Garage sales, yard sales, auctions or related activities lasting not more than four consecutive days and not more than a total of 12 days per calendar year.
 - (10) Non-commercial outdoor recreational facilities associated with a residential use that do not involve the development or use of structures or parking areas.
 - (11) Signs listed in Section 4.16(B).
 - (12) Any sign erected by the town or state for directional information or traffic control purposes.

- (13) Emergency repairs as specified in Section 4.1(A).
- (14) Holiday light displays, flag pole lights and streetlights as specified in Section 4.13.
- (15) Farm stands as specified in Section 4.7.

Section 1.6 Grace Period for Subdivision in the Rural District

(A) In order to allow property owners in the Rural District the opportunity to move ahead with any plans they may have had to subdivide their property, residential subdivisions of lots 21 acres or less in the Rural District will be permitted to proceed in accordance with the previously adopted standards for the district until march 2012 at which time this provision shall automatically expire and no longer serve as an applicable regulation. Those standards are as follows:

- (1) Minimum lot size: 5 acres
- (2) Minimum frontage: 400 feet
- (3) Minimum lot depth: 200 feet
- (4) Front yard setback: 100 feet
- (5) Rear yard setback: 30 feet
- (6) Side yard setback: 30 feet

(B) All other provisions of these regulations will apply to subdivisions proposed under this section.

Section 1.7 Zoning Permits and Approvals Reference Table

Permit/Approval	Required For	Issued By	See
1. Zoning Permit	All land development as defined in Section 1.3, including conversions and changes of use, except as specifically exempted in Section 1.4 and 1.5.	Zoning Administrator	Section 3.2
2. Access Approval	Development on lots without frontage on a public road or public waters.	Development Review Board	Section 4.8
3. Highway Access Approval	Development requiring access onto municipal highways. The Selectboard also must approve road naming, upgrades and the municipal acceptance of private roads.	Selectboard	Section 4.2 and Highway Access Policy
4. Conditional Use Approval	All uses listed as conditional uses by district.	Development Review Board	Article 6
5. Waiver Approval	Requests on appeal for a waiver from the provisions of these regulations or requests for waivers of submission requirements.	Development Review Board	Section 3.6
6. Variance Approval	Requests on appeal for a variance from the provisions of these regulations.	Development Review Board	Section 3.7
7. PUD Approval	Subdivisions of land that modify the provisions of these regulations.	Development Review Board	Article 7
8. Certificate of Compliance	Use of a structure or commencement of a use for which a zoning permit has been issued under these regulations.	Zoning Administrator	Section 3.3
9. Boundary Adjustment Approval	The adjustment of a lot line between two parcels that meets the criteria of Section 4.3.	Zoning Administrator	Section 4.3
10. Subdivision Approval	All subdivisions of land.	Development Review Board	Article 8

Section 1.8 Adoption and Amendment

- (A) These regulations will be adopted or amended in accordance with the process prescribed in 24 V.S.A. Chapter 117.
- (B) These regulations are effective as of [enter date of adoption].

Section 1.9 Severability

- (A) If any provisions of these regulations or their application to any person or circumstance are held invalid by the courts, the remaining provisions or other applications will not be affected.

ARTICLE 2. ZONING DISTRICTS

Section 2.1 Establishment of Zoning Districts and Map

- (A) These regulations establish the following zoning districts in the Town of Orwell:
- (1) Conservation (CON) [see Section 2.4, page 8]
 - (2) Rural (RL) [see Section 2.5, page 9]
 - (3) Medium Density Residential (MDR) [see Section 2.6, page 10]
 - (4) Neighborhood Commercial (NC) [see Section 2.7, page 11]
 - (5) Village (VIL) [see Section 2.8, page 12]
 - (6) Flood Hazard Overlay (FHO) [see Section 2.9, page 13]
 - (7) Shoreland Overlay (SHO) [see Section 2.10, page 15]
- (B) The location and boundaries of these zoning districts, including the overlay districts, are established as shown on the official Town of Orwell Zoning Map.
- (C) The official zoning map will be identified by the signatures of the Selectboard as attested to by the Town Clerk upon adoption or amendment of these regulations. The official zoning map will be available for public review at the town offices during normal business hours. A small-scale, unofficial copy of the map is attached to these regulations for convenience only.
- (D) The Zoning Administrator will locate the boundary of any district on the zoning map by scaling distances off the official zoning map. If an applicant or interested party disagrees with the Zoning Administrator's interpretation of the location of the boundary of any district on the zoning map, they may request that the Planning Commission make a final determination of its location.
- (E) Where a district boundary line divides a lot, the Development Review Board may allow, as a conditional use, the extension of the standards for either portion of the lot up to 100 feet beyond the district line into the remaining portion of the lot.
- (F) Where the town line divides a lot, the standards of these regulations will apply to that portion of the lot that is in the Town of Orwell in the same manner as if the lot was entirely situated in the town.

Section 2.2 Summary Table of Permitted and Conditional Uses

	CON	RL	MDR	NC	VIL	FHO	SHO
Accessory apartment	P	P	P	P	P	P*	P*
Accessory use	C	P	P	P	P	C	C
Agriculture	P	P	P	P		P	P
Aircraft landing strip		C					
Bed and breakfast (B&B)		P	P	P	P		C
Boarding house			C	C	C		
Camp facility		C					C
Campground	C	C					C
Cemetery		P	P	P			C
Childcare home	P	P	P	P	P	P*	P*
Community facility		C	C	C	P		C
Community infrastructure	C	C	C	C	C	C	C
Daycare facility		C	C	C	C		
Energy generating facility	C	C	C	C	C		C
Extraction		C					
Farm housing	C	C	C	C			C
Forestry	P	P	P			P	P
Gas station				C	C		
Group home	P	P	P	P	P	P*	P*
Home-based business		C	C	C	C		C
Home occupation	P	P	P	P	P	P*	P*
Light manufacturing		C		C			
Lodging		C		C	C		
Marina		C					C
Mobile home park			C				
Motor vehicle sales and service		C	C	C			
Multi-family dwelling			C	C	C		
Personal service business				C	C		
Professional office				C	C		
Outdoor recreation	C	C	C	C	C	C	C
Restaurant				C	C		C
Retail store				C	C		
Salvage yard		C					
Seasonal dwelling	C	P	P	P	P		P
Shooting Range	C	C	C				
Single-family dwelling	C	P	P	P	P		C
Storage business		C		C			
Telecommunications antenna	C	C	C	C	C		C
Telecommunications facility		C					
Two-family dwelling	C	P	P	P	P		C
Wildlife refuge	P	P				P	P

*P = Permitted use C = Conditional use * = Only within pre-existing dwellings
All uses are defined in Article 8. Definitions*

Section 2.3 Explanation of Dimensional Standards

Minimum Lot Size and Maximum Density. In order to preserve rural character, protect productive agricultural land and promote compact development, the Town of Orwell has adopted density based zoning. Density based zoning limits density of a tract of land by assigning a low maximum density per acre. However, density based zoning also recognizes that creating small home sites, (with a minimum lot size of +/-2 acres) allows the remainder of the parcel to be preserved in large blocks of productive agricultural land, thereby achieving Orwell's desired land development patterns.

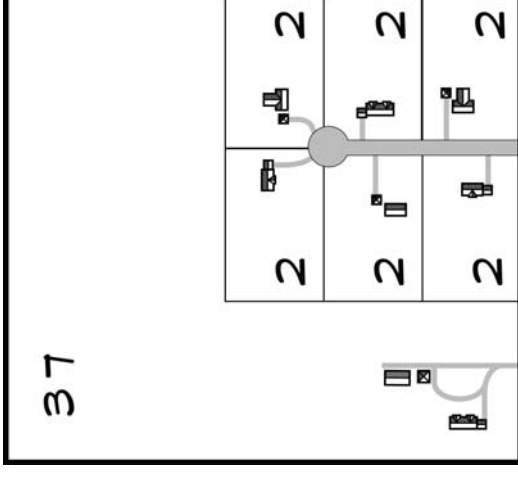


Diagram A: The development of a 49-acre parcel with a 2-acre minimum lot size and a 7-acre maximum density can result in six 2-acre lots and a 37-acre parcel that can be built upon, but cannot be further subdivided.

- (A) Diagram A indicates how these two standards apply to property being subdivided in the town. Standards regarding set aside areas will be the same as set forth in Article 7 of these regulations. The following formula can be used to calculate the potential number of developable lots or units:
- (1) **potential number of developable lots (or units)** = total acreage of parcel ÷ maximum density of district (a 49 acre parcel in a zoning district with a 7 acre maximum density allows 7 building lots.)
 - (2) **required set aside per lot** = maximum density – proposed lot size (In the same example if the maximum density is 7 acres, but the landowner develops 6 (2-acre housesites, each housesite contributes 5 acres of set aside land back to the main tract or 30 acres.)
 - (3) **total set aside** = sum of set asides for all lots being created (The total set aside from the original 49 acre parcel in the example above is 35 acres, assuming the remaining 37 acre parcel has a two acre homestead. The parcel is built out, but a lot of open usable land remains.)
- (B) **Lot Frontage, Depth and Ratio.** These dimensional standards regulate the configuration of lots and are intended to prevent the creation of irregular, “flag,” “spaghetti,” or other undesirable types of lots. Diagram B illustrates how these standards apply to property in Orwell.
- (C) **Setbacks and Yards.** These dimensional standards govern the area of the lot that generally must remain as open space and not be developed. The purpose of setbacks is to provide buffers between properties, protect Orwell's shoreline areas and promote appropriate development patterns. *Diagram C* illustrates how setback and yard standards apply to property in Orwell.
- (D) **Building Footprint and Lot Coverage.** These standards regulate the size of principal and accessory buildings in each zoning district and what percentage of a lot may be developed with buildings, driveways, parking areas, and other impervious surfaces.
- (E) **Building Height.** These standards regulate the height of principal and accessory structures for residential and non-residential use in each of Orwell's zoning districts. See Section 4.10 for additional guidance regarding building height.

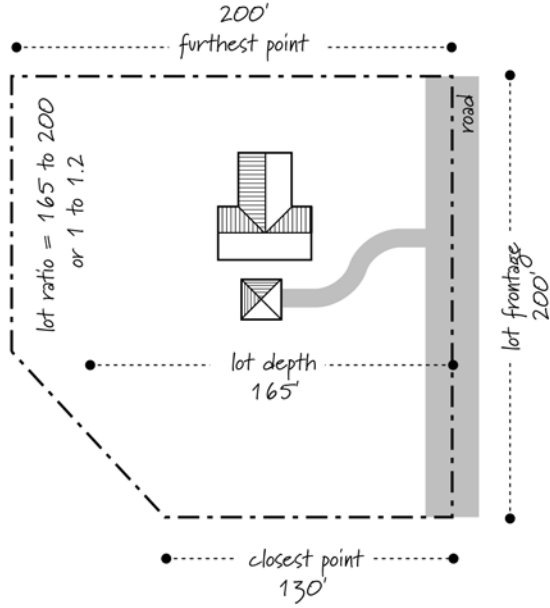


Diagram B: Lot frontage will be measured across the width of the lot at the public or private road, or at the mean high water mark for shoreline lots on Lake Champlain or Sunset Lake. Lot depth will be measured as the average horizontal distance perpendicular from the street line (or shoreline) to the rear lot line.

For irregularly shaped lots, the lot depth will be the average of the furthest and closest points along the rear lot line from the street line (or shoreline).

Lot ratio can be calculated either as frontage to depth or depth to frontage.

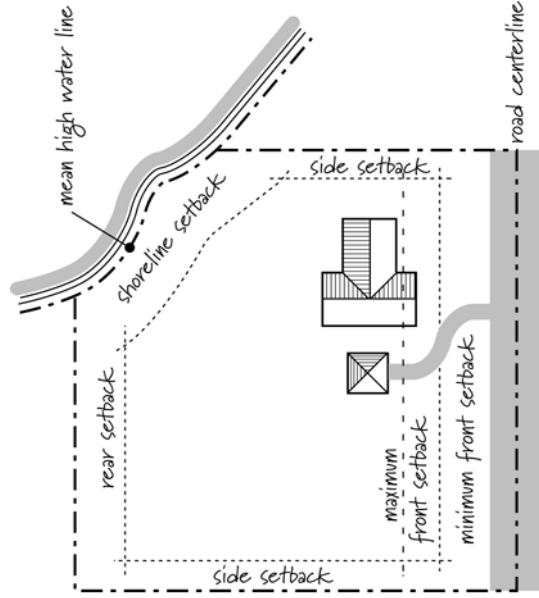


Diagram C: Lot setbacks (or yards) are areas that are generally required to be open without development located on them. There are front, side and rear setbacks established for residential and non-residential lots in all zoning districts. The area inside the setback boundaries may be referred to as the "development envelop."

Lots with frontage on Lake Champlain, part of East Creek or Sunset Lake also have a minimum setback requirement from the mean high water mark. The areas around Orwell village have a maximum setback in addition to a minimum setback to promote development that follows the traditional settlement pattern and maintains a regular development pattern along public roads.

Lots that have frontage on more than one public road will meet front setbacks for all yards that abut the street.

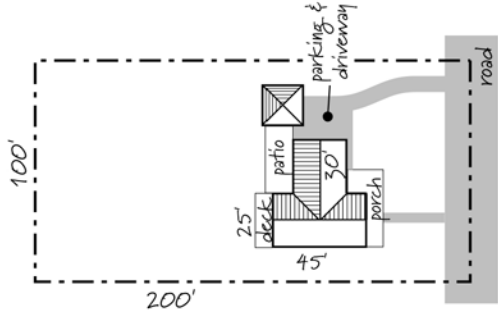


Diagram D: Building footprints will be calculated to include all areas under a roof. In this example, the porch would be included in the building footprint, but the deck and patio would not.

The residence is 1,875 sq. ft. plus 275 sq. ft. for the porch for a total building footprint of 2,150 sq. ft. The accessory garage is 625 sq. ft.

Lot coverage includes all the building footprints plus all other impervious surfaces (decks, patios, gravel and paved drives and parking areas, walkways, etc.).

In the example the remaining impervious surfaces total 700 sq. ft. for a total impervious area of 3,475 sq. ft. The 100' x 200' lot has an area of 20,000 sq. ft. So the lot coverage would be $3,475 / 20,000$ or ~17%.

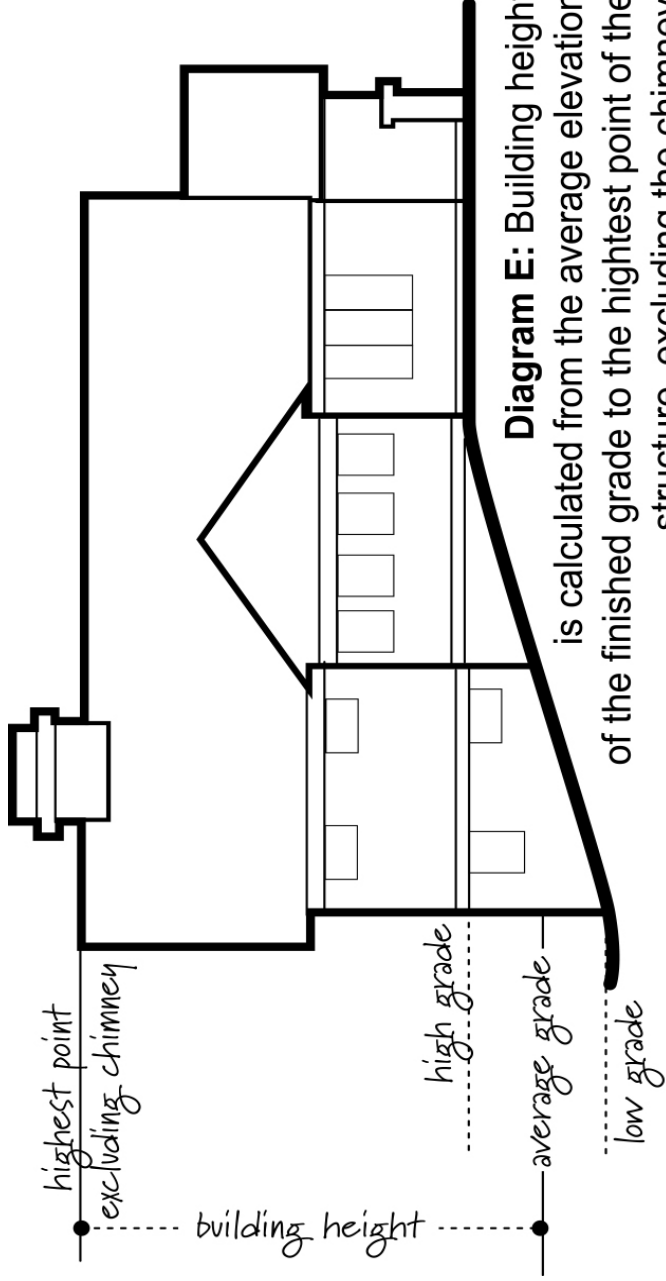


Diagram E: Building height is calculated from the average elevation of the finished grade to the highest point of the structure, excluding the chimney.

Section 2.4 Conservation District (CON)

(A) **Purpose.** The Conservation District is comprised of the lands surrounding the South Fork of East Creek, which are characterized by physical conditions – wetlands, flood prone areas and soil limitations – that make access and development difficult. Development will be limited in this area to protect water quality, provide wildlife habitat and preserve open spaces.

(B) Permitted Uses

- (1) Accessory apartment
- (2) Accessory use
- (3) Agriculture
- (4) Childcare home
- (5) Forestry
- (6) Group home
- (7) Home occupation
- (8) Wildlife refuge

(C) Conditional Uses

- (1) Accessory use
- (2) Campground
- (3) Community infrastructure
- (4) Farm housing
- (5) Outdoor recreation
- (6) Seasonal dwelling
- (7) Single-family dwelling
- (8) Two-family dwelling
- (9) Telecommunications antenna
- (10) Shooting range

(D) Dimensional Standards

1. Minimum lot size	5 acres
2. Maximum density (new lots)	1 unit per 25 acres
3. Minimum lot frontage	400 feet
4. Minimum lot depth	400 feet
5. Maximum lot ratio (frontage to depth or depth to frontage)	1:3
6. Minimum front yard setback	100 feet
7. Minimum front yard setback from 22A & 73	150 feet
8. Minimum rear yard setback	200 feet
9. Minimum side yard setback	150 feet
10. Maximum lot coverage	5 percent
11. Maximum principal building footprint	5,000 square feet
12. Maximum accessory building footprint	2,000 square feet
13. Maximum principal building height	35 feet
14. Maximum accessory building height	25 feet

Section 2.5 Rural District (RL)

(A) **Purpose.** The Rural District is primarily composed of Orwell's working agricultural land, forestland and open space areas. Its primary purpose is to accommodate agriculture, forestry and other non-intensive land uses. Other uses, including new residential uses, should be secondary to and not impact existing, active agricultural operations. Any residential development should be located in a manner that would have the least impact on the continued viability of surrounding agricultural land or forestland and should be discouraged from locating on prime agricultural soils or from fragmenting forest patches. Use of Planned Unit Developments (PUDs) are encouraged for all projects and *required* for major subdivisions on parcels larger than 50 acres in this district (see Article 7).

(B) Permitted Uses

- (1) Accessory apartment
- (2) Accessory use
- (3) Agriculture
- (4) Bed and breakfast
- (5) Cemetery
- (6) Childcare home
- (7) Forestry
- (8) Group home
- (9) Home occupation
- (10) Seasonal dwelling
- (11) Single-family dwelling
- (12) Two-family dwelling
- (13) Wildlife refuge

(C) Conditional Uses

- (1) Aircraft landing strip
- (2) Camp facility
- (3) Campground
- (4) Community facility
- (5) Community infrastructure
- (6) Daycare facility
- (7) Energy generating facility
- (8) Extraction
- (9) Farm housing
- (10) Home-based business
- (11) Light manufacturing
- (12) Lodging
- (13) Marina
- (14) Outdoor recreation
- (15) Salvage yard
- (16) Storage business
- (17) Telecommunications antenna
- (18) Telecommunications facility
- (19) Shooting range

(D) Dimensional Standards

	Residential	Nonresidential
1. Minimum lot size	2 acres	5 acres
2. Maximum density (new lots)	1 unit per 7 acres	1 unit per 10 acres
3. Minimum lot frontage	200 feet	400 feet
4. Minimum lot depth	200 feet	400 feet
5. Maximum lot ratio (frontage to depth)	1:3	1:3
6. Minimum front yard setback	75 feet	100 feet
7. Minimum front yard setback from 22A & 73	100 feet	150 feet
8. Minimum rear yard setback	30 feet	100 feet
9. Minimum side yard setback	30 feet	100 feet
10. Maximum lot coverage	5 percent	3 percent
11. Maximum principal building footprint	5,000 square feet	5,000 square feet
12. Maximum accessory building footprint	2,000 square feet	2,000 square feet
13. Maximum principal building height	35 feet	25 feet
14. Maximum accessory building height	25 feet	25 feet

Section 2.6 Medium Density Residential District (MDR)

(A) **Purpose.** The Medium Density Residential District is intended to provide an area for mainly residential growth adjacent to Orwell’s village center, which currently has little space for additional development. Extensions of the municipal sewer system may be possible in parts of this district, which would allow for development on smaller lots. Since this district is extending out from the village center, the traditional village settlement pattern should be extended as well. Interconnected streets, lot sizes and setbacks similar to those in the village, and a mix of architectural styles compatible with the village’s historic homes are encouraged.

(B) Permitted Uses

- (1) Accessory apartment
- (2) Accessory use
- (3) Agriculture
- (4) Bed and breakfast
- (5) Cemetery
- (6) Childcare home
- (7) Forestry
- (8) Group home
- (9) Home occupation
- (10) Seasonal dwelling
- (11) Single-family dwelling
- (12) Two-family dwelling

(C) Conditional Uses

- (1) Boarding house
- (2) Community facility
- (3) Community infrastructure
- (4) Daycare facility
- (5) Energy generating facility
- (6) Farm housing
- (7) Home-based business
- (8) Mobile home park
- (9) Multi-family dwelling
- (10) Outdoor recreation
- (11) Telecommunications antenna
- (12) Shooting range

(D) Dimensional Standards

	Residential	Nonresidential
1. Minimum lot size	1/2 acre	2 acres
2. Maximum density (new lots)	1 unit per 2 acres	1 unit per 5 acres
3. Minimum lot frontage	100 feet	200 feet
4. Minimum lot frontage on 22A	200 feet	400 feet
5. Minimum lot depth	100 feet	200 feet
6. Maximum lot ratio (frontage to depth or depth to frontage)	1:3	1:3
7. Minimum front yard setback	40 feet	60 feet
8. Minimum front yard setback from 22A & 73	100 feet	150 feet
9. Maximum front yard setback	100 feet	120 feet
10. Maximum front yard setback from 22A & 73	150 feet	200 feet
11. Minimum rear yard setback	20 feet	60 feet
12. Minimum side yard setback	20 feet	60 feet
13. Maximum lot coverage	20 percent	10 percent
14. Maximum principal building footprint	4,000 square feet	4,000 square feet
15. Maximum accessory building footprint	1,000 square feet	1,000 square feet
16. Maximum principal building height	35 feet	25 feet
17. Maximum accessory building height	25 feet	25 feet

Section 2.7 Neighborhood Commercial District (NC)

(A) **Purpose.** The Neighborhood Commercial District is intended to provide an area for commercial and residential growth along Route 22A in the vicinity of Orwell’s village center, as further described in the Orwell Town Plan. This district provides a location for businesses that by type or scale are not appropriate for the village center. However, this district is not intended to promote strip highway development.

(B) Permitted Uses

- (1) Accessory apartment
- (2) Accessory use
- (3) Agriculture
- (4) Bed and breakfast
- (5) Cemetery
- (6) Childcare home
- (7) Group home
- (8) Home occupation
- (9) Seasonal dwelling
- (10) Single-family dwelling
- (11) Two-family dwelling

(C) Conditional Uses

- (1) Boarding house
- (2) Community facility
- (3) Community infrastructure
- (4) Daycare facility
- (5) Energy generating facility
- (6) Farm housing
- (7) Gas station
- (8) Home-based business
- (9) Light manufacturing
- (10) Lodging
- (11) Motor vehicle sales and service
- (12) Multi-family dwelling
- (13) Outdoor recreation
- (14) Personal service business
- (15) Professional office
- (16) Restaurant
- (17) Retail store
- (18) Storage business
- (19) Telecommunications antenna

(D) Dimensional Standards

	Residential	Nonresidential
1. Minimum lot size	1/2 acre	2 acres
2. Maximum density (new lots)	1 unit per 2 acres	1 unit per 5 acres
3. Minimum lot frontage	100 feet	200 feet
4. Minimum lot frontage on 22A	200 feet	400 feet
5. Minimum lot depth	100 feet	200 feet
6. Maximum lot ratio (frontage to depth or depth to frontage)	1:3	1:3
7. Minimum front yard setback	40 feet	60 feet
8. Minimum front yard setback from 22A & 73	100 feet	150 feet
9. Maximum front yard setback*	100 feet	120 feet
10. Maximum front yard setback from 22A & 73*	150 feet	200 feet
11. Minimum rear yard setback	20 feet	60 feet
12. Minimum side yard setback	20 feet	60 feet
13. Maximum lot coverage	20 percent	10 percent
14. Maximum principal building footprint	4,000 square feet	4,000 square feet
15. Maximum accessory building footprint	1,000 square feet	1,000 square feet
16. Maximum principal building height	35 feet	25 feet
17. Maximum accessory building height	25 feet	25 feet

* Applies only to principal structure on parcel

Section 2.8 Village District (VIL)

(A) **Purpose.** The Village District is Orwell’s traditional village center, which accommodates a mixture of residential, commercial and public uses. The village currently contains a number of public buildings and commercial establishments, in addition to residences. New development in this district should fit within the traditional pattern, historic character and the mix of neighboring uses. The municipal wastewater system makes this district suitable for the highest density development in town.

(B) Permitted Uses

- (1) Accessory apartment
- (2) Accessory use
- (3) Bed and breakfast
- (4) Childcare home
- (5) Community facility
- (6) Group home
- (7) Home occupation
- (8) Seasonal dwelling
- (9) Single-family dwelling
- (10) Two-family dwelling

(C) Conditional Uses

- (1) Boarding house
- (2) Community infrastructure
- (3) Daycare facility
- (4) Energy generating facility
- (5) Gas station
- (6) Home-based business
- (7) Light manufacturing
- (8) Lodging
- (9) Multi-family dwelling
- (10) Outdoor recreation
- (11) Personal service business
- (12) Professional office
- (13) Restaurant
- (14) Retail store
- (15) Telecommunications antenna

(D) Dimensional Standards

	Residential	Nonresidential
1. Minimum lot size	1/4 acre	1/2 acre
2. Minimum lot frontage	50 feet	75 feet
3. Minimum lot depth	50 feet	75 feet
4. Maximum lot ratio (frontage to depth or depth to frontage)	1:3	1:3
5. Minimum front yard setback	30 feet	30 feet
6. Maximum front yard setback*	70 feet	100 feet
7. Minimum rear yard setback	20 feet	30 feet
8. Minimum side yard setback	15 feet	30 feet
9. Maximum lot coverage	50 percent	30 percent
10. Maximum principal building footprint	3,000 square feet	4,000 square feet
11. Maximum accessory building footprint	900 square feet	1,000 square feet
12. Maximum principal building height	35 feet	35 feet
13. Maximum accessory building height	25 feet	25 feet

* *Applies only to principal structure on parcel*

(E) **District Standards.** The DRB may waive, in accordance with Section 3.6, the dimensional standards in the Village District for existing or proposed community facilities including, but not limited to, the Orwell Village School, Town Offices and Town Hall if the standards have the effect of interfering with the intended functional use of the structure.

Section 2.9 Flood Hazard Overlay District (FHO)

(A) **Purpose.** The purpose of the Flood Hazard Overlay District is to promote public health, safety and welfare by preventing or minimizing hazards to life or property due to flooding. It is the intent of the Town of Orwell to limit future development and prohibit the construction of new dwellings within identified flood hazard areas. It is also the town's intent to meet the requirements of state and federal law in order to ensure that private property owners are eligible for flood insurance through the National Flood Insurance Program. This overlay district includes areas identified as being within the 100-year floodplain on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated November 1, 1985 and as amended.

(B) Permitted Uses

- (1) Accessory apartment*
- (2) Agriculture
- (3) Childcare home*
- (4) Forestry
- (5) Group home*
- (6) Home occupation*
- (7) Wildlife refuge

(C) Conditional Uses

- (1) Accessory use
- (2) Community infrastructure
- (3) Outdoor recreation
- (4) Seasonal dwelling (*a pre-existing seasonal dwelling may continue in use or be converted to a year-round single-family dwelling*)
- (5) Single-family dwelling (*a pre-existing year-round single-family dwelling may continue in use or be converted to a seasonal dwelling*)

* Only within pre-existing residences

(D) **Dimensional Standards.** As set forth in the underlying district.

(E) Flood Hazard Standards

- (1) No dwellings can be built within the Flood Hazard Overlay District.
- (2) All other development within the Flood Hazard Overlay District is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during a 100-year flood.
- (3) All development must be designed to minimize flood damage to the proposed development and to community infrastructure.
- (4) All development must be designed to provide adequate drainage to reduce exposure to flood hazards.
- (5) Permitted accessory uses (accessory apartment, childcare home, group home and home occupation) will only be allowed within dwellings constructed as of the effective date of these regulations.
- (6) Existing seasonal dwellings may be converted to year-round use subject to conditional use approval and the standards of these regulations.
- (7) Structures to be built or substantially improved within the Flood Hazard Overlay District must be certified by a registered professional engineer that they:
 - (i) Are designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of the 100-year flood.
 - (ii) Are constructed with materials resistant to flood damage.
 - (iii) Are constructed by methods and practices that minimize flood damage.
 - (iv) Are constructed with electrical, heating, ventilation, plumbing, air conditioning and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (v) Have water supply and wastewater systems that are designed to minimize or eliminate the infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (vi) Have their lowest floor, including the basement, at or above the 100-year flood elevation.

(F) Flood Hazard Administration

- (1) The Zoning Administrator will measure the boundaries of this overlay district by scaling distances on the Official Zoning Map or the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, if more recently amended. All decisions of the Zoning Administrator may be appealed by following the procedures outlined in Section 3.5.
- (2) The Zoning Administrator cannot issue any permits for development within the Flood Hazard Overlay District until:
 - (i) A copy of the application is mailed or delivered by the Zoning Administrator to the Agency of Natural Resources; and
 - (ii) Either 30 days elapse following the mailing, or the agency responds with comments on the application.
- (3) The Zoning Administrator will submit an annual report with respect to the administration and enforcement of the town's flood hazard area regulations to Federal Emergency Management Agency and the Vermont Agency of Natural Resources.
- (4) Where a use is permitted in the underlying zoning district, but conditional in the Flood Hazard Overlay, the DRB will use only the standards in Subsection (E) above and any applicable requirements of the underlying district when reviewing applications for conditional use approval.
- (5) Requests for variances within the Flood Hazard Overlay District will be reviewed under Section 3.7, including but not limited to the criteria specific to variances within designated flood hazard areas.

Section 2.10 Shoreland Overlay District (SHO)

(A) **Purpose.** The Shoreland Overlay District is intended to protect areas along the shorelines of Lake Champlain, East Creek and Sunrise Lake. Orwell’s shoreline property, especially on Lake Champlain, is highly susceptible to erosion and over recent decades property owners have literally lost ground to the lake. The best long-term approach to reducing the rate of shoreline erosion is retaining and planting shoreline vegetation, using proper stormwater management techniques and keeping development set back from the water’s edge. Property owners are encouraged to follow the recommendations of *The Shoreline Stabilization Handbook for Lake Champlain and Other Inland Lakes* to prevent shoreline erosion. The purpose of this overlay district is to preserve the natural growth and cover of the shorelines, to improve water quality and prevent pollution, to prevent erosion, nuisance and exploitation, to control and regulate development of the shorelines, to allow for water-related uses, and to protect the property rights of the shoreline property owners.

(B) Permitted Uses

- (1) Accessory apartment
- (2) Agriculture
- (3) Childcare home
- (4) Forestry
- (5) Group home
- (6) Home occupation
- (7) Seasonal dwelling
- (8) Wildlife refuge
- (9) Water related uses as specified in Section (E) below.

(C) Conditional Uses

- (1) Accessory use
- (2) Bed and breakfast
- (3) Camp facility
- (4) Campground
- (5) Cemetery
- (6) Community facility
- (7) Community infrastructure
- (8) Energy generating facility
- (9) Farm housing
- (10) Home-based business
- (11) Marina
- (12) Outdoor recreation
- (13) Restaurant
- (14) Single-family dwelling
- (15) Telecommunications antenna
- (16) Two-family dwelling
- (17) Water related uses as specified in Section (E) below.

(D) Dimensional Standards

- (1) Minimum setback from Lake Champlain..... 75 feet
- (2) Minimum setback from East Creek..... 75 feet
- (3) Minimum setback from Sunrise Lake..... 50 feet
- (4) All other dimensional standards set forth in the underlying district.

(E) Shoreland Standards

- (1) All development – including roads, driveways, parking areas, clearing, filling and grading – must conform to the setback requirements above except as specifically provided for below.
- (2) **Structures**
 - (i) Seasonal, temporary wooden or metal docks for non-commercial use are a permitted use provided they do not exceed 500 square feet in aggregate or extend more than 50 feet into the water from

the shoreline. Temporary extensions required by low water may be allowed in addition to the dock noted above with a written permit issued by the Zoning Administrator.

- (ii) Commercial piers, docks and other similar structures must meet the standards of Section 5.12.
- (iii) All other shoreline improvements are subject to conditional use approval by the DRB in accordance with Article 6 including permanent docks, stairways and fishing piers; permanent boat hoists, launches and ramps; boat houses (as per Subsection (iv) below); constructed or improved beach areas; and retaining walls and other permanent stabilization measures located at or above the mean high water mark. Such improvements are exempt from the shoreline setback requirements, but must be sited to (1) avoid sensitive shoreline features, (2) minimize surface runoff, channeling and soil erosion, and (3) avoid adverse impacts and obstructions to adjoining shoreland areas.
- (iv) A one-story boathouse used for the sole purpose of boat storage is a conditional use on residential property. The boathouse must be built at least 2 feet above the mean high waterline. Its roofline cannot exceed 16 feet above mean high water level and it cannot be wider than 16 feet. One end of the boathouse may extend into the water 10 feet beyond the mean high waterline.

(3) **Vegetation and Shoreline Stabilization**

- (i) No more than 30 percent of existing woody vegetation can be removed along the shoreline within 50 feet of the mean high waterline.
- (ii) No woody vegetation with a diameter greater than 4 inches at a height of 4 feet above the ground may be removed along the shoreline within 50 feet of the mean high waterline without a waiver granted by the DRB in accordance with Section 3.6.
- (iii) Property owners are strongly encouraged to follow the recommendations of *The Shoreline Stabilization Handbook for Lake Champlain and Other Inland Lakes* to prevent shoreline erosion. The handbook is available for review at the Orwell Town Office.

(4) **Stormwater Management**

- (i) Application for any development that involves increasing lot coverage, clearing, grading, excavating or filling within the Shoreland Overlay District requires submission of a plan for the management of stormwater based on the current *Vermont Stormwater Management Manual*. If the applicant has received a state stormwater permit then that permit can serve to meet the town requirement for stormwater management.
- (ii) Site construction within the overlay district will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, will be stabilized downslope with appropriate materials and methods to ensure soil will not breach the barrier during normal seasonal conditions or during unusually heavy rainfall. Stormwater will be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
- (iii) A sedimentation and erosion control plan will be required to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, do not unduly impact neighboring properties or surface waters beyond pre-construction activity. Such a plan must be professionally prepared following guidelines and requirements outlined in the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites* (Vermont Geological Survey Publication #3, 1987), and including the 2003 revised edition entitled: *Erosion Prevention and Sediment Control*.

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

Section 3.1 Zoning Administrator

- (A) A Zoning Administrator (ZA) will be nominated by the Planning Commission and appointed by the Selectboard for a three-year term to administer these regulations.
- (B) The ZA is subject to any personnel policies legally adopted by the town. After consultation with the Planning Commission, the Selectboard may remove the ZA at any time for cause.
- (C) The ZA must literally enforce the provisions of these regulations and in so doing will inspect development, maintain records and perform all other necessary tasks to carry out the provisions of these regulations.
- (D) The ZA will coordinate a unified effort for the Town of Orwell in administering its development review programs. The ZA will provide applicants with all forms required to obtain permits or approvals under these bylaws and should assist applicant in navigating the town's regulatory processes. The ZA will inform applicants applying for town permit 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.

Section 3.2 Zoning Permit

- (A) No development requiring a zoning permit will commence until a permit has been issued by the Zoning Administrator in conformance with these regulations and the 15-day period for appeal under Section 3.5 has passed. In the event that a notice of appeal is properly filed, no development will commence until the appeal has been decided.
- (B) An application for a zoning permit must be submitted to the ZA on forms provided by the town, along with any application fees as established by the Selectboard.
- (C) Upon receipt of an application, the ZA will determine whether the application is complete. After an application is deemed complete, the ZA has 30 days to approve, deny or refer the application to the DRB. Failure to act within 30 days will be deemed approval.
- (D) The ZA will approve or deny permits in writing, in accordance with the Act. Denials will include a statement of the time in which appeals may be made under Section 3.5. Information regarding permit display under Section 3.2(G), and required inspections and certificates of compliance under Section 3.3 will be issued with the zoning permit as applicable.
- (E) The ZA can only issue a zoning permit in accordance with the Act and the following provisions:
 - (1) No zoning permit will be issued by the ZA for any development that requires the approval of the Development Review Board or Selectboard until such approval has been obtained.
 - (2) No zoning permit will be issued by the ZA for development on a lot for which an Orwell subdivision permit is required until such approval has been obtained and the plat has been properly recorded.
 - (3) No permit for development within the Flood Hazard Overlay District will be issued by the ZA until the 30-day comment period required by state law has elapsed.
- (F) The ZA will deliver a copy of a permit to the Listers and will post a copy of the permit at the Town Office within three days after issuing a permit. The permit must be posted for a period of 15 days from that date of issuance.

- (G) The notice of a zoning permit must be posted on the property within view of the nearest public right-of-way within 24 hours of issuance until construction is complete. 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.
- (H) Zoning permits and associated approvals (Variances, Waivers, ZA Decisions decided by appeal) will remain in effect for one year from the date of issuance, unless the permit specifies otherwise. All development authorized by a zoning permit must be substantially commenced within this period or the zoning permit will become null and void. If a permit expires, the applicant must begin the application and approval process anew. The ZA may grant a single, one-year administrative extension if the extension is requested prior to the permit expiration date and the ZA determines that all improvements completed to date conform to permit requirements and these regulations.

Section 3.3 Certificate of Compliance

- (A) After the completion of development requiring a permit under these regulations and prior to any structure being occupied or use commencing, the applicant must obtain a certificate of compliance from the Zoning Administrator. The following procedures apply to a certificate of compliance.
- (1) The applicant must notify the ZA when any new structure or modification to an existing structure is staked.
 - (2) The ZA must inspect the site to ensure that all the requirements of the permit are being met within seven days of being notified.
 - (3) The applicant must notify the ZA again when the structure is ready for occupancy and before any use commences.
 - (4) The ZA must do a final inspection to ensure that all the requirements of the permit have been met within seven days of being notified.
- (B) The ZA must take action on the request for a certificate of compliance within seven days after the final inspection. The zoning administrator can either:
- (1) Find that the permit conditions have been met and issue the certificate of compliance.
 - (2) Find that the permit conditions have not been met. The ZA must deny the certificate of compliance and follow the procedures required in Section 3.13 for violations of these regulations.
- (C) The ZA must submit an original, signed copy of the certificate of compliance with the Town Clerk for filing in the land records.
- (D) The ZA may write a letter indicating that a property complies with the provisions of these regulations upon request of the property owner and after reviewing records on file in the town office. The ZA may also inspect the property (not to include the interior of any structures) to ensure that it is in compliance.

Section 3.4 Development Review Board

- (A) The Town of Orwell has established a Development Review Board (“DRB”). The DRB performs all development review functions under these regulations, including those previously performed by the Planning Commission. The Planning Commission remains responsible for the town’s planning functions including development of the town plan and land use regulations. The Selectboard’s creation of the DRB terminated the need for and existence of the Zoning Board of Adjustment.

- (B) Except for appeals of Zoning Administrator’s decisions, all matters will come before the DRB by referral from the ZA.
- (C) All meetings of the Development Review Board, except for deliberative sessions, must be open to the public. As specified in the DRB’s Rules of Procedure, after closing a hearing (but not necessarily immediately following it), the DRB will go in to deliberative session, which may be closed to the public, to review evidence received at the hearing and issue its decision.
- (D) Upon establishment of standards by the Selectboard, the DRB may require an applicant to pay for the reasonable costs of an independent technical review of all or portions of an application before it.

Section 3.5 Appeal of Zoning Administrator’s Decision

- (A) In addition to the applicant, any interested person (as defined in Section 3.9) may appeal a decision of the Zoning Administrator by filing a notice of appeal within 15 days of the issuance of the decision with the Clerk of the Development Review Board, who will immediately notify the Chair of the Development Review Board and the Zoning Administrator that an appeal has been filed.
- (B) A notice of appeal must be in writing and include the following information:
 - (1) The name and address of the appellant;
 - (2) A copy of the Zoning Administrator’s decision (If appeal of a zoning permit, also include a copy of the permit application);
 - (3) A brief description of the property with respect to which the appeal is being brought;
 - (4) A reference to the applicable provisions of these regulations; and
 - (5) Any relief being requested by the appellant, including a request for a variance or waiver.
- (C) If an interested person other than the applicant files the appeal, the Zoning Administrator will contact the applicant to inform them than an appeal has been filed and advise them that the project cannot commence until the appeal has been decided as per Section 3.2(A).
- (D) The DRB must hold a public hearing on a notice of appeal within 60 days of its filing. The hearing must be warned as per Section 3.10(A) of these regulations and the DRB must 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) The DRB may reject an appeal without a hearing and render a decision within 10 days of the filing of a notice of appeal, if the DRB 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) The DRB 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 Zoning Administrator and Town Clerk.

Section 3.6 Waiver

- (A) The DRB may grant applicants waivers to the requirements and standards of these regulations where specifically authorized in these regulations. 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 Section 3.7.

- (B) In considering requests for waivers to specific standards, the DRB should consider all of the following criteria:
 - (1) The waiver, if approved, will not negatively impact the character of the area 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.
 - (2) The deviation from these regulations being proposed by the applicant is a reasonable request and would not result in development or use of property that would offend the sensibilities of the average person.
 - (3) The waiver, if approved, will result in development that is in conformance with the Orwell Town Plan.
- (C) The DRB may require mitigation through design, screening or other remedy when a waiver will be granted to reduce the dimensional or setback requirements of these regulations.
- (D) In considering requests for waivers to submission requirements, the DRB should consider whether:
 - (1) The submission requirement is relevant to the proposed project or property in question.
 - (2) Providing the requested information would result in an excessive and undue expense to the applicant.
- (E) All waivers must be issued in writing by the DRB.

Section 3.7 Variance

- (A) The procedures below apply to an applicant who has been denied a permit by the Zoning Administrator, who is appealing that decision and who is proposing a project that would require deviating from the provisions of these regulations.
- (B) The steps to be taken to file and review a request for a variance are the same as those specified in Section 3.5, with the addition of the following:
 - (1) In addition to the submittal requirements listed in Section 3.5(B), the applicant's notice must also include a brief response to each of the conditions listed in Subsections (C), (D) and (E), as applicable.
 - (2) The DRB must make its decision on the request for variance by applying the facts presented in the application and at its hearing to the conditions listed above. All conditions must be met for the DRB to grant a variance. The DRB should respond to each condition in its written findings of fact.
- (C) **General Conditions.** The DRB can only grant a variance if all of the following conditions are met.
 - (1) 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. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located, have created an unnecessary hardship for the appellant.
 - (2) Those physical circumstances or conditions must prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.
 - (3) The appellant has not created the unnecessary hardship.
 - (4) The proposed project would not do any of the following: 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; or be detrimental to the public welfare.

- (5) The appellant is proposing the least deviation possible from these regulations and from the town plan that will afford relief.
- (D) **Renewable Energy Structure Conditions.** If a variance is being requested for a structure that is primarily a renewable energy resource structure, the DRB can only grant a variance if all of the following conditions are met.
 - (1) It would be unusually difficult or unduly expensive for the appellant to build a sustainable renewable energy resource structure in conformance with these regulations.
 - (2) The appellant has not created the unnecessary hardship.
 - (3) The proposed project would not do any of the following: 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; or be detrimental to the public welfare.
 - (4) The appellant is proposing the least deviation possible from these regulations and from the town plan that will afford relief.

(E) **Flood Hazard Area Conditions.** In addition to the requirements of Subsection (C), the DRB can only grant a variance within the Flood Hazard Overlay District if all of the following conditions are met, in accordance with the Act and with CFR Section 60.6 of the National Flood Insurance Program.

- (1) No increase in flood levels during the base flood discharge would result.
- (2) The structure or other development is protected by methods that minimize flood damages.
- (3) The variance, if granted, would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or cause fraud on or victimization of the public.

Section 3.8 Appeal to Environmental Court

(A) Any interested person who participated in a hearing on a matter before the Development Review Board may appeal that decision to the Vermont Environmental Court. Notice of appeal must be sent to every interested person who participated in the town hearing.

Section 3.9 Interested Person

(A) For the purposes of these regulations, an interested person is:

- (1) The owner of property that is the subject of any decision made under these regulations;
- (2) The Town of Orwell or any adjoining municipality;
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision made under these regulations, who can demonstrate a physical or environmental impact on the their interest under the criteria reviewed, and who alleges that the decision, if confirmed, will not be in accord with the *Orwell Town Plan* or the regulations of the town;
- (4) Any ten people who may be any combination of voters or real property owners within the Town of Orwell who, by signed petition to the DRB, allege that any relief requested by a person under these regulations, if granted, will not be in accord with the *Orwell Town Plan* or the regulations of the town. This petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal; or

- (5) Any department and administrative subdivision of this state owning property or any interest in property within the town, and the Vermont Agency of Commerce and Community Development.

Section 3.10 Hearings

(A) A public hearing, warned as described below, is required for all requests for conditional use approval, variances, appeals of Zoning Administrator's decisions and final plat plan approvals.

- (1) The date, place and purpose of the hearing must be published in a newspaper of general circulation in the Town of Orwell not less than 15 days prior to the date of the public hearing.
 - (2) The date, place and purpose of the hearing must be posted in three or more public places within the Town of Orwell not less than 15 days prior to the date of the public hearing. One of the public posting places must be on the property within view of the nearest public right-of-way. The Town of Orwell will provide the property owner with a form for posting. It is the responsibility of the property owner to ensure that the notice remains posted for the entire warning period.
 - (3) Written notification to the property owner (if not the applicant or appellant) and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification must include a description of the proposed project and must 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. The Town of Orwell may supply applicants or appellants with notification forms and require them to send by certified mail return receipt requested or hand deliver the notice with proof of delivery submitted before or at the start of the hearing.
- (B) A public hearing, warned as described below, is required for all other types of development review including requests for waivers, sketch plan review and preliminary plat approval.
- (1) The date, place and purpose of the hearing must be posted in three or more public places within the Town of Orwell not less than 7 days prior to the date of the public hearing.
 - (2) Written notification to the property owner (if not the applicant or appellant) and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification must include a description of the proposed project and must 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. The Town of Orwell may supply applicants or appellants with notification forms and require them to send by certified mail return receipt requested or hand deliver the notice with proof of delivery submitted before or at the start of the hearing.

(C) The Development Review Board may recess a hearing on any application pending submission of additional information. Hearings that are recessed to a known date and time do not require further warnings when resumed.

Section 3.11 Combined Review

- (A) In cases where a proposed project will require more than one type of development review, the DRB may warn and hold a single hearing for the purpose of reviewing and acting on the proposal. The Zoning Administrator will identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- (B) Notice for a combined review hearing shall be made in accordance with Section 3.10(A) of these regulations. The hearing notice must include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing.

(C) All hearing and decision requirements and all deadlines applicable to each review process will apply. Separate written decisions may be issued for each review conducted as part of the combined review, but they should be coordinated where appropriate.

Section 3.12 Decisions

- (A) Once the DRB adjourns its hearing, it must issue a written decision, with findings of fact, within 45 days. Failure to act within 45 days will be deemed approval.
- (B) In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards as it deems necessary to implement the provisions of these regulations and the policies of the *Orwell Town Plan*.
- (C) Approval may be conditioned on the submission of a bond, escrow account or other surety in a form acceptable to the Selectboard to assure one or more of the following:
- (1) The completion of the project;
 - (2) Adequate stabilization of the site; or
 - (3) Protection of public facilities that may be affected by the project.
- (D) All decisions must be sent by certified mail to the applicant or appellant. Copies of the decision must also be sent to every person, body or group who participated in the hearing. A copy of the decision must also be filed with the Zoning Administrator and with the Town Clerk for recording in the town records.

Section 3.13 Violations and Enforcement

- (A) The commencement or continuation of any development or use that is not in conformance with the provisions of these regulations will constitute a violation. Each day that a violation continues constitutes a separate offense. The Zoning Administrator will undertake appropriate action, following the procedures outlined below, to enforce the provisions of these regulations.
- (B) The ZA will investigate all complaints regarding violations of these regulations. The ZA will commence the procedures below upon determining that a violation has occurred. Decisions or actions of the ZA in relation to violations may be appealed as per Section 3.5 of these regulations.
- (C) **Informal Resolution.** Upon determination that there has been a violation of these regulations, the ZA will first attempt to contact the property owner by phone or in person in an attempt to informally resolve the violation. If such contact cannot be made or the matter is not resolved to the ZA's satisfaction within 15 days, the ZA must issue a written notice of violation.
- (D) **Notice of Violation.** The ZA will send the property owner a written notice of violation by certified mail. The notice must:
- (1) Describe the violation and include a reference to the specific provisions of these regulations under which the property is in violation.
 - (2) Explain that the property owner has an opportunity to cure the violation within 15 days.
 - (3) List the amount of the fine(s) for the violation, as set by the Selectboard, and explain that the fine(s) will be imposed for each day the violation continues after the 15-day period for curing the violation elapses.
 - (4) Notify the property owner that action may be brought without notice and the opportunity to cure if the violation is repeated within the succeeding 12 months.

- (E) **Legal Action.** If the violation is not cured within seven days after the notice of violation was received, the ZA should consult with the Selectboard to determine how the town will proceed. The ZA may negotiate a resolution to violations after the opportunity for cure has elapsed. The Selectboard must approve such resolutions.
- (F) **Recording.** The ZA must submit all notices of violation to the Town Clerk for filing in the land records. Upon resolution of the violation, a Certificate of Compliance may be requested. No Certificates of Compliance will be issued for properties that have outstanding violations.
- (G) **Limitations on Enforcement.** Enforcement of the provisions of these regulations or of a failure to comply with the provisions of any land use permit must be instituted within 15 years from the date the violation first occurred.

ARTICLE 4. GENERAL REGULATIONS

Section 4.1 Abandonment and Demolition of Structures

- (A) **Damaged Structures.** No zoning permit will be required for the stabilization of a damaged structure to prevent hazards to public health or safety, or to adjoining properties, structures or uses. No zoning permit will be required for any repair, restoration or reconstruction of a damaged structure to the extent of its prior condition and use that commences within one year and is complete within two years. Rebuilding that results in density, dimensional, or use changes under the provisions of this bylaw will require a zoning permit. Any repair or reconstruction of a nonconforming structure cannot result in an increase in its degree of nonconformity, except as provided for in Section 4.12.
- (B) **Abandoned Structures.** Structures that remain substantially incomplete within two years of the issuance of a zoning permit or within two years of being damaged or destroyed will be considered abandoned for the purposes of these regulations. For such structures, the owner must either:
- (1) Apply for a zoning permit (or an extension as per Section 3.2(H)) to confirm their intent not to abandon the structure and to resume repair or construction.
 - (2) Remove all materials from the site, restore the site to normal grade and establish groundcover sufficient to prevent erosion.

Section 4.2 Access, Driveway and Road Standards

- (A) Access onto a town road is subject to approval of the Orwell Selectboard in accordance with the town's Highway Access Policy. Access onto a state highway is subject to approval of the Vermont Agency of Transportation in accordance with state law.
- (B) Access approval must be obtained prior to the Zoning Administrator issuing a zoning permit for development on a property without an existing access or where an existing access will be altered or improved. For development requiring conditional use approval, access approval will be obtained from the Selectboard after the Development Review Board grants conditional approval.
- (C) **Driveways.** Constructing a driveway, which may serve up to three lots, requires a zoning permit from the Zoning Administrator and access approval from the Selectboard.
- (D) Residential driveways 800 feet or longer and all non-residential driveways constructed after the effective date of these regulations must be built to the Vermont Agency of Transportation's *Standards for Residential and Commercial Drives (B-71)*.
- (E) Residential driveways less than 800 feet in length constructed after the effective date of these regulations must be built to the following standards:
- (1) Minimum width of 12 feet.
 - (2) Average surface of 12 inches of gravel, crushed stone or other suitable compacted material.
 - (3) Minimum clearance height of 12 feet above finished grade.
 - (4) Maximum grade of 3 percent within 20 feet of the intersection and 8 percent after that.
- (F) **Class IV Roads.** The town, under state law, is not required to maintain designated Class IV roads to provide year-round access to adjoining properties. Upgrade and maintenance of the road, as required for development and emergency vehicle access will be the responsibility of the

applicant and subsequent landowners. Depending on the type of development and number of lots to be served, the applicant will be required to improve the road to meet either the driveway or road standards specified in these regulations.

(G) **Private Roads.** Rights-of-way serving four or more lots will be considered private roads for the purposes of these regulations. Private roads must be designed in accordance with any Town of Orwell road ordinances currently in effect and must conform to the dimensional and geometric design standards specified in the Agency of Transportation's *Standards for Development Roads (A-76)*. Private roads may be taken over by the town only in accordance with town roads policies and ordinances, and state statutes governing the laying out of public rights-of-way.

(H) **Access Management.** No lot may be served by more than one access except for:

- (1) An access used only for agricultural or forestry uses as approved by the Selectboard;
 - (2) An access used for construction or other temporary purposes as approved by the Selectboard;
 - (3) A lot for which the DRB determines through the conditional use or waiver process that one or more additional accesses are needed to ensure safety; or
 - (4) A lot for which the DRB determines through conditional use, waiver or variance process that strict compliance with this standard due to physical constraints (ex. steep slope, stream, wetland) would result in adverse environmental impacts or less desirable site design.
- (I) No curb cut will be permitted to be wider than 40 feet, unless the DRB determines through conditional use or variance process that a wider access is necessary for safe ingress and egress. The DRB may restrict the width of curb cuts to less than 40 feet where it determines a narrower access can safely accommodate expected traffic.

Section 4.3 Boundary Adjustment

(A) The Zoning Administrator may approve boundary adjustments that meet all the criteria below. The DRB will review changes in lot lines that do not meet these standards as a subdivision under Article 8 of these regulations.

- (1) Neither lot (or any structure or use on it) is, or will become if the proposed adjustment is approved, nonconforming based on the standards of the zoning district(s) in which it is located. Notwithstanding, the ZA may act on boundary adjustments involving a nonconformity if the proposed adjustment will result in the elimination or reduction of the nonconformity.
 - (2) The boundary adjustment will not make either lot more subdividable based on the standards of the zoning district(s) in which it is located (by increasing the acreage to allow for further subdivision or by increasing the road frontage to allow for further subdivision, for example).
- (B) Applicants must submit a sketch plan, as specified in Section 8.8 of these regulations, for review by the ZA. Applicants must also submit a copy of the state Potable Water and Wastewater permits or waiver of said permit for each reconfigured lot or a letter from the Secretary of the Agency of Natural Resources exempting the boundary adjustment from the requirements of the state regulations.
- (C) A survey, stamped by a surveyor registered in Vermont, must be completed locating the new boundary and eliminating the former boundary. The two lots do not need to be surveyed in their entirety; only those portions necessary to establish the new boundary are required.
- (D) Within 180 days of approval by the ZA, applicants must file a final plat for recording in the town land records as required in Section 8.6 of these regulations. Failure to file within 180 days voids approval of the plat. Applicants must also file new deed descriptions that eliminate any

reference to the old boundary and correctly describe the new configuration, or attach a revised description that will be incorporated into the deed at a later time.

Section 4.4 Conversion or Change of Use

- (A) Conversions or changes in the use of land or structures must conform to all applicable provisions of these regulations.
- (B) A conversion or change of use from a permitted use to another permitted use requires a zoning permit issued by the Zoning Administrator.
- (C) A conversion or change of use from a permitted use to a conditional use, or from one conditional use to another, requires conditional use approval from the DRB before the Zoning Administrator can issue a zoning permit.
- (D) Conversion includes change of use from a seasonal to year-round dwelling. Determination of current status of property as either seasonal or year-round will be based on how the property is classified in the town's current grand list (Vacation-1 or -2 vs. Residential-1 or -2, for example).

Section 4.5 Dishes and Antennas

- (A) The installation of dishes and antennas larger than three feet in diameter must meet the dimensional standards for the district in which they are located.
- (B) Dishes and antennas must be located in the rear yard of the dwelling or other building they serve. The DRB may waive this requirement, in accordance with Section 3.6, if the following criteria are met:
 - (1) Quality reception requires alternative siting.
 - (2) Screening that does not impair reception is used to minimize the visibility of the installation from public rights-of-way and neighboring properties.

Section 4.6 Equal Treatment of Housing

- (A) No provision of these regulations will have the effect of excluding mobile homes, modular housing or other forms of prefabricated housing from the Town of Orwell except on the same terms as all other forms of housing are excluded. Mobile homes will be considered single-family dwellings and must meet the requirements for single-family dwellings in the district in which they are located except when located in an approved mobile home park (Section 5.13), sales establishment, or allowed as a temporary structure (Section 4.17).
- (B) No provision of these regulations should be interpreted to prevent the establishment of a mobile home park within any zoning district where it is an allowed use and where it meets all applicable requirements for such use (Section 5.13).
- (C) No provision of these regulations will have the effect of excluding group homes that meet all the applicable requirements for such use (Section 5.9).
- (D) No provision of these regulations will have the effect of excluding accessory apartments as an accessory use to an owner-occupied dwelling that meet all the applicable requirements for such use (Section 5.1).
- (E) No provision of these regulations will have the effect of excluding multi-family dwellings entirely from the Town of Orwell.

Section 4.7 Farm Stands

- (A) Seasonal roadside stands for the sale of agricultural products may be operated on the same lot as the farm producing them provided that:
- (1) The stand will not be in operation from January 1 to March 15.
 - (2) The stand will be located at least 45 feet from any lot line.
 - (3) Access to and parking for the stand will be provided in a manner that prevents unsafe traffic conditions.

Section 4.8 Fences

- (A) Fences may be constructed within yard setback areas, although no fence may be built within the right-of-way of a public road.

Section 4.9 Frontage

- (A) No development may be permitted on lots that do not have at least one of the following:
- (1) The minimum frontage on a public road required by the standards for the district in which the lot is located;
 - (2) The minimum frontage on public waters required by the standards for the district in which the lot is located; or
 - (3) With the approval of the DRB, access to a public road or waters by a permanent easement or right-of-way at least 20 feet wide.
- (B) A combination of (A)(1) and (A)(2) cannot be used to meet frontage requirements.
- (C) Frontage requirements for parcels served by private roads will be the same as the requirements for parcels served by public roads.

Section 4.10 Height Restrictions

- (A) Through the waiver procedure in Section 3.6, the DRB may permit a structure to exceed the applicable building height maximum if the structure (or part of a structure) is a steeple, bell tower, cupola, chimney, weathervane, flagpole, or other similar structure meeting all other applicable requirements of these bylaws.
- (B) Through the variance procedure, the DRB may permit a structure to exceed the applicable building height maximum if the structure (or part of a structure) is an energy generation facility, utility pole, antenna, communications tower or other similar structure meeting all other applicable requirements of these bylaws.
- (C) [CURRENT Silos and other structures intended for agricultural use are exempt from height restrictions.
- (D) The DRB will not grant waivers or variances to the height restrictions for structures, such as flagpoles, on commercial property that have as their primary purpose or effect increasing the visibility of the business.

Section 4.11 Lots and Yards

- (A) Only a single principal use or structure may be located on a lot, unless otherwise approved as part of a PUD.
- (B) An accessory structure must conform to all standards for the district in which it is located.

- (C) Any lot that does not have frontage on a public road, private road or public waters will have a minimum setback requirement for all yards equal to the front yard setback distance in the district in which the lot is located.
- (D) Any yard adjoining a road is a front yard. A corner lot has only front and side yards.
- (E) The front yard setback will be measured from the centerline of the road or the mean high water mark, whichever is applicable.
- (F) Every part of a required yard must be open and unobstructed from grade level to the sky, except for vegetation and the ordinary protection of architectural features such as sills, cornices, eaves, etc.; however, no such projections may extend more than two feet into any required yard.
- (G) On a corner lot, within the triangular area formed by the street lines and a line joining them at points 25 feet away from their intersection, there will be no obstruction to vision between the height of two and ten feet above the average grade of each street.
- (H) Land required under these regulations to satisfy area, yard or other open space requirements in relation to one structure or use cannot be counted as part of a required open space for any other structure or use.
- (I) No lot can be reduced in area to the point where the lot size, yard, frontage, coverage or other requirements of these regulations cannot be met. This provision does not apply when part of a lot is taken for a public purpose.

Section 4.12 Nonconformities

- (A) Any lot, structure, part of a structure or use that is not in compliance with the provisions of these regulations will be deemed nonconformity. It is the goal of the Town of Orwell that nonconformities will over time cease to exist, become conforming or at a minimum not increase their degree of nonconformity. Nonconformities will be regulated and only allowed to continue indefinitely as outlined below.
- (B) **An undeveloped nonconforming lot** may be developed in accordance with the standards of the district in which it is located if the lot:
 - (1) Was legally subdivided;
 - (2) Was in existence on or before the effective date of these regulations;
 - (3) Is at least 1/8 acre in area; and
 - (4) Is at least 40 feet wide and deep.
- (C) **A nonconforming lot** will 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 that it meet any of the following:
 - (1) The nonconforming lot was developed with a water supply and wastewater 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 that it may not be able to be developed if a potable water and wastewater permit is not issued by the state.

- (D) **A nonconforming lot** that is or can be served by the municipal wastewater system will not be deemed merged if it comes into common ownership with one or more contiguous lots and may be separately conveyed.
- (E) **A nonconforming lot** that cannot meet the provisions of Subsection (C) or (D) above will be deemed merged if it comes into common ownership with one or more contiguous lots and may not be separately conveyed. All pre-existing small lots deemed merged prior to September 1, 2005 will remain merged.
- (F) **A lawfully developed nonconforming lot:**
- (1) May continue in its current use and configuration.
 - (2) May, after receiving a permit from the Zoning Administrator, have any structure located on it repaired, maintained, structurally enlarged, expanded or moved provided that such a structure meets the district standards for the district in which it is located.
 - (3) May, after receiving a permit from the Zoning Administrator, have new a structure built upon it provided that such a structure meets the district standards for the district in which it is located.
 - (4) May not be converted to any other use allowed in the district in which it is located or change its configuration in any way other than as specified above without a waiver issued by the DRB in accordance with Section 3.6. The DRB will only allow a conversion that does not increase the degree of nonconformity of the lot.
- (G) **A nonconforming structure:**
- (1) May undergo normal repair and maintenance without a permit provided that such action does not increase the structure's degree of nonconformity.
 - (2) May 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 1 year and is completed within 2 years of the date the damage occurred.
 - (3) May be structurally enlarged, expanded or moved, after receiving a permit from the Zoning Administrator, provided that the degree of nonconformity is not increased.
 - (4) May, subject to conditional use approval by the DRB under Article 6, 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.
- (H) **A nonconforming use:**
- (1) May not be moved from one lot to another where it is also a nonconforming use.
 - (2) May not be re-established if the use has been changed to or replaced by a conforming use for a period greater than 6 months.
 - (3) May not be re-established if the use has been discontinued for a period greater than 6 months. Subject to conditional use approval under Article 6, the DRB may allow a nonconforming use on a property that is actively for sale to be discontinued for a period not to exceed 2 years. Subject to conditional use approval under Article 6 and finding that reasonable effort is being made to reinstate the use, the DRB may allow a nonconforming use in a structure that was damaged by any cause to be discontinued for a period not to exceed 2 years.
 - (4) May not be converted to another nonconforming use without conditional use approval under Article 6. The DRB will only allow the use to be converted to another nonconforming use that, in its opinion, is of the same or less intensive nature.
 - (5) May not be intensified by any means whatsoever, except with the approval of the DRB subject to conditional use approval under Article 6.

Section 4.13 Outdoor Lighting

- (A) **Purpose.** Orwell’s rural character is enhanced by the ability to clearly view and enjoy the night sky largely free from light pollution. While some outdoor lighting may be necessary for safety and security, inappropriate, poorly designed, or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjoining property owners, cause sky glow that obstructs views of the night sky, and result in unnecessary energy consumption.
- (B) **Standards.** To allow for appropriate outdoor lighting, the following standards will apply to all outdoor lighting installations with the exception of temporary holiday light displays, street lighting and flag pole lights, which are exempt from these requirements.
- (1) All outdoor lighting will be kept to the minimum required for safety, security and intended use.
 - (2) Outdoor lighting may not have undue adverse impacts on the character of the area in which it is located.
 - (3) Permanent outdoor lighting fixtures will not direct light upward or onto adjacent properties, public roads or public waters (flag pole lights are exempt as per Section 1.5).
 - (4) Outdoor lighting fixtures must be cast downward and be designed to minimize glare. Such fixtures may include recessed, shielded or cutoff fixtures, or low luminance lamps.
 - (5) Outdoor lighting fixtures should include timers, dimmers or sensors to reduce energy consumption and eliminate unnecessary lighting.
 - (6) Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, will be illuminated only during business hours.
- (C) **Waiver.** The DRB may waive or modify the requirements of this section, in accordance with Section 3.6, if it finds that doing so will not result in a violation of the stated purpose of these provisions; or it finds that a waiver or modification is needed for public safety, or to meet an overriding public purpose such lighting a public building or monument.

Section 4.14 Parking, Loading and Service Areas

- (A) Except as specified below, a required parking space must have a minimum width of nine feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use.
- (B) Non-residential parking lots will be screened or hidden from public rights-of-way and the view of neighbors in residential districts.
- (C) No parking of motor vehicles will be allowed in required yard setback areas. The DRB may waive this requirement, in accordance with Section 3.6, for residential properties where there is insufficient space outside the yard setback areas to allow for the parking of personal, passenger vehicles used regularly by the dwelling’s inhabitants.
- (D) Commercial parking lots adjacent to residential uses must be set back at least 50 feet, or the minimum for the district, whichever is greater, and may be required to provide screening and orientation of any lighting away from residential areas. This requirement may be waived by the DRB, in accordance with Section 3.6, for commercial uses within the Village District upon finding that reasonable efforts have been made to limit the impacts of the parking lot on neighboring residences.
- (E) All structures built, altered, extended or changed in use must provide off-street parking as set forth below. A required driveway must meet the setback requirements of the district and must be at least 14 feet clear in width.

- (1) **Residential uses (including PUDs).** One-family and two-family dwelling units will provide 1.5 parking spaces for every unit. Multiple-family dwelling units will provide four parking spaces for every three units. If the development will be occupied solely by senior citizens (people over 65 years of age), the parking requirement will be one space per unit, provided visitor parking areas are also provided.
- (2) **Lodging uses.** Lodging uses must provide one parking space for every guest room.
- (3) **Group homes.** Group homes must provide one parking space for every two beds.
- (4) **Community facilities.** Community facilities must provide one parking space for each four fixed seats, or every 200 square feet of floor space, whichever is greater.
- (5) **Professional offices.** Professional offices must provide one parking space, plus one additional space for every three hundred square feet of office space.
- (6) **Commercial and other uses.** All other uses must provide one parking space for every employee, plus one parking space for every 200 square feet of floor area.
- (7) **Home-based businesses** will, in addition to the applicable requirements outline above, provide two parking spaces for the residence.
- (F) **Handicapped Parking Spaces.** In addition to the applicable parking space requirements indicated above, all uses listed below will include designated handicapped parking spaces within off-street parking lots in accordance with the following standards or as required by state or federal standards, whichever is stricter.
 - (1) **For all multi-family and lodging uses:** A minimum of one space, plus one additional space for every 25 regular parking spaces as determined above.
 - (2) **For all commercial and retail uses** (excluding home occupations): A minimum of one space, plus one additional space for every 50 regular parking spaces as determined above.
 - (3) **For all industrial and storage uses:** A minimum of one space, plus one additional space for every 100 regular parking spaces as determined above.
 - (4) All handicapped parking stalls shall be nine feet wide with a four-foot wide space for loading and unloading on the driver's (left) side of the stall. In addition, the stall space shall be painted with a handicapped logo and a sign shall be placed in front of the stall. Parallel or curbside parking stalls are exempt from the dimensional requirements of this paragraph, however, the stall may not be smaller in size than a standard parking space and appropriate signage must be provided.
- (G) **Village Parking.** The DRB may waive or modify the parking requirements within the Village District, if it is satisfied that there is adequate shared, on-street or public parking available to serve the proposed project.
- (H) **Landscaping.** All off-street parking areas in excess of 10 parking spaces must provide landscaped areas equal to at least 10 percent of the total parking area. Such landscaping may consist of trees, shrubs or flowers provided that all landscaped areas are regularly maintained and that any dead or dying trees or plants are replaced no later than the following planting season. Furthermore, all required landscaped areas should be integrated into the parking lot design and not relegated exclusively to one concentrated location or to the edges of the parking area. These landscaping requirements are in addition to all other applicable landscaping requirements specified in these regulations.
- (I) **Loading and Service Areas.** Sufficient on-site loading areas must be provided where a proposed use will require the frequent or regular loading or unloading of goods. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use. With the exception of passenger pick-up or drop-off areas, loading and service areas will be required to meet the following standards.

- (1) Loading and service areas should be located behind the building front line, or to the side or rear of the structure they are serving.
- (2) Loading and service areas should be screened from view from nearby public rights-of-way and from neighboring properties year-round.
- (3) Loading and service areas must be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access.

Section 4.15 Performance Standards

- (A) No land or structure will be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions, which would adversely affect the reasonable use of the surrounding area or adjoining properties. The burden of proof that the following standards are met will be on the applicant.
- (B) **Glare, Lights and Reflection.** No glare, lights or reflection, which is 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, will be permitted.
- (C) **Fire, Explosive and Safety Hazards.** No fire, explosive or safety hazard, which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities, will be permitted. The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons will be prohibited unless it meets the following requirements:
 - (1) Tanks up to and including 10,000-gallon capacity are placed at least 80 feet from all property lines.
 - (2) Tanks greater than 10,000-gallon capacity are placed in accordance with state and federal regulations and must be placed at least 200 feet from all property lines.
 - (3) All tanks, or groups of tanks, having a capacity greater than 550 gallons will be properly retained with dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.
- (D) **Noise.** No noise that 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 areas will be permitted. Agricultural and forestry uses and safety alarms are specifically exempted from this provision. Noise levels or frequencies that are not customary or reasonably expected in consideration of the character of the neighborhood and which represent a substantial repeated disturbance to others shall be presumed to constitute a nuisance. To avoid noise disturbances to neighbors, reasonable conditions may be attached to any permit, including but not limited to hours of operation; type, placement, muffling or enclosure of equipment or facilities; and noise levels.

Noise and other temporary impacts from Construction Activities.

Where nearby neighbors exist, reasonable conditions may be attached to any permit involving construction activities, including but not limited to earth moving and hauling, rock drilling or crushing, jack hammer or other loud equipment. Reasonable conditions may also be established regarding construction staging, parking for construction trailers or workers, trucking routes, and hours of operations, including limiting or prohibiting construction activities on Saturdays, Sundays or holidays and between 5:00 p.m. and 7:00 a.m. This section shall not apply to emergency activities, such as utility repairs.

Section 4.16 Signs

(A) **Applicability.** A zoning permit must be obtained prior to the erection, modification or replacement of any permanent outdoor sign, unless exempted as per Subsection (B) or prohibited as per Subsection (C).

(B) **Exempted Signs.** The following signs do not require a zoning permit, but are subject to all other requirements of this section.

- (1) Signs erected by the town or state on public roads for directional, safety or public service purposes.
- (2) Unlit, non-advertising informational signs that do not exceed six square feet in area for the direction, instruction or convenience of the public (ex. signs for restrooms, public phones, posting property or trail markers).
- (3) An ornamental sign, flag or banner that is incident to a residential use and that is not used for advertising purposes.
- (4) One sign or bulletin board incidental to a community facility that does not exceed 25 square feet in area per side.
- (5) One temporary real estate “for sale” or “for rent” sign per front yard that does not exceed six square feet in area per side and that must be removed immediately following the property’s sale or rental.
- (6) Temporary signs not exceeding six square feet per side promoting the sale of agricultural products on a seasonal basis, which must be removed at the end of the season.
- (7) One temporary sign not exceeding 25 square feet in area per side for a special event open to the general public (ex. a fair, concert, or similar community gathering).
- (8) Temporary auction, lawn sale or similar sale signs not exceeding six square feet in area per side, which must be removed immediately following the sale.
- (9) Temporary election signs to be posted and removed in accordance with state law.
- (10) One unlit historic or landmark sign per historic property, not to exceed four square feet in area per side.
- (11) Window signs that are placed on the interior side of a window and do not exceed 25 percent of the total pane area.

(C) **Prohibited Signs.** The following signs are prohibited in the Town of Orwell.

- (1) Signs that impair highway safety or that could be confused with traffic signs or signals.
- (2) Off-premise signs, except for those that conform to state laws.
- (3) Roof signs or signs that extend above the eave line of a building.
- (4) Exterior signs that cover or block doors, windows or fire escapes.
- (5) Signs that are animated, flashing, oscillating, revolving or made of reflective material unless necessary for public safety.
- (6) Signs that are painted on or attached to rock outcrops, trees or similar natural features, except for posting, trespassing or safety signs.
- (7) Permanent signs that project over public rights-of-way or property lines.

(D) **General Standards.** All signs other than those specified in Subsections (B) and (C) require a zoning permit issued by the Zoning Administrator in conformance with the following:

- (1) Must be in the public interest and not to the detriment of the public safety or welfare;
- (2) Must not be detrimental to surrounding properties;
- (3) Must be of a character, size and location that will be in harmony with the orderly development of the district in which it is located.

(4) Unless otherwise specified in these regulations, individual businesses or commercial structures are allowed a maximum of three fixed signs, which may include a combination of wall, projecting or freestanding signs; however, the total combined sign area may not exceed 25 square feet.

(E) **Wall and projecting signs** must be securely affixed to the wall of the principal structure and cannot extend above the roof eave or obscure the architectural features of a building.

(F) Projecting signs:

- (1) Cannot exceed 12 square feet in area;
- (2) Cannot extend more than four feet from the building wall; and
- (3) Must be not less than 10 feet above the ground.

(G) Freestanding signs:

- (1) Cannot exceed 25 square feet in area;
- (2) Cannot exceed 20 feet in height above finished grade.
- (3) Must be located outside the public road right-of-way.

(H) Lighting.

- (1) Illuminated signs will not produce undue glare, hazards or distractions.
- (2) A constant, non-flashing, shielded light source may illuminate signs, provided that the fixture is directed onto the sign surface and does not adversely affect neighboring properties, public rights-of-way or vehicular traffic.

(I) **Measurement.** When computing the total number of signs or the permissible sign area the following will apply:

- (1) Existing signs, except those specifically exempted under Subsection (B), will be included in the calculation of total sign number and area.
- (2) Freestanding and projecting signs have two sides will be counted as one sign. The sign area will be calculated based on one side only.
- (3) The sign area will be calculated as the total area of the sign face to the outer edge, including any supporting frame.
- (4) Signs consisting of freestanding letters or symbols with open space between them or signs with complex irregular shapes will have their area calculated by drawing a regular-shaped rectangle or circle as close as possible around the content of the sign.

Section 4.17 Temporary Uses and Structures

(A) The Zoning Administrator can issue temporary permits for non-conforming uses incidental to construction projects for a period not exceeding one year 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.

(B) The use of temporary structures associated with a special event open to the general public (ex. cultural performance or sporting event) or associated with a one-time private function (ex. wedding or family reunion) does not require a zoning permit provided that the structures are not in place for more than 14 days.

(C) Tube and tarp carports, portable shelters, and canopies in place for more than 180 days do not constitute temporary structures and will require a building permit.

(D) Storage trailers or similar structures in place for more than 180 days do not constitute temporary structures and will require a building permit.

ARTICLE 5. SPECIFIC USE STANDARDS

Section 5.1 Accessory Apartment

- (A) An apartment that meets the standards below will be a by-right accessory use to an owner-occupied dwelling in all districts where single-family dwellings are a permitted use or in any owner-occupied dwelling in existence as of the effective date of these regulations.
- (1) The unit must be an efficiency or one-bedroom apartment or dwelling;
 - (2) The area of the apartment cannot exceed 30 percent of the total habitable floor area of the principal dwelling;
 - (3) The unit must be within the principal dwelling or in an accessory building to that dwelling that meets all the applicable standards for the district in which it is located;
 - (4) Off-street parking for two vehicles must be provided in accordance with the standards in Section 4.14 of these regulations; and
 - (5) A copy of the state Potable Water and Wastewater permit for the accessory apartment accompanies the application for a zoning permit.
- (B) Within the Village, Neighborhood Commercial and Medium Density Residential districts an apartment that meets the following standards will be considered a by-right accessory use to a dwelling:
- (1) The total habitable floor area of the apartment cannot exceed 1,200 square feet;
 - (2) The unit must be within the principal dwelling or in an accessory building to that dwelling that meets all the applicable standards for the district in which it is located;
 - (3) Off-street parking for three vehicles must be provided in accordance with the standards in Section 4.14 of these regulations; and
 - (4) A copy of the state Potable Water and Wastewater permit and all required approvals from the state Department of Labor and Industry for the apartment accompanies the application for a zoning permit.

Section 5.2 Campers and Temporary Dwellings

- (A) A camper (including recreational vehicle and travel trailer), boat with living quarters, or other temporary shelter (including tent, tepee or yurt) must be parked, stored or located on public or private property in accordance with the following requirements:
- (1) Campers may be parked in an approved sales establishment and, for a specified period of time, on construction sites for use as a temporary structure.
 - (2) No more than two campers or other temporary structures may be stored on a residential or undeveloped lot.
 - (3) Campers and other temporary shelters must be located or stored outside required district setback areas and behind the front line of the principal building on the lot.
 - (4) Campers, boats and other temporary shelters may not be inhabited for more than 150 days during a calendar year.
- (B) Any camper, boat or temporary shelter that is inhabited for more than 150 days in a calendar year or that is located so as to not be readily moveable will be deemed a dwelling and be subject to all provisions of these regulations applicable to single-family dwellings.
- (C) Any wastewater or sewage generated from a camper, boat or other temporary shelter must be disposed of in accordance with all applicable state and federal regulations.

Section 5.3 Campground

(A) A new or expanded travel trailer, recreational vehicle, or primitive campground may be allowed in designated zoning districts with conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.

- (1) The campground must be located on a lot not less than 12 acres in area, with at least 20 percent of the total campground area set aside for recreation and open space.
 - (2) The campground may operate for a period not to exceed 180 days during any calendar year.
 - (3) Recreational vehicles may only be stored on the property provided they are registered for highway use and not occupied when the campground is not in operation.
 - (4) All campgrounds must meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, must be maintained. Buffer areas will not be included in the calculation of open space under Subsection (1). No building, campsite, parking or service area will be located in buffer areas. The DRB may waive or modify buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained. Landscaping or fencing along property boundaries may be required as appropriate for screening, security, and privacy.
 - (5) Campgrounds must provide lavatory, shower, and toilet facilities sufficient to serve all campsites. Wastewater disposal systems must be designed and installed in accordance with applicable state regulations.
 - (6) A campground must provide sufficient access and parking for each campsite. Each campsite must be at least 2,500 square feet in area and no dimension can be less than 25 feet.
 - (7) Signage must be in accordance with Section 4.16.
 - (8) Lighting must be in accordance with Section 4.13.
- (B) For substantially undeveloped, primitive camping areas, the DRB may waive any or all of the requirements under subsection (A) if it is demonstrated to the DRB's satisfaction that access, total lot area, campsite area, and setback distances are sufficient to:
- (1) Support the proposed level of use, and
 - (2) Avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 5.4 Daycare

(A) **Childcare Home.** A childcare home that meets all of the following standards will be permitted as an accessory use within all districts where single-family dwellings are a permitted use or in any single-family dwelling in existence as of the effective date of these regulations.

- (1) A resident of the dwelling in which the use is occurring operates the childcare home.
 - (2) The childcare home will be operated under state licensing or registration.
 - (3) The childcare home serves 6 or fewer full-time children and 4 or fewer part-time children.
 - (4) One unlit exterior sign is permitted in accordance with Section 4.16.
 - (5) The childcare activities will occur primarily within the single-family 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 Facility.** Daycare facilities may be allowed in designated zoning districts with conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.

- (1) A daycare facility will be operated under state licensing or registration with no local limitation on the number of children served.
- (2) Parking will be provided on-site in accordance with Section 4.14.
- (3) Signage must be in accordance with Section 4.16.
- (4) Lighting must be in accordance with Section 4.13.
- (5) Daycare facilities must meet all performance standards in accordance with Section 4.15.

Section 5.5 Energy Generating Facility

- (A) Energy generating facilities may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
 - (1) Climbing access to any tower must be restricted.
 - (2) Wind turbines with rotors not more than 20 feet in diameter must be set back from all lot lines 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet.
 - (3) Wind turbines with rotors greater than 20 feet in diameter must be set back from all lot lines 275 feet plus 6 feet for each foot of rotor diameter greater than 20 feet.

Section 5.6 Extraction

- (A) The extraction or removal of 300 or more cubic yards per year of topsoil, sand, gravel or other earth resources for sale or use off-site may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
- (B) In addition to the application information required under Article 6, the applicant must submit stormwater management, erosion control and site reclamation plans showing:
 - (1) Existing grades, drainage patterns and depths to bedrock and seasonal high water tables;
 - (2) Setback and buffer areas from all shorelines, named streams and wetlands as required under Subsection (C) below;
 - (3) The extent and magnitude of proposed extraction operations, including the type and proposed timing of extraction and processing activities;
 - (4) The types and locations of proposed temporary and permanent stormwater management and erosion control measures;
 - (5) Finished grades and drainage at the conclusion of the operation; and
 - (6) A detailed plan for site restoration, including final grading and renegotiation.
- (C) A 100-foot vegetated buffer is required from all shorelines, named streams and wetlands.
- (D) No excavation, blasting or stockpiling of materials will be located within 200 feet of any street or property line.
- (E) No power-activated sorting machinery or equipment will be located within 300 feet of any street or property line. All such machinery must be equipped with satisfactory dust elimination devices.
- (F) All excavation slopes in excess of one-to-two must be adequately fenced, as determined by the Zoning Administrator.
- (G) No actual excavation activities will be permitted to occur on more than five contiguous acres of the site at any one time. Excavation of additional five-acre sites will only be permitted after the

applicant has restored the previously worked area of the site to a natural state in accordance with the conditions of the permit.

- (H) In addition to the conditional use standards in Article 6, the DRB may consider and impose standards with regard to any of the following:
- (1) The storage of equipment and the stockpiling of materials on-site;
 - (2) Hours of operation (including for blasting, processing and trucking)
 - (3) Effect on surface drainage patterns, water quality and groundwater supplies in the neighborhood;
 - (4) Effect on adjacent properties due to noise, dust or vibration; or
 - (5) Effect on traffic and road conditions, including potential physical damage to public roads.
- (I) Before any approvals are granted for extraction operations, the applicant will be required to submit a performance bond sufficient to ensure that upon completion of the extraction, the site will be left in a safe, attractive and useful condition.
- (J) This section does not apply to extraction activities associated with publicly owned and operated gravel pits used solely for road construction and maintenance, or extraction activities that are incidental to exempted agricultural or forestry operations, the operation of cemeteries, or another permitted use that involves the removal of less than 300 cubic yards of earth resources year for use on-site.

Section 5.7 Farm Housing

- (A) An accessory dwelling may be allowed as farm worker housing in designated zoning districts with conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
- (1) It must be an accessory structure on a farm parcel to house employees working on the farm and their families.
 - (2) Approval will be granted only on condition that the accessory dwelling will be (I) removed or be converted to a non-residential use (by removal of plumbing and kitchen facilities), (ii) converted to an accessory apartment as per Section 5.1, or (iii) subdivided when the parcel is no longer devoted primarily to farming or if the accessory dwelling has been unoccupied for more than one year.
- (B) A bunkhouse may be allowed as farm worker housing in designated zoning districts with conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
- (1) It must be an accessory structure on property owned or rented by the farm operator to house employees working on the farm.
 - (2) It must meet all applicable health and safety standards and obtain all necessary state permits as a condition of approval.

Section 5.8 Gas Station

- (A) Gas stations may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
- (1) The station cannot be located within 300 feet of any lot occupied by a community facility or other public gathering place.
 - (2) Lot size must be at least two acres or the minimum required by the district, whichever is greater.
 - (3) Lot frontage must be not less than 200 feet.

- (4) Lot depth must be not less than 200 feet.
- (5) Pumps, lubricating and other service devices must be located at least 50 feet from the street line and side or rear lot lines, or outside the setbacks, whichever is greater.
- (6) To the extent feasible, pumps and service equipment should be located to the side or rear of the station building.
- (7) All fuel and oil must be stored at least 35 feet from any property line or outside the setbacks, whichever is greater.
- (8) Gas stations, in addition to the signs allowed under Section 4.16, may have either one pricing sign which does not exceed 12 square feet in area, or pump-top pricing signs, each not to exceed two square feet in area. No sign may exceed 15 feet in height.
- (9) Gas stations may be allowed up to two access driveways from the street. The maximum width of each access driveway will not exceed 40 feet.
- (10) A suitably curbed landscaped area will be maintained at least five feet in depth along all street frontage not used as a driveway.
- (11) Additional curbing, landscaping, screening or pedestrian walkways may be required by the DRB as needed to manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties.
- (12) If the station is located along a street with sidewalks, the sidewalk cannot be used as a parking area and the pumps should be positioned so that vehicles are not parked on the sidewalk for fueling.
- (13) Site layout and building design must be compatible with the character of the neighborhood in which the gasoline station will be located.
- (14) Station canopies will be limited to the minimum area required for adequate pump and apron coverage and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy scale and design must be compatible with station design and with surrounding buildings. Corporate logos are specifically prohibited on station canopies and canopies cannot be used for advertising. Canopies will not be internally illuminated nor can their fascia be illuminated. Shielded, indirect lighting recessed within the canopy may be permitted.

Section 5.9 Group Home

- (A) A group home that meets all of the following standards will be permitted as an accessory use all districts where single-family dwellings are a permitted use or in any single-family dwelling in existence as of the effective date of these regulations.
 - (1) The group home will be operated under state licensing or registration;
 - (2) The group home will not serve more than 8 people who have a handicap or disability as defined in 9 V.S.A. § 4501; and
 - (3) The group home is located more than 1,000 feet from any other existing or permitted group home.

Section 5.10 Home Occupations and Home-Based Businesses

- (A) **Home Occupation.** A home occupation that meets all of the following standards will be permitted as an accessory use all districts where single-family dwellings are a permitted use or in any single-family dwelling in existence as of the effective date of these regulations.
 - (1) The business owner and operator must reside in the single-family dwelling on the lot and the business may not employ any non-resident employees.
 - (2) The home occupation must be carried on within a minor portion of the dwelling. The home occupation cannot occupy an area greater than 50 percent of the habitable floor area of the single-family dwelling.

- (3) Exterior display of products, the exterior storage of materials, or other exterior indications of the home occupation is prohibited. One unlit exterior sign is permitted in accordance with Section 4.16.
 - (4) Retail sales are not permitted as part of a home occupation.
 - (5) The business use cannot generate more than twice the number of average daily trips that would be generated by the residence according to the Institute of Traffic Engineers' Trip Generation Manual (latest edition).
 - (6) Parking will be provided on-site in accordance with Section 4.14.
 - (7) Home occupations must conform to all performance standards in accordance with Section 4.15.
 - (8) The zoning permit must clearly state that the use is limited to a home occupation, approved in accordance with the above provisions, which is accessory to the single-family residential use. Any proposed expansion of the home occupation beyond that permitted will require a separate zoning permit for a home-based business or other use as appropriate.
- (B) Home-Based Business.** Home-based businesses may be allowed in designated zoning districts as an accessory use to a single-family dwelling subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
- (1) The business owner and operator must reside in the single-family dwelling on the lot and the business may employ non-resident employees.
 - (2) The business will be carried on within the single-family dwelling or accessory structure(s) provided that the use of those structures does not have an adverse impact on the character of the property or area in which the property is located. No home-based business will be permitted to operate at a scale or intensity that would diminish the residential character of the property or the area in which the property is located.
 - (3) The business must be visually compatible with neighboring uses. Landscaping and screening may be required as appropriate. In addition, any outdoor storage of materials including, but not limited to, building or construction materials, unregistered vehicles or heavy equipment, firewood or lumber, must be completely screened year-round from the road and from neighboring properties.
 - (4) The business use cannot generate more than four times the number of average daily trips, including delivery truck traffic, which would be generated by the residence according to the Institute of Traffic Engineers' Trip Generation Manual (latest edition).
 - (5) On-site wholesale or retail sales must be limited to products produced or assembled on the premises.
 - (6) Parking and loading areas must be provided on-site in accordance with Section 4.14.
 - (7) Signage must be in accordance with Section 4.16.
 - (8) Lighting must be in accordance with Section 4.13.
 - (9) Home-based businesses must meet all performance standards in accordance with Section 4.15.
 - (10) The zoning permit must clearly state that the use is limited to a home-based business, approved in accordance with the above provisions and any conditions placed on it by the DRB, which is accessory to the single-family residential use. A home-based business may be subdivided or converted for sale or use apart from the residential use only if it meets all current town and state regulations pertaining to such use, including the standards for the district in which it is located. Separate permits will be required as appropriate prior to subdivision, sale or conversion.

Section 5.11 Light Manufacturing

- (A) Light manufacturing may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
 - (1) In the Rural District, light manufacturing will only be allowed within former agricultural buildings that were in existence as of the effective date of these regulations.

- (2) The use must be visually compatible with neighboring uses. Landscaping and screening may be required as appropriate. In addition, any outdoor storage of materials or products must be completely screened year-round from the road and from neighboring properties.
- (3) The use cannot generate more than six times the number of average daily trips, including truck traffic, which would be generated by a residence according to the Institute of Traffic Engineers' Trip Generation Manual (latest edition).
- (4) Parking and loading areas must be provided on-site in accordance with Section 4.14.
- (5) Signage must be in accordance with Section 4.16.
- (6) Lighting must be in accordance with Section 4.13.
- (7) The use must meet all performance standards in accordance with Section 4.15.
- (8) In accordance with Section 3.6, the DRB may waive dimensional requirements for light manufacturing facilities that will be located in former agricultural buildings in existence as of the effective date of these regulations.

Section 5.12 Marina

- (A) A marina may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
 - (1) The parcel must have a minimum shoreline frontage of 200 feet.
 - (2) Existing trees and ground cover within the lakeshore setback area should be preserved to the greatest extent feasible, maintained and supplemented by selective cutting, transplanting and the addition of new trees, shrubs and ground cover in order to provide a visual buffer from the lake and an absorption area for erosion prevention.
 - (3) A marina that accommodates boats with sleeping facilities must also provide shore-based facilities for pumping and disposal of wastes in accordance with all applicable state or federal regulations.
 - (4) Year-round storage of boats on-site may be permitted in accordance with the standards in Section 5.16.
 - (5) A marina may include accessory uses such as the sale of fuel or retail items upon conditional approval by the DRB. Such accessory uses should primarily serve boaters and not significantly increase vehicle traffic to the marina.
 - (6) Parking and loading areas must be provided on-site in accordance with Section 4.14, except that the number of parking spaces required will be calculated at a rate of 1.5 spaces per boat berth.
 - (7) Signage must be in accordance with Section 4.16.
 - (8) Lighting must be in accordance with Section 4.13.
 - (9) The use must meet all performance standards in accordance with Section 4.15.

Section 5.13 Mobile Home Park

- (A) A mobile home park may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
 - (1) Proposed parks, and expansions of existing parks, must meet all applicable federal, state and town regulations.
 - (2) The parcel of land occupied by the park cannot be less than 10 acres.
 - (3) Each mobile home will be located on a dedicated site not less than 8,000 square feet in area, as shown on the site development plan.
 - (4) Each mobile home and any associated accessory structures must be set back a minimum of 15 feet from adjacent mobile home sites and park roads.
 - (5) Mobile home parks must meet all minimum district setback requirements along the perimeter of the park. No mobile home sites or other structures may be located within the required setback areas.

Setback areas will not be included in the calculation of open space or recreation land required under Subsection (6). A strip of land not less than 100 feet in depth will be landscaped and maintained as a buffer along property boundaries. The DRB may require increased setbacks or buffers as needed to mitigate higher densities of development or to protect adjoining properties.

- (6) A minimum of 20 percent of the total land area must be set aside as common land for recreational use or open space.
 - (7) Parking must be provided in accordance with Section 4.14 for single-family dwellings.
 - (8) All roads serving the park must meet the standards of Section 4.2.
 - (9) At least one common, screened service area must be provided for the storage and collection of trash and recyclables generated by park residents.
 - (10) The DRB as a condition of approval may require a management plan for components of the park such as landscaped buffers, common lands, storage or service areas, roads, or other infrastructure.
- (B) The mobile home park owner, or designated operator, will be required to:
- (1) Maintain all components of the park including buildings, roads, parking areas, utilities, infrastructure, landscaping, open space and common areas in good condition or, if applicable, as described in an approved management plan;
 - (2) Provide for the regular collection of recyclables, waste and garbage; and
 - (3) Remove snow from all roads and service areas.
- (C) Other than as specified below, changes or alterations to park area, design, and number of sites, layout or common facilities will be subject to conditional use approval in accordance with the above provisions.
- (1) The owner of a mobile home within an approved mobile home park may apply for a zoning permit under Section 3.2 for a deck or accessory structure that meets the setback requirements under Subsection (4) above.
 - (2) The replacement of a permitted mobile home within an approved mobile home park will require a zoning permit issued by the Zoning Administrator in accordance with Section 3.2 in order to ensure ongoing compliance with all conditions of the park's approved development plan. The application of the standards in this section cannot prohibit the replacement of a mobile home on a mobile home site in existence as of the effective date of these regulations. However, if the replacement mobile home cannot meet the setback standards in Subsection (4), its footprint must be no more than 25 percent larger than that of the original structure it will be replacing.
- (D) If a mobile home park, which was legally in existence as of the effective date of these regulations, does not conform to these regulations, it will be considered a nonconformity under Section 4.12. However, individual mobile home sites within the park will not be considered nonconformities. An individual mobile home site that is vacant will not be considered discontinued, but if all sites are vacant the nonconforming park will be considered discontinued.

Section 5.14 Motor Vehicle Sales and Service

- (A) Motor vehicle sales and service businesses may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
- (1) All buildings, service, parking and storage areas must meet all district setback requirements. No vehicles may be parked, stored or displayed within front, side or rear setback areas. The DRB may require increased setback and buffer areas as needed to protect water quality, public rights-of way or neighboring properties.

- (2) A landscaped area at least 25 feet in depth must be maintained along all road frontage, excluding the designated access area(s). Additional curbing, landscaping and screening, and pedestrian walkways may be required by the DRB as needed to manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties.
- (3) All motor vehicle repair activities, including engine repair and bodywork, must occur within an enclosed building. Vehicles to be repaired must be stored in a designated area that is located behind the building or otherwise screened from view of public rights-of-way and neighboring properties.
- (4) The DRB may limit the number of and length of time that wrecked or disabled motor vehicles may be stored on the premises awaiting repair or use for parts or other purposes.
- (5) A designated parking area for employees and customers must be provided in accordance with Section 4.14.
- (6) Signage must be in accordance with Section 4.16. String lighting, pennants, flags, balloons and other similar materials used for advertising purposes are prohibited.
- (7) Lighting must be in accordance with Section 4.13.
- (8) The use must meet all performance standards in accordance with Section 4.15.
- (B) The use of a motor vehicle sales and repair business is limited to the sale, rental or repair of motor vehicles, recreational vehicles, boats or campers. Such a business may also include accessory uses such as towing services, detailing or car washing. The business may not include the sale of fuel or retail items without conditional approval by the DRB for the appropriate use(s).

Section 5.15 Outdoor Furnaces

- (A) **Purpose.** Outdoor furnaces may provide an economical alternative to conventional heating systems. However, if unregulated, they may cause safety and environmental impacts, particularly the production of offensive odors and adverse health effects of uncontrolled emissions. These regulations are intended to ensure that citizens who use outdoor wood-burning furnaces operate them in a manner that do not create emissions that constitute nuisances or are detrimental to the health, safety and general welfare of town residents.
- (B) **Specific Regulations.** Prior to installing a new outdoor furnace, or replacing or upgrading an existing outdoor furnace, a landowner shall secure a permit from the Zoning Administrator, pursuant to the process outlined in Section 3.2 of these regulations, and complying with the following requirements:
 - (1) **Installation.** All outdoor wood-burning furnaces shall be installed, operated and maintained per the manufacturer's instructions.
 - (2) **Permitted Fuel.** Only firewood, untreated lumber, fossil fuels and corn are permitted to be burned in any outdoor wood-burning furnace. Burning of any and all other materials is prohibited. No outdoor wood-burning furnace shall be utilized as a waste incinerator.
 - (3) **Setbacks.** Outdoor wood-burning furnaces shall follow the minimum setbacks of the applicable zoning district.
 - (4) **Chimney Height.** The chimney height of any furnace located 50 feet or less to any residence not served by the furnace shall be at least 2 feet higher than the eave line of the unserved residence; the chimney height of any furnace located more than 50 feet but no more than 100 feet to any residence not served by the furnace shall be at least 75% of the height of the eave line of the unserved residence, plus an additional 2 feet; the chimney height of any furnace located more than 100 feet but no more than 150 feet to any residence not served by the furnace shall be at least 50% of the height of the eave line of that residence, plus an additional 2 feet; the chimney height of any furnace located more than 150 feet but no more than 200 feet to any residence not served by the furnace shall be at least 25% of

the height of the eave line of the unserved residence, plus an additional 2 feet. The chimney height of any furnace located more than 200 feet from any residence not served by the furnace shall be a minimum of 8 feet.

(C) Existing Outdoor Furnaces. Any outdoor wood-burning furnace in existence on the effective date of these regulations shall be permitted to remain in place as a pre-existing non-conforming use. Any change to the system will require a permit to be secured either meeting the requirements of this section or those of Section 4.12 governing non-conformities.

Section 5.16 Outdoor Recreation

(A) Purpose. The purpose of this provision is to promote the development and use of recreational facilities that enhance Orwell's rural character and quality of life. Access to outdoor recreation opportunities is a key component of the rural lifestyle enjoyed by the town's residents and visitors. Recreational facilities, however, can have adverse impacts on neighboring properties and environmental quality through increased traffic, noise, lighting or pollution. The provisions below will be used to reduce and manage potential impacts from outdoor recreational activities.

(B) Standards. Outdoor recreation may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.

- (1) Minimum Acreage Required.** Outdoor recreational facilities will only be permitted on lots that have four times the acreage required for non-residential uses in the district. The DRB may waive or modify this requirement upon determination that the proposed use will have no adverse impacts on neighboring properties.
- (2) Buffers.** A strip of land not less than 25 feet in depth will be landscaped and maintained as a buffer along all property boundaries.
- (3) Noise.** The DRB may limit hours of operation, establish maximum noise levels at the property line, or set similar conditions for recreational activities that involve shooting, use of motorized vehicles or other activities that are likely to increase noise levels in the neighborhood.
- (4) Traffic and parking.** The DRB may limit hours of operation, increase parking requirements or set similar conditions for recreational activities that are likely to generate increased vehicular traffic on town roads or require the parking of trailers or other larger vehicles.
- (5) Hours of operation.** The DRB will consider how the recreational facility will typically be used in determining whether to limit hours of operation, recognizing that the most adverse impacts to neighboring properties may not be based on the maximum intensity of activity over a short time period, but the day-to-day level of activity that can be expected.

Section 5.17 Salvage Yard and Junk Storage

- (A) Purpose.** The purpose of this provision is to manage and regulate the outdoor storage of junk and junk motor vehicles within the Town of Orwell in order to protect the public health, safety and well being, and to promote the responsible use of resources and protection of the environment. Junk or junk vehicles stored, placed, discarded or abandoned in a manner that does not conform to the standards below will be considered a public nuisance and a violation of these regulations.
- (B) Standards.** Storing, placing, discarding or abandoning junk or three or more junk vehicles in an area visible from public rights-of-way or neighboring properties is prohibited except in a

permitted salvage yard approved by the DRB in accordance with Article 6 and all the following provisions.

- (1) Storage areas must be setback a minimum of 150 feet from all property lines or the edge of any public road rights-of-way and 100 feet from the mean high water mark of any lake, stream or other surface water body.
- (2) The applicant must obtain a license to operate, establish or maintain a junkyard from the State of Vermont and conduct their business in conformance with all applicable state and federal regulations.
- (3) Storage areas must be screened year-round from public rights-of-way or neighboring properties with a fence or vegetation at least eight feet in height. Any fence must be of sound construction and of solid vertical board or 'stockade' type construction, and must be maintained neatly and in good repair. Such a fence cannot be used for advertising signs or other displays. Any vegetation used for screening must be of sufficient density so that it effectively screens the area from view year-round.
- (4) Signage must be in accordance with Section 4.16.
- (5) Lighting must be in accordance with Section 4.13.
- (6) The use must meet all performance standards in accordance with Section 4.15.
- (7) The DRB may waive the requirements of this section, in accordance with Section 3.6, for the outdoor storage of up to five unregistered motor vehicles on residential property for use in races, demolition derbies or similar recreational activities by an occupant of the residence provided that all lot setback requirements are met and that reasonable efforts are made by the applicant to limit any adverse impacts on neighboring properties. The DRB may condition such a use as it deems necessary to protect the character of the neighborhood in which the property is located.

Section 5.18 Storage Business

- (A) A storage business may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with Article 6 and all of the following provisions.
 - (1) Outdoor storage areas must be setback a minimum of 150 feet from all property lines or the edge of any public road rights-of-way and 100 feet from the mean high water mark of any lake, stream or other surface water body.
 - (2) Outdoor storage areas must be screened year-round from public rights of way or neighboring properties with a fence or vegetation at least eight feet in height. Any fence must be of sound construction and of solid vertical board or 'stockade' type construction, and must be maintained neatly and in good repair. Such a fence cannot be used for advertising signs or other displays. Any vegetation used for screening must be of sufficient density so that it effectively screens the area from view year-round.
 - (3) A landscaped area at least 25 feet in depth must be maintained along all road frontage, excluding the designating access area(s).
 - (4) Enclosed storage buildings should be sited and constructed in a manner that allows them to blend into the landscape to the greatest extent feasible. Use of bright colors and highly reflective building materials is prohibited. Maintenance of existing on-site vegetation in addition to the planting of trees and shrubs is encouraged to provide screening for storage buildings. Use or enhancement of existing site topography to aid in screening storage buildings is encouraged. Where the character of the site makes screening difficult, storage buildings should be constructed to match the character of the traditional agricultural buildings found throughout Orwell's rural areas.
 - (5) Signage must be in accordance with Section 4.16.
 - (6) Lighting must be in accordance with Section 4.13.
 - (7) The use must meet all performance standards in accordance with Section 4.15.

- (8) The DRB may waive dimensional requirements, in accordance with Section 3.6, for storage businesses that will be located in former agricultural buildings in existence as of the effective date of these regulations.

Section 5.19 Telecommunications Facilities and Antennas

(A) The full text of the *Orwell Telecommunications Bylaw* is incorporated into these regulations as Article 10.

(B) **Purpose.** The purpose of the *Orwell Telecommunications Bylaw* is to:

- (1) Preserve the character and appearance of the Town of Orwell, while allowing adequate telecommunications services to be developed to serve the needs of residents and businesses.
- (2) Protect the scenic, historic, environmental, natural and built resources of the town.
- (3) Provide standards and requirements for the regulation, siting, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers.
- (4) Preserve property values and protect scenic areas within the town.
- (5) Locate towers and antennas in a manner that promotes the general health, safety, welfare and quality of life for the residents of Orwell.
- (6) Require the use of existing structures where possible and appropriate.
- (7) Require the sharing of existing communications facilities, towers and sites where possible and appropriate.

(C) **Permit Required.** No tower or telecommunications facility can be constructed or installed without first obtaining conditional use approval from the Orwell Development Review Board. Conditional use approval is required for:

- (1) New tower construction;
- (2) Telecommunications facilities to be mounted on a new tower or structure;
- (3) Telecommunications facilities to be installed on an existing structure including preexisting towers, silos or steeples; or
- (4) Modifications to existing towers or facilities.

(D) **Permitted and Prohibited Locations.** Small-scale wireless telecommunications antennas, repeaters or microcells to be installed on existing structures, which do not extend more than 10 feet in height from the structure and are more than 50 feet away from existing residences, may be allowed as conditional uses upon compliance with the provisions of these regulations in all zoning districts. Other wireless telecommunications towers or facilities may be allowed as conditional uses upon compliance with the provisions of these regulations in the Rural District.

ARTICLE 6. CONDITIONAL USE STANDARDS AND REVIEW

Section 6.1 Applicability

(A) The Zoning Administrator cannot issue a zoning permit for any use or structure allowed as a conditional use until the DRB grants a conditional use approval in accordance with the following standards and procedures.

Section 6.2 Application Materials Table

Required Information (unless waived as per Section 3.6)
A. Names and addresses of the property owners, applicant and owners of adjoining and facing properties.
B. Project description (not to exceed one page).
C. Site location map showing project location in relation to public roads, and adjoining and facing properties.
D. Site plan, drawn to scale, showing the following: <ol style="list-style-type: none">1. Date, scale, north arrow and preparer information2. Legal property boundaries3. Zoning district and overlay boundaries4. Required setbacks and designated building envelop, if any5. Existing and proposed site features:<ol style="list-style-type: none">a. Topography and steep slopesb. Prominent ridgelines and hilltopsc. Land use and coverd. Surface waters, wetlands and shorelinese. Structures (buildings, walls, fences, signs, etc.)f. Parking, loading and service areasg. Roads and drivewaysh. Utility corridors and locationsi. Water supply and wastewater system locationsj. Rights-of-way and easements6. Proposed site grading and drainage7. Proposed landscaping, screening, lighting and signage
E. <i>Photographs of the site are recommended but not required.</i>

Section 6.3 Review Process

(A) **Application.** An applicant for conditional use approval will submit an application, 1 original and 3 complete copies of a site plan (plan copies may be reduced to 11" x 17") and any applicable fees to the Zoning Administrator for consideration at the next available regularly scheduled meeting of the DRB. A potential applicant may request an informal meeting with the DRB before submitting a plan for review.

(B) **Waivers.** The application will not be considered complete until the applicant submits all of the application materials listed in Section 6.2. The DRB may waive one or more of the listed items, in accordance with Section 3.6, if it determines that the item(s) to be unnecessary for the comprehensive review of the application.

(C) **Additional Information.** The DRB may during the review process request additional information including, but not limited to:

- (1) Information pertaining to any conservation areas on the site, critical wildlife habitat, historic features or structures, or archeological resources.

- (2) Architectural elevations of proposed structures.
 - (3) Draft legal documents such as easements or maintenance agreements.
 - (4) Construction schedule, including the sequence and timing of proposed site development and related improvements.
 - (5) Landscaping plan.
 - (6) Shoreland management plan.
 - (7) Stormwater management and erosion control plan.
 - (8) Traffic impact analysis.
 - (9) Environmental impact analysis.
 - (10) Visual impact analysis.
- (D) **Review Procedure.** Upon receipt of a complete application, the Zoning Administrator will schedule a public hearing, warned in accordance with Section 3.10(A), at the next available meeting.
- (E) **Decision.** The DRB must act to approve, approve with conditions or deny an application for conditional use approval within 45 days of the date of the final public hearing. The DRB will issue a written decision to include findings, any conditions deemed necessary to ensure compliance with the standards described below and provisions for appeal. Failure of the DRB to act within the 45-day period will be deemed approval.

Section 6.4 General Standards

- (A) The DRB will grant conditional use approval only upon finding that the proposed development will not have undue adverse impact on any of the following:
- (B) **The capacity of existing or planned community facilities or services.** The DRB will consider any increased demand for community services and facilities that could result from the proposed development. The DRB will determine whether that demand would exceed the capacity of existing facilities or services including, but not limited to, school capacity, emergency services, recreation facilities and the capacity of Orwell's wastewater treatment plant.
- (C) **The character of the area affected.** The DRB will consider:
- (1) The design, location, scale and intensity of the proposed development and/or use relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use; and
 - (2) The proposed development's compatibility with the purpose and character of the affected area as defined by the purpose of the zoning district within which the project is located.
 - (3) The proposed development's compatibility with the purpose and character of the affected area as defined by the description in the town plan of the land use area within which the project is located and by the policies and standards of the plan.
- (D) **Traffic on roads and highways in the vicinity.** The DRB will consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges and intersections. The DRB will rely on accepted transportation standards in evaluating traffic impacts.
- (E) **Bylaws and ordinances in effect.** Proposed conditional uses must conform to all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the Orwell Town Plan and compliance with conditions of prior permits or approvals, including subdivision approval.

(F) **The utilization of renewable energy resources.** The DRB will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or by eliminating nearby property owners' access to such resources.

Section 6.5 Specific Standards

(A) In addition to the general standards outlined above, the DRB may impose specific conditions to ensure the following:

(B) **Traffic Circulation and Access.** The number and size of curb cuts must meet the standards set forth in Section 4.2(G). In appropriate instances, the DRB may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road.

(C) **Pedestrian Access.** The DRB may require pedestrian circulation within the site and along public roads. 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 general public must be provided for people with disabilities.

(D) **Parking and Service Areas.** Parking and service areas will be provided in accordance with the requirements of Section 4.14. Nonresidential parking and service areas must be located to the side or rear of buildings, unless otherwise approved by the DRB due to existing site limitations.

(E) **Building Design.** The design and location of structures will be compatible with:

- (1) Their proposed setting and context;
- (2) Existing site conditions and features; and
- (3) Adjoining structures and uses.

(F) **Building Design.** The DRB may impose conditions with regard to siting, density, setbacks, height, massing, materials and orientation to ensure compatibility.

(G) **Outdoor Storage and Display.** The DRB may limit or prohibit outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials. Secured, covered areas must 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 DRB may place conditions on the area and location of such storage or display, and may require appropriate screening.

(H) **Landscaping and Screening.** Proposed landscaping and screening should be designed to:

- (1) Preserve and incorporate existing vegetation and enhance unique landscape features;
- (2) Be suited to existing site conditions and be integrated with adjacent properties;
- (3) Screen parking areas from view;
- (4) Establish a consistent streetscape and the planting of street trees, especially in the vicinity of Orwell village

(I) **Other Standards.** Conditional uses must conform to all other applicable standards in these regulations including, but not limited to, Section 4.13, 4.14, 4.15 and 4.16.

Section 6.6 Rural Standards

(A) In addition to the standards described above, the following standards will apply to all applications for conditional use approval within the Rural District. Projects in the Rural District must be designed to:

- (1) Blend new development into the agricultural or forest landscape; and
 - (2) Maintain the town's rural character, both visually and as a functional working landscape.
- (B) To this end, the DRB may approve conditional uses within former agricultural buildings that were in existence as of the effective date of these regulations. The DRB may grant a waiver, in accordance with Section 3.6, to allow a conditional use within the current dimensions of such a structure that does not comply with the standards of the district in which it is located. Any exterior renovations needed to accommodate the conditional use must be compatible with the original architectural design of the structure.

Section 6.7 Village Standards

(A) In addition to the standards described above, the following standards will apply to all applications for conditional use approval within the Village, Neighborhood Commercial and Medium Density Residential districts.

(B) Development will reinforce a traditional, compact village development pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, a mix of uses, well-defined streetscapes and sidewalks to facilitate pedestrian circulation.

(C) While building design is not required to reflect any one architectural style or era, the following standards apply to new and expanded structures:

- (1) Buildings should front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade should include a main entryway, pedestrian access and appropriate front yard landscaping. Drive-through lanes and drive-up windows are specifically prohibited.
- (2) Building design should be compatible with historic buildings identified as “contributing structures” on the Orwell Village Historic District listed in the State Register of Historic Places.
- (3) The exterior design of buildings, including the arrangement, orientation, texture and materials, should be compatible and harmonious with surrounding contributing structures.
- (4) The scale and massing of buildings, including height, width, street frontage, roof type and facade openings, should be compatible and harmonious with surrounding contributing structures.

ARTICLE 7. PLANNED UNIT DEVELOPMENTS (PUDS)

Section 7.1 General Purpose

(A) The purpose of planned unit developments (PUDs) is to accommodate new development in a manner that maintains town's traditional settlement patterns and is compatible with the character of its surroundings as described in the *Orwell Town Plan* and the purpose of the zoning district(s) in which the project is located.

Section 7.2 Coordination with Other Review Processes

- (A) Applications for PUDs will be reviewed simultaneously with application for subdivision review.
- (B) Approval for a PUD that involves the development of one or more conditional uses will not exempt the project from conditional use review. The applicant may request that the conditional use or any other applicable review be done concurrently with the PUD review.
- (C) At the time of PUD approval, the DRB will include in its written decision a clear indication of all approved modifications of the district(s) development standards. The DRB may approve PUDs with conditions related to the location, scale, density, intensity and/or overall design of future development within the PUD.

Section 7.3 Applicability

- (A) The PUD provisions may be applied to any sized parcel to be subdivided in the Town of Orwell at the request of the applicant.
- (B) The PUD provisions **must** be applied to subdivisions that meet any of the following criteria:
 - (1) The subdivision of 7 or more lots from a parcel of any size within a 7-year period regardless of change in property ownership.
 - (2) A major subdivision (4 or more lots) from a parcel in the Rural District that was 50 acres or larger in size as of the effective date of these regulations.
 - (3) A re-subdivision of any lot subdivided from a parcel in the Rural District that was 50 acres or larger in size as of the effective date of these regulations. (This means that a parcel 50 acres or larger in the Rural District as of the effective date of these regulations may be subdivided once resulting in the creation of not more than three lots. The PUD provisions will be applied to any further subdivision of those lots.)

Section 7.4 Application Requirements

- (A) Applications for a PUD must be submitted in conjunction with a subdivision application. In addition to the subdivision application materials, applications for PUDs must include the following:
 - (1) A brief summary of the project and how it meets the standards set forth in this article.
 - (2) A statement describing all proposed modifications of, or changes to, the standards for the district(s) in which the project is located.
 - (3) A statement describing any land that will be set aside as undevelopable for open space or agricultural use including:
 - (i) Its current character and use;
 - (ii) Its proposed future use and management plan; and
 - (iii) Its proposed ownership and the mechanism by which it will be protected.

Section 7.5 Conservation Areas

- (A) For the purposes of these regulations, conservation areas will include lands with the following characteristics as generally indicated on the official zoning map:
- (1) Lands with slopes of 25 percent or greater.
 - (2) Wetlands as delineated in the National Wetland Inventory.
 - (3) Surface waters with a 30-foot buffer.
 - (4) Deer wintering areas and Natural Heritage sites.
- (B) The conservation areas as generally indicated on the official zoning map are not to be interpreted as a zoning or overlay district. They should serve to inform property owners, applicants, and municipal officials and board members that particular areas of a parcel will require more careful scrutiny during the review process. They should also aid property owners in determining whether any additional state or federal permits might be required for their project. Applicants may provide professionally prepared surveys, reports or assessments to specifically delineate and document any conservation areas on their property.

Section 7.6 General Standards

- (A) In addition to all applicable subdivision standards, PUDs must meet the following:
- (1) The overall density of the project cannot exceed the number of units permitted if the land were to be subdivided into lots in accordance with the standards for the district(s) in which the land is situated, except as specifically provided for below.
 - (2) The PUD must reflect an effective and unified treatment of the development possibilities of the project site.
 - (3) The development plan must make appropriate provision for the preservation of prime agricultural land and conservation areas as defined in Section 7.5 To that end, (a) the location of roads, driveways and infrastructure should be located and configured to avoid any adverse impact to the conservation areas; and (b) building envelopes should be located outside conservation areas to the great extent possible.
 - (4) Where a district boundary line divides a parcel, the development of a single PUD is allowed with a total density based on the combined allowable density of each district. Development may be located on any portion of the parcel, regardless of zoning district, in accordance with the standards set forth in these regulations.
 - (5) A single PUD may be proposed for multiple individual properties, whether in common or separate ownership.
 - (6) The PUD must be consistent with the goals and policies of the *Orwell Town Plan*.

**Calculating Combined Allowable Density
for PUDs on parcels in multiple zoning districts**

75 acres in zone with a density of 1:10 = 7.5 units
13 acres in a zone with a density of 1:25 = .5 units
5 acres in a zone with a density of 2:1 = 10 units

Total = 18 units

Section 7.7 Rural Standards

- (A) In addition to all applicable subdivision standards and the general standards in Section 7.6, PUDs in the Rural District must be designed to:
- (1) Blend new development into the agricultural or forest landscape; and
 - (2) Maintain the town's rural character, both visually and as a functional working landscape.
- (B) To this end, PUDs must set aside a minimum of 50 percent of the project area as undevelopable land in accordance with the following principles:

- (1) If the parcel to be developed is currently productive agricultural land, the acreage set aside should be of a quality, size and configuration that makes continued agricultural use possible unless the DRB agrees that doing so would negatively impact any shoreland, flood hazard or conservation areas identified on the parcel.
- (2) If the parcel to be developed is largely forested, forest fragmentation and tree removal should be kept to a minimum.
- (3) Building envelopes should be located outside the Shoreland Overlay District on parcels that contain land both inside and outside that district unless the DRB agrees that (a) doing so would negatively impact any agricultural land or conservation areas identified on the parcel, or (b) there is insufficient acreage outside the Shoreland Overlay District to accommodate the proposed development.
- (4) PUDs may reduce lot sizes below the minimum of 2 acres established by density based zoning.

Section 7.8 Shoreland Standards

- (A) In addition to all applicable subdivision standards, the general standards in Section 7.6 and the Rural District standards in Section 7.7, PUDs in the Shoreland Overlay District must be designed to:
 - (1) Prevent erosion, reduction in water quality due to stormwater runoff, and loss of existing shoreline vegetation.
 - (B) To this end, the setback and buffer standards set for the Shoreline Overlay District cannot be modified or changed.

Section 7.9 Village Standards

- (A) In addition to all applicable subdivision standards and the general standards in Section 7.6, PUDs in the Village, Neighborhood Commercial and Medium Density Residential Districts must be designed to be compatible with the character of Orwell's traditional village center as described in the *Orwell Town Plan*.
- (B) To this end, PUDs must:
 - (1) Propose lot sizes and setbacks similar to those in the village, unless the DRB agrees that this is not feasible due to issues such as provision of septic and water.
 - (2) Propose roads that extend the village street network or allow for future connections to it, unless the Planning Commission agrees that this is not feasible due to site conditions such as topography.
- (C) PUDs in the Village, Neighborhood Commercial and Medium Density Residential Districts are encouraged to provide a range of housing opportunities. To this end:
 - (1) The DRB may approve a bonus that would result in a density not to exceed 4 units per acre if the excess units are dedicated to providing housing for elderly residents, people with disabilities, and households with low to moderate incomes (as defined by the *Orwell Town Plan*). The units must be dedicated to such a purpose through legally binding means for a period of not less than 20 years.
 - (2) The DRB may approve a range of housing types including, but not limited to, apartments, attached dwellings, condominiums, mixed-use structures, mobile homes and multi-unit structures. Consideration will be given to whether the proposed structures and site design will be compatible with the character of Orwell's traditional village center as described in the *Orwell Town Plan*.

ARTICLE 8. SUBDIVISION STANDARDS AND REVIEW

Section 8.1 Applicability

- (A) A subdivider must apply for and obtain approval from the Development Review Board for subdivision of land:
- (1) Before any land development as per Section 1.3 is begun;
 - (2) Before any permit for the erection of a structure or the commencement of use is issued; and
 - (3) Before any plat may be filed in the town land records.
- (B) **Exemptions.** The following are exempted from subdivision review under this Article:
- (1) Creation of rights-of-way or easements that do not result in the subdivision of land into two or more parcels.
 - (2) The leasing of land for agricultural or forestry purposes provided no new roads are created for uses other than accepted agricultural or forestry practices.
 - (3) Boundary adjustments that meet the criteria of Section 4.3 of these regulations.

Section 8.2 Classification of Subdivisions

(A) For the purposes of these regulations, subdivisions are defined and will be classified by the DRB in accordance with the following provisions.

(B) **Minor** subdivisions will include:

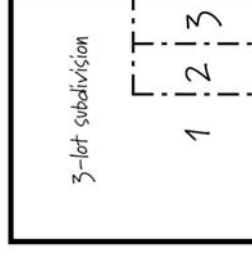
- (1) Any subdivision of land resulting in the creation of three or fewer lots within any 10-year period, regardless of any change in ownership, which does not require the installation of a road;
- (2) Minor modifications to an approved subdivision plan which do not substantially alter the nature of the subdivision or conditions of approval.

(C) **Major** subdivisions will include:

- (1) Any subdivision of land resulting in the creation of four or more lots within any 10-year period, regardless of any change in ownership;
 - (2) Any subdivision that requires the installation of a road.
- (D) **PUD Coordination.** Applications for Planned Unit Developments will be reviewed concurrently with subdivision review.

Section 8.3 Sketch Plan Review

- (A) Applicants will schedule a meeting with the Development Review Board to discuss the proposed subdivision and submit a sketch plan and other information as described in Section 8.8 below. Sketch plan meetings will be noticed in accordance with Section 3.10(B). Applicants are required to attend the sketch plan meeting; the DRB will take no action on a sketch plan if the applicant is not present.
- (B) **Application Requirements.** The applicant must provide all of the information specified in Section 8.8 to the DRB before a sketch plan meeting will be scheduled. The DRB may require additional information before classifying the subdivision.



Calculating Number of Lots in a Subdivision

The number of lots is counted as the total number resulting after the subdivision including the remaining portion of the original parcel.

- (C) **Classification.** At the sketch plan meeting, the DRB will classify the subdivision as either minor or major, based on the standards in Section 8.2.
- (D) The DRB may require that a minor subdivision comply with all or some of the submission requirements or standards for major subdivisions if any of the following occur, or will occur, as a result of the subdivision:
- (1) The parcel to be subdivided has frontage on Lake Champlain, East Creek or Sunrise Lake.
 - (2) The applicant is proposing that one or more parcels be served by a right-of-way less than 30 feet in width.
 - (3) Access to one or more parcels will be provided from a Class 4 town road.
 - (4) There is or will be inadequate sight distance at an intersection with a town or state highway.
 - (5) The parcel contains features identified in Section 7.5 of these regulations as conservation areas.
- (E) Subdivisions classified as minor subdivisions may proceed directly to final review under Section 8.5 unless the DRB determines that preliminary plat review under Section 8.4 will be required for the project. Major subdivisions may proceed to preliminary review under Section 8.4.

Section 8.4 Preliminary Plat Review

- (A) Within six months after classification as a major subdivision, the applicant must submit an application for approval of a preliminary plat to the DRB.
- (B) Before submitting an application, the applicant may request that the DRB waive one or more of the submission requirements as per Section 3.6 of these regulations.
- (C) Once submitted, the application will be deemed complete at the next regularly scheduled meeting of the DRB and a hearing on the preliminary plat will be scheduled. The official submission date will be the date the application is deemed complete.
- (D) Preliminary plat hearings will be noticed in accordance with Section 3.10(B). Applicants are required to attend the preliminary plat hearing; the DRB will take no action on a preliminary plat if the applicant is not present. The hearing will be held in conformance with Section 3.10 and the DRB will issue its decision in conformance with Section 3.12 of these regulations.
- (E) **Application Requirements.** The applicant must provide all of the information specified in Section 8.8 to the DRB before a preliminary plat hearing will be scheduled.
- (F) When granting approval of a preliminary plat, the DRB will state the conditions of such approval, if any, with respect to:
- (1) The specific changes which it will require in the preliminary plat;
 - (2) The character and extent of the required improvements for which waivers may have been granted; and
 - (3) The amount of improvement or the amount of all bonds (Section 3.12) that it will require as prerequisite to the approval of the final plat.
- (G) Approval of the preliminary plat will not constitute approval of the subdivision.

Section 8.5 Final Plat Review

- (A) Within six months after classification as a minor subdivision or approval of a preliminary plat, the applicant must submit an application for approval of a final plat to the DRB.

- (B) Before submitting an application, the applicant may request that the DRB waive one or more of the submission requirements as per Section 3.6 of these regulations.
- (C) Once submitted, the application will be deemed complete at the next regularly scheduled meeting of the DRB and a hearing on the final plat will be scheduled. The official submission date will be the date the application is deemed complete.
- (D) Final plat hearings will be noticed in accordance with Section 3.10(A). Applicants are required to attend the final plat hearing; the DRB will take no action on a final plat if the applicant is not present. The hearing will be held in conformance with Section 3.10 and the DRB will issue its decision in conformance with Section 3.12 of these regulations.
- (E) **Application Requirements.** The applicant must provide all of the information specified in Section 8.8 to the DRB before a final plat hearing will be scheduled.

Section 8.6 Plat Recording Requirements

- (A) Within 180 days after approval of a final plat, the applicant must deliver to the Town Clerk three copies of the plat. An original Mylar (not less than 18” x 24”) will be recorded in the town land records and copies will be provided to the Zoning Administrator and the Listers. Approved plats not delivered within the 180-day period will expire unless the Zoning Administrator grants a 90-day extension if final town or state permits or approvals are still pending.
- (B) Prior to recording, the plat must be signed by the Development Review Board Chair or, in the case of boundary adjustments meeting the criteria of Section 4.3 of these regulations, by the Zoning Administrator.
- (C) For any subdivision that requires the construction of roads or other improvements, no plat will be signed until the applicant has either:
 - (1) Filed a performance bond with the town acceptable to the Selectboard; or
 - (2) Constructed all improvements to the satisfaction of the Development Review Board.

Section 8.7 Revisions to an Approved Plat

- (A) No changes, modifications or other revisions that alter a plat or the conditions attached to it will be made unless the proposed revisions are first resubmitted to and approved by the DRB after review of the proposed modifications in accordance with Section 8.2.

Section 8.8 Application Table

Subdivision Application Requirements	Sketch Plan	Preliminary Plat	Final Plat
A. A completed subdivision application form.	✓	✓	✓
B. Name and address of the landowner(s) and applicant, if different.	✓	✓	✓
C. Names and addresses of all adjacent property owners without regard to any public right-of-way, and evidence of written notification of hearings date. If any portion of the land involved with the subdivision is within 500 feet of the boundary of an adjoining town, a copy of written notification to the planning commission of that town must also be submitted.	✓	✓	✓
D. Name of the project.	✓	✓	✓
E. A location map drawn to scale showing the location of the parcel to be subdivided and any other parcels previously subdivided by the applicant/owner in the town or within one mile of the town boundary within the past 10 years.	✓	✓	✓
F. A site plan at a scale not to exceed 1 inch to 100 feet drawn on a contour map at no greater than 20-foot intervals showing all of the following: <ol style="list-style-type: none"> 1. Project boundaries. 2. Zoning district boundaries. 3. Adjacent land uses and ownership. 4. Significant natural and built features. 5. Existing easements. 6. Layout and size of proposed lots, uses and improvements. 	✓ <i>draft</i> 20' contours	✓ <i>draft</i> 10' contours	✓ <i>final</i> 10' contours
G. Applicants are encouraged, but not required, to include photos of the site.			
H. A statement of the compliance of the proposed subdivision with the Town Plan; these regulations; and other bylaws or plans in effect.		✓ <i>draft</i>	✓ <i>final</i>
I. A complete survey of the boundaries of the subdivision parcel by a licensed surveyor (Vermont) with date, true north point and scale. The survey shall show all lot lines together with proper monumentation.		✓ <i>drawn</i>	✓ <i>surveyed</i>
J. A description of proposed water supply and sewage disposal system and a copy of the state Potable Water and Wastewater application or permit.		✓ <i>application</i>	✓ <i>permit</i>
K. Grading plans showing areas of cut and fill and revised contours.		✓ <i>draft</i> 10' contours	✓ <i>final</i> 10' contours
L. A stormwater drainage plan indicating the methods of collecting and discharging drainage, as well as methods for temporary and permanent erosion control. The final plan must be signed by a registered professional engineer who attests that the designs comply with Section 8.9(J) of these regulations.		✓ <i>draft</i> 10' contours	✓ <i>final</i> 10' contours

Subdivision Application Requirements	Sketch Plan	Preliminary Plat	Final Plat
M. All existing and proposed street right-of-way lines, widths of streets, typical road, walkway, and utility profiles, dimensions of all lot lines and size of all lots, locations of all existing and proposed buildings, walkways, amenities, utilities and other man-made improvements.		✓ <i>draft</i>	✓ <i>final</i>
N. Evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with town highways.		✓ <i>draft</i>	✓ <i>final</i>
O. Evidence that school-age population projected for the project can be accommodated in existing facilities or be in conformance with school capital improvement program and budget.		✓ <i>draft</i>	✓ <i>final</i>
P. Typical landscaping plans showing plant types, ground cover, lighting and signage, and existing features and trees to be maintained.		✓ <i>draft</i>	✓ <i>final</i>
Q. All land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes, and the methods for assuring and maintaining such dedication or reservation.		✓ <i>draft</i>	✓ <i>final</i>
R. A description of any proposed covenants, and/or deed restrictions which are intended to cover all or part of the subdivision.		✓ <i>draft</i>	✓ <i>final</i>
S. Copies of any documents establishing a Homeowners Association including the covenants and agreements between lot owners regarding maintenance of commonly owned utilities and facilities.		✓ <i>draft</i>	✓ <i>final</i>
T. The location of temporary markers adequate to enable the DRB to locate readily and appraise 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 will be shown.		✓ <i>draft</i>	✓ <i>final</i>

Section 8.9 General Standards

- (A) **Development Suitability.** All land to be subdivided must be suitable for the intended use and proposed density of development and will not result in undue adverse impacts to public health or safety, public facilities or infrastructure, adjoining properties and uses, the environment, or to the character of the surrounding area. The general requirements and the design standards taken together should determine those lands that can be subdivided.
- (B) **Settlement Patterns.** Subdivisions will be designed to achieve the purpose, objectives and intended settlement pattern of the zoning district(s) in which they are located, as defined in Article 2 and the *Orwell Town Plan*.
- (C) **Density and Lot Layout.** The layout of lots must conform to the dimensional standards of the zoning district in which they are located and other applicable provisions of these regulations,

include consideration of topography, drainage and soil conditions, and must be appropriate for the intended construction. In addition:

- (1) Corner lots will be sized to allow front yard setbacks on all sides abutting a street.
 - (2) Side lot lines will generally form right angles to the road.
 - (3) Irregularly shaped lots will not be created unless warranted by topography, surface waters or to avoid the fragmentation of significant natural or cultural features.
 - (4) The DRB may require lots larger or densities lower than specified in these regulations based upon site limitations and the presence of physical features in order to ensure that the parcel may accommodate the anticipated development without adverse impact to public health and safety
 - (5) When a lot or lots created by a subdivision spans two or more zoning districts, the primary structure associated with the lot so situated will be located, to the greatest extent practicable, within the least restrictive, or highest density, district in the lot.
- (D) **Building Envelopes.** All proposed lots intended for development will include designated building envelopes limiting the location of all structures and parking areas to one or more portions of a lot. The building envelope will at a minimum be defined by the setback requirements of the zoning district in which the lot is located and any other applicable provisions of these regulations. The DRB may further limit the buildable area of a lot to protect significant natural or cultural features, to provide adequate buffers from surrounding properties, to preserve the character of the area, or to promote a pattern of development that conforms to the goals of the *Orwell Town Plan*.
- (E) **Preservation of Existing Features.** The application must include measures to preserve and protect existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, historic resources and other natural resources, including deer yards, wildlife habitat, and habitat of threatened and endangered species.
- (F) **Recreational Open Space.** Subdivision proposals must include sufficient open space for active and passive recreation and will include provisions for elements of any community-wide trail and walkway system indicated in the *Orwell Town Plan*.
- (G) **Shade Trees.** The DRB may require that suitable hardwood shade trees be planted along roads where trees do not exist. Shading by trees of the most southerly facing roof and wall of dwelling units will be minimized to the greatest possible extent in selecting tree species and locating trees along roads. All trees should be planted between 8 and 12 feet from the edge of the road right-of-way or easement.
- (H) **Energy Conservation.** In order to conserve energy, all subdivisions will use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. All subdivisions will 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 in winter and heat gain in summer.
- (I) **Utilities.** The applicant will coordinate the design of a subdivision with utilities such as gas, electric, telephone, lighting and cable television. Common rights-of-way will be utilized whenever possible, and, when technology makes it economically feasible, distribution systems will be built underground, preferably in the street right-of-way between the paved roadway and the street line. The DRB may require applicant's to submit a plan indicating how utilities will be provided and connect to existing systems.

- (J) **Runoff and Erosion.** Subdivision proposals will include adequate provision for the control of runoff and erosion during and after construction as specified in the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*.
- (K) **Road Congestion and Pedestrian Traffic.** Proposed subdivisions will not cause unreasonable highway congestion or unsafe conditions with respect to the use of highways, streets and roads in the town. All roads, whether public or private, will have rights-of-way at least 50 feet in width. All roads and drives must be constructed to the standards specified in Section 4.2 of these regulations. Proposed subdivisions will contain adequate provisions for pedestrian traffic in terms of safety, convenience and access to points of destination. The DRB may require easements or rights-of-way for future connections to proposed subdivision roads from neighboring properties or for extension, realignment or widening of adjacent town roads.
- (L) **Potable Water and Wastewater Systems.** Subdivision applications will include copies of the state Potable Water and Wastewater permit for each lot being created. Subdivisions may be approved contingent upon issuance of the state permit. No plats may be filed in the town records before the permits are issued.
- (M) **Fire Protection.** The DRB may require reasonable water storage facilities for fire protection within the subdivision such as dry hydrants or fire ponds.
- (N) **Municipal Services and Facilities.** When viewed in the context of existing and approved developments in the town, proposed subdivisions must not place an unreasonable burden on the ability of the town to provide municipal, educational or governmental services or facilities.
- (O) **Compliance and Compatibility.** Proposed subdivisions must comply with the *Orwell Town Plan*, these regulations and any other plans, bylaws or ordinances in effect. Additionally, the subdivision will be designed to integrate with roads and utilities on abutting parcels and to respect the need for privacy and separation between uses on surrounding and abutting parcels.
- (P) **Compatibility with Agricultural Operations.** To avoid conflicts between agricultural operations and non-agricultural land uses, subdivisions of land adjacent to agricultural land either presently or potentially in production will meet the following requirements:
- (1) Residential building envelopes and wells will be sited to minimize conflicts with agricultural operations. Building envelopes and wells will be located a minimum of 200 feet from any lot line shared with an agricultural operation unless the DRB determines that such a setback is unnecessary to protect water supplies and to avoid potential conflicts with agricultural uses.
 - (2) Buffer areas, consisting of existing vegetation or additional plantings, may be required within all or a portion of the designated setback areas.
 - (3) The applicant may be required to provide a management plan detailing how conflicts between adjacent land uses will be avoided or mitigated.
- (Q) **Future Re-subdivision.** Where proposed subdivisions include lots at least two times as large as the minimum size allowed in the zoning district in which the lots would be located, the DRB may require streets and lots to be laid out so as to permit future re-subdivision in accordance with these regulations.

ARTICLE 9. DEFINITIONS

Access: A defined area for ingress or egress between a property and an abutting road right-of-way or surface water.

Accessory apartment: An accessory dwelling within a principal dwelling or structure accessory to it that meets the standards of Section 5.1. See definition of dwelling.

Accessory use: A use or structure that is customarily incidental and subordinate to the primary permitted use or structure, that is located on the same lot as the primary use, and that is clearly related to the primary use.

Acre: 43,560 square feet.

Act: *Vermont Municipal and Regional Planning and Development Act.*

Agriculture: As defined by the Vermont Secretary of Agriculture, to include the use of land or structures for the growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including sugar bushes; and the sale of farm produce on the premises where it is produced.

Aircraft landing strip: Any improved or unimproved area of land or water that is made available for the take-off and landing of aircraft.

Basement: Any area of a building having its floor level below ground level on all sides.

Bed and breakfast (B&B): A dwelling unit that provides short-term lodging to paying guests. Food service is limited to breakfast or brunch and commercial kitchen facilities are prohibited. A bed and breakfast will be treated as a home occupation and will be subject to the provisions of Section 5.10 5.9(A). Also see definitions of dwelling, lodging, boarding house and restaurant.

Boarding house: A dwelling in which lodging is provided to up to eight long-term boarders, which serves as the boarders' primary residence, and in which individual cooking and eating facilities are not provided for the boarders. See definitions of dwelling, lodging and bed and breakfast.

Boundary adjustment: An alteration in the lot line between neighboring properties that meets the criteria of Section 4.3 of these regulations.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature.

Building: A structure having a roof supported by columns or walls and intended for the shelter or accommodation of people, animals, goods or equipment. Solely for purposes of the flood hazard area regulations incorporated into these regulations, the definition of a building will also include any gas or liquid storage tank that is principally above ground.

Building envelope: A specified area of a lot outside of which structures and parking and loading areas cannot be located. The building envelope will be defined by required setback distances, unless otherwise specified in these regulations or modified by the Development Review Board. The building envelope may be referred to as the "buildable area" of the lot.

Building footprint: The area on the ground surface covered by all areas of each building that are under a roof.

Building front line: A line parallel to the street transecting the point of a building that is closest to the street line. Where a lot fronts on public waters and not a public road, the front line will be measured from the mean high water mark.

Building height: The distance above ground of a structure as measured vertically from the average proposed finished grade at the base of the building to the highest point of the structure or roof, excluding the chimney.

Camp facility: A residential facility – such as a boys' or girl's summer camp – that is operated on a seasonal basis providing accommodations, meals, recreational, and other activities for its campers.

Camper: Any motorized or non-motorized vehicle mounted on wheels and intended for use as sleeping, camping or living quarters. This definition includes a camper body mounted on a truck or recreational vehicle and excludes mobile homes.

Campground: Any tract or parcel of land occupied by four or more campers, tents or camping sites for vocational or recreational purposes, which meets the standards set forth in Section 5.3.

Childcare home: A facility within a single-family dwelling for the care of children that meets the standards of Section 5.4. See definition of dwelling and single-family dwelling.

Carpport or Garage: An accessory structure for parking a car in or under including tube and tarp carports, portable shelters and canopies in place for more than 180 days.

Cemetery: Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbarium, or maintenance facilities, but excluding crematoriums. This definition includes cemeteries for the burial of animals. An individual burial site on private land, registered with the Town of Orwell Clerk in accordance with state law, is exempt from this definition.

Clearing: The removal of existing vegetation from a site.

Commercial use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Common land: Land that is not individually owned, but which is designed to be held in common for use, enjoyment, management and maintenance by the residents of a development or subdivision.

Community facility: Any meeting hall, place of assembly, club, historic site, museum, library, school, church, post office, municipal building or other similar type of facility that is commonly public or nonprofit in its ownership or operation.

Community infrastructure: The use of land or structures for provision of public or community services such as electricity, potable water, wastewater treatment, stormwater treatment, telecommunications or transportation. This definition specifically excludes infrastructure serving a single residential structure, driveways, telecommunication antennas, telecommunication facilities and energy generating facilities.

Conditional use: A use that requires approval by the DRB in accordance with Article 6 before the Zoning Administrator can issue a zoning permit.

Conversion: Changing the original purpose of a building to a different use, with or without structural alternation.

Corner lot: A lot that fronts on two or more streets and has an interior angle of less than 135 degrees at the street intersection.

Cul-de-sac: A dead-end street terminating in a vehicle turnaround area.

Curb cut: See definition of access.

Daycare facility: A facility for the care of children that meets the standards of Section 5.45.4(B).

Days: Calendar days, including weekend days and holidays.

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. For example, a structure that does not meet the front yard setback for the district in which it is located can be enlarged to the rear without increasing its degree of nonconformity. While an existing auto repair shop in a district that allows only residential uses could not be converted to add a gasoline station because it would increase the intensity of the use and therefore the degree of nonconformity.

Demolition: The razing of a structure.

Density: The number of acres of land that are required for a given number of units, uses or structures.

Development: Includes the construction, reconstruction, conversion, structural alteration, relocation or enlargement of a structure; mining, excavation or landfill; or any change in the use of a structure or of land, or an extension of the use of a structure or of land. Also see definition of subdivision.

Discontinued: A residential use will be considered discontinued if the dwelling is not actively lived in (i.e. sleeping, preparing food, using of sanitary facilities) for a period of time as specified in these regulations. A non-residential use will be considered discontinued if it is not being actively carried on (i.e. producing goods, open to customers, providing services) for a period of time as specified in these regulations.

Driveway: A private travel way, easement or right-of-way serving up to three parcels, which provides vehicular access to a parking area associated with the principal structure or use that meets the standards of Section 4.2 of these regulations. See definition of access and road.

Development right: The right to develop a specific property of land in accordance with the provisions of these regulations.

DRB: Town of Orwell Development Review Board.

Dwelling unit: Structure or part of a structure used as separate living quarters containing cooking, sleeping and sanitary facilities for one household. This definition specifically excludes bed and breakfast and lodging facilities. Also see definitions for single-family, two-family, multi-family, principal and seasonal dwellings.

Easement: The authorization of a property owner for the use by another of any designated part of the property for a specific purpose or a legal agreement a property owner makes to restrict the type and amount of development that may take place on the property.

Energy generating facility: The use of land or structures for the generation of electric power through the conversion of thermal, steam, wind, solar or hydro energy. This definition specifically excludes any facility that requires state review under Act 248.

Extraction: A use involving the on-site removal of surface and subsurface materials, including stone, gravel, sand, minerals, soil, or similar materials. Typical uses include sand and gravel pits, quarries and related operations such as the crushing, screening and temporary storage of materials on-site. Specifically excluded from this definition is the grading and removing of dirt that is associated with and incidental to permitted development or subdivision, or an excavation associated with an accepted agricultural practice. Also see definitions of development, subdivisions and accepted agricultural practices.

Farm housing: An accessory dwelling on a farm parcel to house employees working on the farm that meets the standards set forth in Section 5.7

Farm parcel: A parcel of land at least 25 acres in size devoted primarily to agriculture with a dwelling. Also see definitions of agriculture and dwelling.

Farm structure: A building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices. Farming is defined in state law, Title 10 Subdivision 6001(22). The definition of farm structure includes silos, but excludes dwellings.

Fence: An assemblage of materials, which may include metal, stone, wood or any combination, erected and placed on the ground for the purposes of limiting visual or physical access or to mark a property boundary.

Flood Hazard Area: Those lands subject to flooding from the 100-year flood, as shown on the existing or subsequently amended Flood Insurance Rate Maps for the Town of Orwell.

Floor area: The total area of all floors of a building as measured to the outside surfaces of exterior walls, excluding any space where the floor-to-ceiling space is less than six feet.

Forestry: The use and management of timberland for the purposes of conservation or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing or manufacturing of wood and wood products, with the exception of portable sawmills and other temporarily located equipment used on site in association with timber harvesting activities.

Front yard setback: Distance from a building front line to the centerline of the road. Where a lot fronts on public waters and not a public road, the distance will be measured from the mean high water mark.

Gas station: The use of land or structures for the retail sales of motor vehicle fuel in a manner that meets the standards set forth in Section 5.8. This definition specifically excludes retail sale of products other than motor vehicle fuel, the sales or service of motor vehicles, storage and salvage yards. A gas station that wishes to sell items other than fuel or to service motor vehicles will need additional permits. See definitions of motor vehicle sales and service, storage, salvage yard and retail store.

Group home: The use of a single-family dwelling to house and care for up to eight people who have a handicap or disability or who are elderly in accordance with Section 5.9. See definition of single-family dwelling.

Habitable floor area: The floor area of the portions of a dwelling that can be used as year-round living quarters. Does not include the floor area of unfinished basements or attics, attached garages or storage areas, attached porches or decks, and other similar portions of a dwelling.

Hazardous materials: Any corrosive, flammable, toxic, carcinogenic or radioactive material, chemical or substance as defined in state law, 24 V.S.A. § 6602(16)(A).

Home-based business: A commercial or industrial activity that is based on the parcel that contains the dwelling of the business owner and that meets the standards set forth in Section 5.105.9(B). See definition of dwelling.

Home occupation: The use of a minor portion of a dwelling for an occupation in accordance with the standards set forth in Section 5.105.9(A)

Junk: Old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or vehicle parts. This definition does not include any materials, equipment or vehicles used for agricultural or forestry purposes.

Junk vehicle: A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or vehicle parts, an unregistered motor home not connected to water or sewer, or a vehicle other than an on-site utility vehicle that is allowed to remain unregistered for a period of 30 days from the date of discovery.

Junkyard: See definition of salvage yard.

Light manufacturing: The processing, fabrication, assembly and packaging of finished products, parts or materials, and their incidental storage and distribution in accordance with the standards set forth in Section 5.11. This definition specifically excludes activities that meet the definition of home-based business or accepted agricultural practice (as defined by the Vermont Department of Agriculture).

Loading area: Off-street space for the loading and unloading of service vehicles. No loading area will be smaller than 12 feet by 40 feet with 14 feet of vertical clearance. Loading areas must have adequate access to the street. Vehicles may park in a loading area only on a temporary basis and the area cannot be included when calculating required parking spaces.

Lodging: A structure or group of structures that provides short-term lodging to paying guests. A lodging facility that wishes to serve food to its guests or to the general public will also need a permit to operate a restaurant. This definition specifically excludes bed and breakfasts and boarding houses. Also see definitions of bed and breakfast, boarding house and restaurant.

Lot: A parcel of land occupied by or capable of being occupied by one principal structure and the accessory structures or uses customarily incidental to it including yards and other open spaces as required by these regulations. Pieces of land in common ownership divided by a public road right-of-way or surface waters with a drainage area of greater than ten square miles will be considered separate lots for the purposes of these regulations.

Lot area or size: The total area of a lot excluding all parts within public or private road right-of-ways.

Lot coverage: Lot coverage will be calculated by totaling the area of a lot covered by impervious surfaces such as roofed buildings; uncovered decks, patios or terraces; and paved or gravel roads, driveways and parking areas and dividing the lot area (typically expressed as a percentage).

Lot depth: The average horizontal distance from the street line to the rear lot line, as measured at right angles. Where a lot fronts on public waters and not a public road, the distance will be measured from the mean high water mark.

Lot frontage: The distance that a lot fronts a road, measured along the road right-of-way from the intersection of one property boundary to the intersection of the other property boundary. Where a lot fronts on public waters and not a public road, the distance will be measured from the mean high water mark.

Lot line: The boundary line of a lot.

Marina: A place for docking, mooring, storing, selling, servicing, or repairing boats, may include the sale of fuel and supplies, and provision of lodging, food, beverages and entertainment. See Section 5.11(A) for specific standards.

Mean high water mark: For the purposes of these regulations, the mean high water mark of Lake Champlain will be 98 feet above mean sea level. For all other water bodies, it will be the mean water level as specified by the *Rules Determining Mean Water Levels* adopted by the Vermont Water Resources Board, 1972 and as amended.

Mean sea level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Maps, lake elevations, and typical contour elevations are referenced.

Mobile home: A prefabricated dwelling that is designed for continuous residential occupancy and is designed to be moved on wheels, as a whole or in sections.

Mobile home park: A parcel of land under single or common ownership or control that contains, or is designed, laid out or adapted to accommodate three or more mobile homes and that meets the standards set forth in Section 5.13.

Motor vehicle sales and service: The use of land or structures for the retail sales of motor vehicles or the service of motor vehicles a manner that meets the standards set forth in Section 5.14. This definition specifically excludes gas stations, storage businesses and salvage yards. Motor vehicles include passenger vehicles, boats, recreational vehicles, farm vehicles and other similar motorized vehicles or equipment. See definition of gas station, storage and salvage yard.

Multi-family dwelling: A structure containing three or more dwellings each inhabited by a single household living independently of the others. Also see definition of dwelling.

Outdoor furnace: Any equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises.

Outdoor recreation: Any facility for outdoor recreation including but not limited to: golf courses, hunting preserves, skating rinks, riding stables, parks, beaches, trail systems, tennis courts, swimming pools, playgrounds, or sports fields. This definition specifically excludes non-commercial outdoor recreation facilities that are accessory to a dwelling.

Overlay district: An overlay district is used to establish alternative land development requirements within a specific area of a town that requires special attention. It is superimposed over conventional zoning districts and its requirements are either added to, or replace, those of the underlying regulations. Orwell has two overlay districts – the Flood Hazard Overlay and the Shoreland Overlay Districts.

Permitted use: A use for which the Zoning Administrator is authorized to issue a permit in accordance with Section 3.2 of these regulations.

Personal service business: A business that provides services of a personal nature including but not limited to: laundry, dry cleaning, beauty and barber shops, shoe repair and tailoring, banking, funeral

services, or photographic studios. This definition specifically excludes businesses run from the operator's dwelling. See definitions of home occupation and home-based business.

Plat: A map or representation drawn to scale on Mylar or other accepted material of a piece of land subdivided into lots and roads.

Principal structure: A structure in which the main, primary or principal use of the property is conducted.

Professional office: A structure or portion of a structure used for conducting the affairs of a professional occupation including but not limited to: architect, accountant, dentist, doctor, engineer, financial advisor, lawyer, psychologist or surveyor. This definition specifically excludes the on-site retail sale of goods and businesses run from the operator's dwelling. See definitions of retail store, home occupation and home-based business.

Public waters: Any navigable lake, river, stream or body of water having a surface area of at least 20 acres.

Reasonable use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily maximum) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures or additions that may be customary, but are not necessary, to the existing or intended principal use.

Restaurant: Premises where food and drink are prepared, served and consumed primarily within the principal building.

Re-subdivision: A change of a recorded subdivision plat, including, but not limited to changes that affect any lot lines, road layouts, areas reserved for public use or any plat that has been legally recorded. This definition specifically excludes boundary adjustments.

Retail store: Premises where goods or merchandise are offered for sale to the general public for personal, business or household consumption, and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline and motor vehicles.

Road: 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. Also see definition of access and driveway.

Rural character: Orwell's rural character is created from its the patterns of land use and development in which open space, the natural landscape, and vegetation predominate over the built environment; that foster traditional rural lifestyles, the agricultural economy, and opportunities to both live and work in the community; that provide visual pastoral landscapes; that are compatible with the use of the land by wildlife and for fish and wildlife habitat; that reduce the inappropriate conversion of undeveloped land into low-density, sprawling development; that generally do not require the extension of public facilities or services; and that are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Salvage yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of junk, junk vehicles, discarded material or scrap metal that meets the standards set forth in Section 5.16. This definition includes, but is not limited to "junkyards" as defined by state law. See definitions for storage, and motor vehicle sales and service.

Seasonal dwelling: A dwelling inhabited by a household for six months or less in any calendar year. Converting a seasonal dwelling into a residence inhabited for more than six months is a change of use that requires a town zoning permit and a state water and wastewater permit, whether or not any physical changes are made to the building at the time. Also see definitions of dwelling and development.

Shooting range: A public or commercial area designed and operated for the use of archery, rifles, shotguns, pistols, skeet, trap, black powder or any other similar sports shooting.

Sign: Any structure, display, device, material, object or representation that is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product,

service or other matter from any public right-of-way. This definition includes logos and other outdoor advertising displayed on walls, canopies and exterior windows.

Single-family dwelling: A structure containing one dwelling inhabited by a household. Also see definition of dwelling and seasonal dwelling.

Storage business: Any warehousing, self-storage, vehicle storage or other similar type of business that is not operated from the owner's dwelling, has no retail component, and meets the standards set forth in Section 5.17.

Street: See definition of road.

Structure: Any construction, assemblage or other combination of materials on the land for occupancy or use, including but not limited to, buildings, additions to buildings, mobile homes, tennis courts, swimming pools, airstrips, satellite dishes, relay or radio antennae, walls and fences, gas station canopies, outdoor furnaces and tanks for the outdoor or underground storage of gas or oil. This definition specifically excludes sidewalks, driveways, roads, parking areas, signs, service lines and the subsurface components of water and sewage systems.

Subdivision: The division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease or development. Subdivision includes re-subdivision and the development of a parcel of land as a planned unit development (PUD). A piece of land divided by a public road right-of-way is considered two separate parcels for the purposes of these regulations. Also see definition of development.

Telecommunications antenna: Small-scale wireless telecommunications antennas, repeaters, microcells or similar structures that meet the standards set forth in Section 5.18 and the *Town of Orwell Telecommunications Bylaw*.

Telecommunications facility: Wireless telecommunications antennas, repeaters or similar structures and any tower meant to support such infrastructure that meet the standards set forth in Section 5.17 and the *Town of Orwell Telecommunications Bylaw*.

Trip: Each vehicle movement in or out of a site. For example, a car pulling into the parking lot at the general store and then existing the store parking lot would count as two trips for the store.

Trip generation: As 2005, the Institute of Traffic Engineers Trip Generation Manual had set the average number of trips per residence at roughly 10 per day. More detailed trip generation figures for different uses are available from the Addison County Regional Planning Commission or the Vermont Agency of Transportation.

Two-family dwelling: A structure containing two dwellings inhabited by two households living independently of each other. Also see definition of dwelling.

Use: The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained.

Wildlife refuge: The use of land for conservation or preservation of wildlife species or habitat, and associated educational activities.

Yard: An unoccupied area of ground, as defined by setback requirements, in which no structure, building or portion thereof may be located.

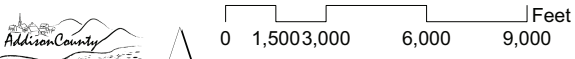
Zoning Map

town of orwell

Zoning Districts and Overlays

-  Flood Hazard Overlay (FHO)
-  Sunrise Lake Shoreland Overlay (SHO)
-  Lake Champlain Shoreland Overlay (SHO)
-  Conservation (CON)
-  Rural (RRL)
-  Medium Density Residential (MDR)
-  Neighborhood Commercial (NC)
-  Village (VIL)

Zoning Districts adopted March 2, 2010



1 inch = 1,750 feet



REGIONAL PLANNING COMMISSION

ACRPC 2010

