

# TOWN OF DANVILLE

# ZONING BYLAW

DRAFT July 20, 2019 Version

(This is the May 2018 version, with potential draft changes from the Planning Commission - delete this text and update the date above and on the page headers for the final document)

Update objectives (for adoption in 2020):

- Reorganize articles and sections to group general rules and process together
- Review and update Village/Historic/Route 2 districts
- Revise and revamp Design Control Districts (areas and processes)
- Add Flood Control Overlay district
- Add Developed Shoreland district (for Joe's Pond)
- Update Rural Residential (and other) districts to better support agriculture
- Add/update waiver and variance processes (based on interim work)
- Update entire zoning map

This document is using Tracked Changes EXCEPT FOR:

- Rearranging of Articles and Sections
- Obvious typos / spelling / grammar corrections
- White space / text formatting changes

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**ARTICLE 1: ENACTMENT, ~~AND~~ INTENT, INTERPRETATION, AND SEVERABILITY**

**Section 101: Enactment**

101.1 In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", Title 24 V.S.A., Chapter 117, there is hereby established a zoning bylaw for the Town Of Danville which is set forth in the text and maps that constitutes this bylaw. This bylaw shall be known and cited as the "Town of Danville Zoning Bylaw".

101.2 This bylaw may be amended according to the requirements and procedures established in 24 V.S.A. §§4441 and 4442.

101.3 This bylaw shall take effect in accordance with the procedures contained in 24 V.S.A. §4442. [The effective date is on the front cover and in the page headers.](#)

101.4 Upon the adoption of this bylaw, the former Town of Danville Zoning Bylaw, originally adopted November 3, 2005, and last revised/readopted ~~May~~[December 3, 2018](#)~~2009~~ is hereby declared repealed and shall have no further force or effect.

**Section 102: Intent**

102.1 It is the intent of this zoning bylaw to provide for orderly community growth, to further the purposes established in Section 4302 of the Act, and to implement the ~~intent of the~~ Danville Town Plan.

102.2 Local, State and Federal governments may also regulate certain aspects of land use. This bylaw in no way supersedes such regulations and compliance with this zoning bylaw in no way implies compliance with such regulations. Such regulations include but are not limited to Town Ordinances, environmental laws established by the Agency of Natural Resources or the Department of Environmental Conservation, or agricultural regulations established by the Secretary of Agriculture, etc.

**Section 103: Interpretation**

103.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

103.2 Except for 24 V.S.A. §4413(c) and where in this bylaw it is specifically provided to the contrary, it is not intended by this bylaw to repeal, annul, or in any way impair any regulations or permits previously adopted or issued, provided however, that, where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, rule, regulation, permit, easement or agreement, the provisions of this bylaw shall control.

**Section 104: Severability**

104.1 The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

## **ARTICLE 2: DEFINITIONS**

For the purposes of this bylaw, certain terms or words used herein shall be interpreted as follows:

### **Section 201: Common Word Meanings/Definitions**

201.1 The word “Person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

201.2 The present tense includes the future tense.

201.3 The singular number includes the plural, and the plural number includes the singular.

201.4 The word “Shall” is mandatory; the word “May” is permissive; [the word “Should” means something that is encouraged but not mandated.](#)

201.5 The words “Used” or “Occupied” include the words “Intended, Designed, or Arranged to be Used or Occupied”.

201.6 The word “Lot” includes the words “Plot or Parcel”.

### **Section 202: Definitions:**

ACCESSORY DWELLING: *See DWELLING/ACCESSORY.*

[ACCESSORY STRUCTURE: A structure which is: 1\) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2\) located on the same lot as the principal structure or use, and 3\) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.](#)

ACCESSORY USE: A use which is located on the same lot as the principal use, is customarily incidental and subordinate to the principal use of a lot, and is customarily associated with the principal use. *See also ACCESSORY STRUCTURE.*

AGRICULTURE: As defined by the Vermont Secretary of Agriculture, Food and Markets to include the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple sap; the on-site storage, preparation and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes produced on the farm. The term shall include commercial riding stables, but specifically excludes the slaughtering of animals or poultry for commercial purposes. *See also REQUIRED AGRICULTURAL PRACTICES, FARM STRUCTURE.*

[AREA OF SPECIAL FLOOD HAZARD: Synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.](#)

BAKERY: A commercial storefront operation or bakeshop that produces baked goods (e.g., breads, cakes, pies, pastries) primarily for retail sale on the premises, and may also offer catering services. If 50% or more of revenue is from wholesale business, a bakery is classified as “light industry.” *See also LIGHT INDUSTRY.*

BANK: Any area of land, including structures thereon, that is used or designed to be used for financial transactions as licensed by the State of Vermont. For purposes of these regulations, as specified for certain zoning districts, banks with drive-through facilities are regulated separately from banks without such facilities.

BARN: See FARM STRUCTURE:

BAR/PUB: A commercial establishment in which the principal business is the retail sale of alcoholic and other beverages and snacks to the public for consumption on the premises. This may also include the brewing of alcoholic beverages only for sale and consumption on the premises. *See also RESTAURANT and BREWERY.*

[BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year \(commonly referred to as the "100-year flood"\).](#)

[BASE FLOOD ELEVATION \(BFE\): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.](#)

BED & BREAKFAST: An owner-occupied single family dwelling with five or fewer guest rooms in which the owner provides short-term lodging within the dwelling or an accessory structure and breakfast or other meals to paying overnight guests. For the purposes of these regulations, any bed and breakfast with more than five guest rooms shall be considered an inn. *See also INN.*

[BFE: see Base Flood Elevation](#)

[BREWERY: A commercial establishment in which the principal business is the brewing of alcoholic beverages for distribution and sale off the premises. This may also include retail sale for consumption on the premises. See also BAR/PUB.](#)

[BUFFER: An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.](#)

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed, but does not include steps.

BUILDING HEIGHT: The distance above ground of a building as measured vertically from the average finished grade at the base of the building to the highest point of the structure or roof peak, excluding chimneys, steeples and cupolas, and attached flag poles, antennae, satellite dishes or solar collectors. Farm buildings, including barns, are specifically excluded from this definition and associated height restrictions under these regulations. *See also BUILDING.*

CEMETERY: Land dedicated and used for the burial of the dead, which may include mausoleums, columbaria, memorials, scattering gardens for remains, and accessory chapel, office and storage structures located within cemetery boundaries. This definition does not include facilities for cremation. *See also FUNERAL HOME.*

[CHANNEL: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.](#)

[CHANNEL WIDTH \(or bankfull width\): The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.](#)

CLINIC: An office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments.

CLUB, PRIVATE: Building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

COMMERCIAL USE: Any area of land, including structures thereon that is used or designed to be used for the sale or storage of goods and merchandise, the transaction of business, or the provision of services or entertainment.

[COMMON PLAN OF DEVELOPMENT: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.](#)

[CONDITIONAL USE: A use that requires DRB approval to ensure that it meets the development standards within this bylaw and is appropriate for a given site in a zoning district. The DRB may approve a conditional use after a Site Plan Review and/or Site Visit.](#)

[CRITICAL FACILITIES: Structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and others. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.](#)

CULTURAL FACILITY: A library, museum, or similar establishment that offers services, programs, displays or exhibits of cultural, educational, historical, or scientific interest. *See also STUDIO.*

DAY CARE CENTER: An establishment operated as a business or service on a regular basis, whether for compensation or not, which provides care and supervision for children or adults for periods of less than 24 hours. This definition shall include all facilities that are required to be licensed by the State of Vermont as a private kindergarten, nursery school, or day care facility, except for home child care facilities as separately defined. *See also HOME CHILD CARE, RESIDENTIAL CARE FACILITY.*

[DEVELOPMENT: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.](#)

DWELLING, ACCESSORY: A secondary dwelling unit established in association with and clearly subordinate to a single-family dwelling, which is retained in common ownership and is located within, attached to or on the same lot as the principal dwelling, and which meets applicable requirements of these regulations. *See also DWELLING/TWO-FAMILY.*

DWELLING, SINGLE FAMILY: A detached residential dwelling unit including a mobile home, designed for and occupied by one family only. In accordance with 24 VSA 4409(d) a state licensed or registered community care home or group home serving not more than six persons who are developmentally disabled or physically handicapped will be considered a single-family dwelling if not located within 1,000 feet of another such home.

DWELLING, TWO FAMILY: A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three or more families, with the number of dwelling units provided.

DWELLING, SEASONAL: A dwelling unit used for seasonal, second and / or recreational home purposes and not used or intended to be used as the principal place of abode.

DWELLING UNIT: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EQUIPMENT SERVICE & REPAIR: A commercial establishment for the maintenance and repair of small equipment, for example appliances, instruments, and small engine repair, which may also include the retail sale or rental of repaired equipment. This does not include the repair or service of motor vehicles or heavy equipment. *See also MOTOR VEHICLE SERVICE & REPAIR, RETAIL STORE.*

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, or municipal or other governmental agencies or for the public health or safety or general welfare.

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are legally related no such family shall contain over five persons, but further provided that domestic servants and workers employed on the premises may be housed on the premises without being counted as a family or families.

FARM STRUCTURE: As defined by the Vermont Secretary of Agriculture, Food and Markets to include a structure or structures used for agricultural production, which meets one or more of the following: 1) is used in connection with the sale of \$1000 or more of agricultural products in a normal year; 2) is used in connection with the raising, feeding and management of the minimum specified number of adult animals: four (4) equines, five (5) cattle or bison, 15 swine, 15 goats, 15 sheep, 15 fallow or red deer, 50 turkeys or geese, 100 laying hens or ducks, 250 broilers, pheasant, Chukar partridge or Coturnix quail, three (3) camelids, four (4) ratites, 30 rabbits, or 1000 pounds of cultured trout; 3) is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; 4) is on a farm with a business and farm management plan approved by the Secretary. In accordance with the Act [§ 4413(d)], this definition includes farm buildings, silos, enclosures and fences, but specifically excludes dwellings for human habitation. *See also AGRICULTURE, ACCEPTED*

[FILL: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.](#)

[FIRM: See Flood Insurance Rate Map](#)

[FLOOD: \(a\) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. \(b\) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as](#)

[flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.](#)

FLOOD HAZARD AREA: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations on the Flood Insurance Rate Map. It does not include zones B and C.

[FLOOD INSURANCE RATE MAP \(FIRM\): An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map \(DFIRM\).](#)

[FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide \(i.e., mudflow\) and /or flood related erosion hazards.](#)

[FLOODPLAIN or FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source \(see definition of “flood”\).](#)

[FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.](#)

[FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Special Flood Hazard Areas and floodways may be shown on a separate map panels.](#)

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

[FLUVIAL EROSION: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.](#)

FORESTRY USE: Any use directly related to the growing and harvesting of forest products.

[FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.](#)

FUNERAL HOME: A building, single family dwelling or portion thereof used for the preparation and display of the deceased prior to burial, including memorial services, which may also include areas for the performance of autopsies and associated surgical procedures, the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles. This does not include facilities for cremation. *See also CEMETERY.*

GASOLINE STATION: A building and area of land used for the sale of motor vehicle fuels, lubricants, and similar automotive products. This definition specifically excludes motor vehicle sales, service and repair, and the sale of food, convenience or grocery items, except as allowed as an approved mixed use. *See also MIXED USE, MOTOR VEHICLE SERVICE & REPAIR, RETAIL STORE.*

GROCERY STORE: A self-service retail establishment with a gross floor area of 5,000 square feet or more, that sells primarily food and household goods. For purposes of these regulations, grocery stores of less than 5,000 square feet, including convenience, neighborhood and general stores, shall be defined and regulated as retail stores. *See also RETAIL STORE.*

GROUP HOME: In accordance with the state law [24 V.S.A. §4412(1)], a residential care home operating under state licensing or registration, which serves no more than eight (8) persons who have a handicap or disability as defined by the state (9 V.S.A. §4501). A group home shall be considered by right to constitute a permitted single family residential use of property unless located within 1,000 feet of another existing or permitted group home. *See also RESIDENTIAL CARE FACILITY.*

HISTORIC STRUCTURE: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or (c) individually listed on the state inventory of historic places.

HOME CHILD CARE: A child day care business operated by the owner or resident of a single-family dwelling that serves no more than ten (10) children on a full or part-time basis, the operator of which is licensed or registered by the state. In accordance with state law [24 V.S.A. §4412(5)] a home child care operation meeting this definition shall constitute a permitted single family residential use of property. For the purposes of these regulations, all other child and adult day care facilities shall be defined and regulated as day care centers. *See also DAY CARE CENTER.*

HOME OCCUPATION: A home-based business as defined and regulated under Section 303 of this bylaw that is conducted by a resident of the dwelling within 25% or less of the floor area of a dwelling or accessory building, which is clearly secondary to the dwelling's use as living quarters, is customary in residential areas and does not have an undue adverse effect on the character of the neighborhood.

HOSPITAL: An institutional facility for the medical diagnosis, treatment and care of patients, primarily on an inpatient basis, and related facilities such as offices, laboratories, outpatient and training facilities. *See also CLINIC, RESIDENTIAL CARE FACILITY.*

INN: A commercial lodging facility consisting of a building or group of buildings containing more than 5 and up to a maximum of 20 guest rooms for overnight or short-term occupancy and use by paying guests, which may also include common dining, meeting, event, recreation and service facilities for the use of guests, and an accessory caretaker apartment. Guest rooms may also include kitchenettes. Multiple guest rooms within single buildings shall be accessed primarily through common entrances and hallways rather than individual outside entrances. Restaurant, meeting, event and recreation facilities open to the general public may be allowed as a mixed use, subject to conditional use review, in zoning districts in which other such uses also are allowed. *See also BED AND BREAKFAST, MIXED USE.*

JUNK YARD: Land or buildings used for the collection, storage, or sale of waste paper, rags, scrap metal, or discarded material; or for the collection, wrecking, dismantling, storage, salvaging, and sale of machinery parts, or vehicles not in running condition.

LAND DEVELOPMENT: The subdivision of a parcel into two or more parcels, the construction, demolition, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

LETTER OF MAP AMENDMENT (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

LIGHT INDUSTRY: Any facility for the assembly, manufacture, compounding, processing, packing, treatment, research or testing of materials, goods or products.

**LOADING SPACE, TRUCK:** Off-street space used for the temporary location of one licensed motor vehicle, which is at least twelve (12) feet wide and fifty-five (55) feet long and fourteen (14) feet high, not including access driveway, and having direct access to street or alley.

**LODGING HOUSE:** A single family dwelling where up to five rooms may be rented to boarders, with or without meals, on a long-term basis. A boarding house or a rooming house shall be deemed a lodging house. *See also GROUP HOME, RESIDENTIAL CARE FACILITY.*

**LOT:** A lot is a parcel of land occupied or to be occupied by only one use and the accessory uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces as herein required. Such lot may consist of:

1. A single lot of record
2. A portion of a lot of record
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this bylaw.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT MEASUREMENTS:** Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. However, that width between the lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac.

**LOWEST FLOOR:** [The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.](#)

**MAINTENANCE:** Repairs which includes the following named activities as well as associated unnamed activities: Replacing roofing, replacing siding or repairing walls, painting, repairing or replacing chimneys or foundations, replacing windows and doors of the same size, repairing a porch, porch railing, or deck, repairing or replacing steps of the same size, or handicap modifications.

**MEMBERSHIP CLUB:** Building or use catering exclusively to club members and-their guests for social and recreational purposes, and not operated primarily for profit.

**MIXED USE:** A building or parcel containing two or more principal uses allowed as permitted or conditional uses in the district in which the building or parcel is located. A mixed use shall be reviewed as a conditional use in all zoning districts in which mixed uses are allowed, regardless of the mix of uses. *See also ACCESSORY USE, PRINCIPAL USE.*

**MOBILE HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. [Also sometimes referred to as a manufactured home.](#)

MOBILE HOME PARK: A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate two or more mobile homes.

MOTOR VEHICLE SALES: A building and/or area of land used primarily for the display and sale of motor vehicles. Motor vehicle service and repair and the sale of fuel are specifically prohibited in association with this use, unless approved as part of a mixed use. *See also GASOLINE STATION, MIXED USE, MOTOR VEHICLE SERVICE AND REPAIR FACILITY.*

MOTOR VEHICLE SERVICE AND REPAIR FACILITY: A building or portion of a building, including a garage or body shop, used for the service and repair of motor vehicles, which may also include associated office and storage space and outside parking and storage areas. Such facilities may also include the outdoor display and sale of up to 5 motor vehicles that have been repaired on the premises. The sale of other motor vehicles and fuel is specifically prohibited in association with this use, unless approved as part of a mixed use. *See also GASOLINE STATION, MIXED USE, MOTOR VEHICLE SALES.*

NEW CONSTRUCTION: For regulation under this bylaw, means structures for which the start of construction commenced on or after the effective date of this bylaw, the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

~~NEW CONSTRUCTION: Structures commenced on or after the effective date of this bylaw.~~

NONCONFORMING LOT (or PARCEL): a lot or parcel that does not conform to the present bylaws covering dimensional requirements but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

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

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

NONCONFORMITY: a nonconforming use, structure, lot, or parcel.

NON-RESIDENTIAL: Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

NON-RESIDENTIAL USE: All uses of buildings, structures or land except residential uses.

OFFICE: Place where the business of a commercial, industrial, service or professional organization is transacted.

OFFICIAL SIGN: An official sign is one that has been erected by any governmental entity.

OFF-LOT WATER AND SEWAGE DISPOSAL: The providing of water from a source and the disposal of sewage at a site not located on the lot on which is located the building for which these utilities are provided.

ON-LOT WATER AND SEWAGE DISPOSAL: The providing of water from a source and the disposal of sewage at a site located on the lot on which is located the building for which these utilities are provided.

**OUTDOOR MARKET:** An organized occasional or periodic open air market where vendors sell farm and specialty food products, craft and art work to the public. This does not include flea markets for the sale of used goods and antiques, private yard sales or auctions.

**PARKING FACILITY:** An off-street parking lot, garage or similar parking structure that is the principal use of a lot, to include park-and-ride facilities that serve only motor vehicles and not other forms of public transit. *See also TRANSIT FACILITY.*

**PARKING SPACE, OFF-STREET:** For purposes of this bylaw, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. *See Section 311.*

**PERMITTED USE:** A use that meets the development standards of this bylaw; the Zoning Administrator may approve the use after a Site Plan Review.

**PERSONAL SERVICE:** Includes barber, hairdresser, beauty parlor, shoe repair, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

**POND, MAN-MADE:** A pond created as a result of damming a stream, or through the utilization of springs, for recreational or fire protection purposes.

**PREEXISTING:** A condition that began at a time prior to the adoption of the current version of this zoning bylaw and was legal at that time.

**PRINCIPAL BUILDING:** The main or primary building on a lot associated with the principal use of the lot. *See also ACCESSORY USE/STRUCTURE, PRINCIPAL USE.*

**PRINCIPAL USE:** The primary use of a building or lot. Only one principal use per lot shall be allowed, except in association with a mixed use. *See also MIXED USE.*

**PUBLIC ASSEMBLY USE:** Includes auditorium, theatre, public hall, school hall, or meeting hall.

**PUBLIC FACILITY:** Usage by agencies of local, county, state, and federal government.

**PUBLIC WATER, PUBLIC SEWER:** Water supply and sewage disposal systems approved by the legislative body for municipal operation.

**RECREATIONAL FACILITY, INDOOR:** Includes a bowling alley, pool hall, indoor swimming pool or skating rink and similar places of indoor recreation. *See also CULTURAL FACILITY, PUBLIC ASSEMBLY USE.*

**RECREATIONAL FACILITY, OUTDOOR:** Includes a playground, park, golf course, swimming area skating rink, tennis court or similar place of outdoor recreation.

**RECREATIONAL FACILITY, PRIVATE INDOOR-OUTDOOR:** Includes privately-owned and operated yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility, and similar places of indoor-outdoor recreation.

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

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, and seminary and retreat house.

REMOVAL OF FILL, GRAVEL, STONE OR LOAM: The removal of fill, gravel, stone or loam or similar material for sale in commercial quantities.

RECYCLING FACILITY: See TRANSFER STATION.

REQUIRED AGRICULTURAL PRACTICES : Required practices for agriculture as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets including farm structures other than farm dwellings (see Section 804.2). *See also AGRICULTURE, FARM STRUCTURE.*

RESIDENTIAL CARE FACILITY: A facility licensed by the state which provides short or long-term residential care services to the elderly or infirmed, including rooming, boarding, rehabilitation, recreation and personal care services. *See also DAY CARE FACILITY, GROUP HOME.*

RESIDENTIAL USE: Includes a farm dwelling, single family dwelling, two-family dwelling, seasonal dwelling, multi-family dwelling, lodging house and a mobile home.

RESTAURANT: A place or premises used for the sale, dispensing or-serving of food, refreshments or beverages.

RETAIL STORE: A building, or portion thereof used for the display and sale of goods or merchandise. This definition specifically excludes other retail uses that are separately listed and defined for purposes of these regulations. *See also GROCERY STORE.*

[RIVER CORRIDOR: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.](#)

ROAD LINE: Right-of-way of a public road as dedicated by a deed of record. Where the width of the public road is not established, the road line shall be considered to be twenty-five (25) feet from the center line of the public road.

ROAD, PUBLIC: Publicly owned and maintained right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

SCHOOL: Includes a parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

SETBACK: The distance measured horizontally from a road right-of-way, lot line, boundary or other delineated feature (e.g., a stream bank or channel, shoreline, or wetland area) to the nearest point of a building or other structure on a lot. For a setback from a road, the distance shall be measured from the edge of the mapped road right-of-way (road line) or, where the right-of-way is uncertain, from a distance of 25 feet from the existing road centerline. For purposes of these regulations, the required setback area defines the yard area. *See also ROAD LINE, YARD.*

SIGNS: Sign means any structure, display, device or representation which is designed or used to advertise or call attention or directs a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing of activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached.

In computing the area of a sign, the supporting structure shall not be included in the computation of sign area. The area shall be the area of the smallest rectangle with a level base line which can contain a sign including panel and frame, if any.

SITE PLAN REVIEW: A review of documents submitted by an applicant (application, maps, drawings, etc) that does not include an actual visit to the site.

SITE VISIT: an actual visit to a site location.

SPECIAL FLOOD HAZARD AREA: The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov) Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

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

STORY: That portion of a building between the upper surface of any floor and the upper surface of the next floor above it or, for the top floor, the upper surface of the floor and the ceiling or roof above it. A basement is considered a story for purposes of these regulations only if the floor of the basement is at finished grade on at least one side of the building.

STORY, HALF: The habitable portion of a building under a pitched (gable, gambrel or hip) which has a finished ceiling height of at least 7.5 feet over a floor area equal to at least 40% of the total area of the floor directly below.

STRUCTURE: For regulatory purposes under this bylaw, a walled and roofed building, as well as a mobile home, and any related built systems, including gas or liquid storage tanks.

STUDIO: A building or portion thereof used for artistic pursuits, including individual or group production, practice and instruction, which may also include space for private exhibits or performances that are not open to the general public. *See also CULTURAL FACILITY, PUBLIC ASSEMBLY.*

SUBDIVISION: The subdivision of an originating parcel of land with or without streets into two or more derived parcels, lots, plots, or other legal division of land for immediate or future transfer of ownership.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

SURVEY PLAT: A map or plan drawn to scale of one or more parcels, tracts or subdivisions of land, showing, but not limited to, locus, boundaries, corners, markers, monuments, easements, and other rights (VSA 27, Chapter 17, §1401(b).

TEMPORARY USE: A use established for a limited period of time with the intent to discontinue such use upon the expiration of the time period.

TOP OF BANK: That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

TRANSFER STATION: A facility certified by the state that functions as a collection point for solid waste and/or recyclable materials that will subsequently be transported to a state-approved landfill or disposal facility.

TRANSIT FACILITY: A building or other structure intended for use by the public to access public transit services or to change transportation modes, including bus and train stations and shelters and associated parking areas. For purposes of these regulations, this shall also include park-and-ride facilities that also provide access to other forms of public transportation. *See also PARKING FACILITY.*

TRAVEL TRAILER OR TRAILER: Any vehicle having a width of eight (8) feet or less and/or a length of thirty-five (35) feet or less which is used or so constructed as to permit its being used as a conveyance on the public roads and highways, whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. A trailer shall also mean tent trailers, truck campers, and vehicles converted to sleeping facilities other than a mobile home. This definition includes uses to which trailers might be put.

TRAVEL TRAILER CAMP: A parcel of land on which two or more travel trailers occupied for sleeping purposes are located.

VARIANCE: A deviation from a specific zoning requirement. If granted, a variance allows the owner to develop the land in a way that is ordinarily not permitted by a zoning ordinance. A variance is not a change in the zoning bylaw, but a single release from the requirements of a specific zoning bylaw.

VIOLATION: The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided

WAIVER: A request to deviate, under specified conditions, from a specific dimensional requirement by a specified amount set forth in the bylaws.

WAREHOUSING TRUCKING TERMINAL: Any facility for the storage and/or shipment of materials, goods and products.

WHOLESALE DISTRIBUTION SERVICE: Includes a wholesale establishment, discount house or sales outlet.

YARD: Space on a lot not occupied with a building or structure, porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard. For purposes of these regulations, the yard area is equal to the required setback area. *See also SETBACK.*

## **ARTICLE 3: ADMINISTRATION AND ENFORCEMENT**

### **Section 301: Zoning Administrator**

301.1 The Selectboard shall appoint the Zoning Administrator, following the nomination by the Planning Commission, to administer the zoning bylaws as provided for in 24 V.S.A. §4448. The Selectboard may remove a Zoning Administrator for cause at any time after consultation with the Planning Commission. The Zoning Administrator shall not be a member of the Development Review Board or the Planning Commission. The Zoning Administrator shall literally administer and strictly enforce the provisions of this bylaw, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

301.2 The Selectboard may appoint an acting Zoning Administrator, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence, or if the Zoning Administrator has a conflict of interest. In the event an acting Zoning Administrator is appointed, the Selectboard shall establish clear policies regarding the authority of the Zoning Administrator relative to the authority of the acting Zoning Administrator.

301.3 ~~For any~~ ~~Whether it is a~~ permitted or conditional use, ~~permits are required and all~~ applicants must obtain permit applications through the office of the Zoning Administrator. The Zoning Administrator shall generate, update, and make available permit application forms as required.

301.4 The Zoning Administrator is responsible for posting, on the applicant's property, within view of the public right-of-way, any permit issued by the Zoning Administrator or any development application awaiting a hearing by the Development Review Board. Such posting shall occur within 24 hours of any permit issued by the Zoning Administrator; or in the case of any scheduled hearing of the Development Review Board, posting shall adhere to the time-frames specified in 310.1 with subsequent information on approval or denial added within 24 hours of the Development Review Board's decision. The Zoning Administrator may delegate the posting to the applicant, provided that the applicant agrees to accept responsibility for the posting by initialing acceptance on the application form.

### **Section 302: Planning Commission**

302.1 The Planning Commission shall consist of not less than 3 or more than 7 members appointed by the Danville Selectboard in accordance with 24 V.S.A. §§4321-4323. At least a majority of members shall be residents of the municipality. The Selectboard may remove any member of the Planning Commission at any time by a unanimous vote.

302.2 The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

302.3 The Planning Commission shall have the following duties regarding this bylaw, in accordance with 24 V.S.A. §4441:

- (a) to prepare proposed amendments to this bylaw, and consider proposed amendments submitted by others, including amendments supported by a petition signed by at least five percent of the voters of the Town of Danville.
- (b) to prepare and approve written reports on any proposed amendment to this bylaw; and
- (c) to hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Selectboard.

### **Section 303: Development Review Board**

303.1 The Development Review Board shall consist of not fewer than 5 nor more than 9 members appointed by the Selectboard for specified terms in accordance with 24 V.S.A. [§4460(b) and (c)]. The Selectboard also may appoint alternates, for specified terms, to serve on the Development Review Board in situations when one or more members of the Development Review Board are disqualified or are otherwise unable to serve. The Selectboard may remove any member of the Development Review Board for cause upon written charges and after public hearing.

303.2 The Development Review Board shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

303.3 The Development Review Board shall have all powers and duties as set forth in 24 V.S.A. Chapter 117 to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- (a) appeals from any decision, act or failure to act by the Zoning Administrator, as described in Section 308 of this bylaw, and any associated waiver or variance requests, as described in Sections 309 and 314 of this bylaw; and
- (b) applications for conditional use approval, as described in Section 307 of this bylaw.
- (c) Site Plan Review, as described in Section 305 of this bylaw; and
- (d) rights-of-way or easements for development of non-frontage lots, as described in Section 402 of this bylaw; and
- (e) subdivisions of land, as described in Section 306 of this bylaw.

**Section 304: Danville Historic Preservation and Design Review Commission (DHPDRC)**

304.1 The DHPDRC shall consist of not less than 2 and not more than 5 people that the Selectboard appoints to serve until they resign. The Selectboard may remove any member of the DHPDRC at any time by a unanimous vote.

304.2 If the DHPDRC is not active because there are not enough members, then the Design Control Review requirements of this bylaw do not apply.

304.3 The DHPDRC reviews design applications after the Zoning Administrator to provide input to the DRB. In making a determination on an application, the DHPDRC and Development Review Board shall give consideration to the criteria set forth in the Secretary of the Interior's Standards for Rehabilitation of Historic Structures and in the DHPDRC historic review guide, including but not limited to the following:

- (a) The historical, architectural or cultural value of the building(s) or structure(s) and its relationship and contribution to the setting.
- (b) The compatibility of the proposed exterior design, arrangement, orientation, texture and materials in relation to the existing buildings or structures and its setting; or if new construction, compatibility with the surrounding area.
- (c) The scale and general size of the proposed building or structure in relation to existing surroundings, including consideration of such factors as the building's overall height, width, street frontage, number of stories, roof type, facade opening (window, door, etc.) and architectural details.

(d) Factors including open space, yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs and lights that might affect the character of any building or structure within the District, shall be considered as well as those factors which relate to the placement of a structure or group of structures which might affect the overall streetscape.

(e) The historic, cultural, scenic and ecological value of the existing natural, cultivated and constructed landscape and its relationship to proposed new construction and landscaping. Features to be considered include individual trees, patterns of trees and other vegetation, agricultural patterns, open spaces, vistas or long range view corridors, compact patterns of development, topographical and geological features, and wetlands, rivers, streams and ponds.

(f) The way in which the building or structure and its setting contribute to the historical and architectural significance of the district.

### **Section 306: Waivers**

306.1 A waiver is a request to deviate, under specified conditions, from a specific dimensional requirement by a specified amount set forth in the bylaws. A single permit application may contain one or more waiver requests.

#### 306.2 General provisions

##### (a) Permit processing by the ZA or the DRB

(i) Permit applications for a permitted use project on a nonconforming lot or for a project with one or more preexisting nonconforming setbacks may be considered as a permitted use with up to two waivers.

(ii) A permit application for a permitted use project on property that is under the Shoreline Protection Act, for which the project has been approved by the Vermont Lakes and Ponds Management and Protection Program prior to permit completion, may be considered as a permitted use with multiple waivers.

(iii) A permit application for a project with one or more waivers that requires a hearing shall be scheduled to be heard by the DRB once the application is complete, accepted by the ZA, and properly warned.

(iv) The applicant and/or the ZA may remand any complete and accepted permit with waivers to the DRB for hearing.

(b) Town Liability in Cases of Waived Setbacks. Whenever a waiver for a front setback on a Town Road that is less than 25' from the center of the road is granted by the ZA or DRB, the Town of Danville shall not be held liable for any damage to any structure within the front setback distance of 25' that occurs during year round road maintenance.

#### 306.3 General Conditions for a Waiver

(a) Applicant Requirements. The applicant must demonstrate for each requested waiver:  
1. that the proposed land development is beneficial or necessary for the continued reasonable use of the property;  
2. that the waiver, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy sources, or be detrimental to the environment or public safety; and

3. that the waiver, if authorized, will represent the minimum waiver necessary to afford relief and will represent the least deviation possible from these bylaws and the goals and recommendations of the Danville Town Plan.

(b) Development Review Board Mitigation Conditions. The applicant may propose, or the Development Review Board may require, mitigation of any effect through design, screening, or other remedy as a condition of waiver approval. The DRB may consider reasonable expansions of existing uses or new uses based on the existing configuration of development on the parcel, irregular lot configuration, or restrictions of existing topography in approving any setback waivers with a permit.

(c) Special Conditions for a Waiver. A permit may include a waiver request from any zoning district setback dimensional requirement when one or more of the following requirements for the project are met:

1. Fire safety, public safety, public good, disability accessibility, or other building code requirements cannot be reasonably satisfied without a waiver.
2. Energy conservation and renewable energy structures cannot be reasonably developed without a waiver.

306.4 Specific Conditions for waivers. Waivers are allowed for two specific dimensional requirements: setbacks and minimum lot size. No other dimensions other than those listed in the sections below shall be considered for waiver.

(a) Property Line Setback Waivers. Allowable property line setback dimension waivers, in feet, are specified for a number of conditions described below.

(i) Setbacks for Surface Water. The term “surface water” includes natural or man-made shorelines, streams or wetlands. A waiver shall not decrease a preexisting surface water setback. If there is no clear value for surface water setback distance, the value shall be 50’ if the property has been developed or 100’ if the property has not been developed. These requirements notwithstanding, any project requesting a waiver for surface water setback distance that has been approved by the Vermont Lakes and Ponds Management and Protection Program may use those approved setback distances.

(ii) Front Setbacks from a Town Road or a Privately Maintained Road

The front setback for a property is usually on a Town Road or a Privately Maintained Road and provides access to the property. Where property lines abut two or more Town Roads or Privately Maintained Roads, only one of the property lines shall be designated as a front setback. Any property line that abuts a Town Road or a Privately Maintained Road shall be subject to the same setback requirements as a front setback. In the case of nonconforming lots where access to a property may not be a Town Road or a Privately Maintained Road, the DRB shall consider the circumstances in deciding a setback waiver.

The front setback from a Town road shall be at least 25 feet from the existing center line of the Town Road. Any request for a waiver for a front setback on a Town Road that is less than 25’ from the center of the Town Road requires approval, written or verbal to the ZA, by the Danville Road Superintendent.

A Private Maintained Road shall be considered to have the same front setback requirements as a Town Road unless the applicant submits a document and approval from the owner or manager of the privately maintained road that specifies the location from which the front setback is measured and the specific front setback dimension.

A preexisting front setback dimension of less than 25' shall not be decreased by a waiver without documentation and approval. The applicant shall be responsible for obtaining such approvals. Absence of approvals for front setback waivers of less than 25' pertaining to Town Roads and Private Maintained Road shall be grounds for denial of the waiver.

Requests for a single front setback waiver for nonconforming lots may be a Permitted Use. Requests for multiple front setback waivers for nonconforming lots require a DRB hearing.

(iii) Setbacks for Nonconforming Lots

A permit for development of a nonconforming lot may contain multiple requests for setback waivers. The dimension for a waived setback depends on the location of the owner's property line and nature of the property that abuts the owner's property. If the property line abuts surface water see Section 309.4(a)(i) to determine the minimum required setback. If the property line abuts a street see Section 309.4(a)(ii) to determine the minimum required setback. For all other cases the below table contains the minimum required setback dimension.

Minimum required setback table for nonconforming lots:

<u>Lot Size</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Surface water (809.4 (a)(i))</u>
<u>under 0.460 acres, 20,000 sq/ft</u>	<u>25'</u>	<u>5'</u>	<u>10'</u>	<u>50' or 100'</u>
<u>under 1.5 acres</u>	<u>25'</u>	<u>15'</u>	<u>15'</u>	<u>50' or 100'</u>
<u>all others (greater than 1.5 acres)</u>	<u>25'</u>	<u>35'</u>	<u>50'</u>	<u>50' or 100'</u>

Requests for one or two setback waivers with distances equal or greater than the minimum for nonconforming lots may be a permitted use. Requests for any setback waiver with distances less than the minimum for nonconforming lots shall require a DRB hearing. Requests for a setback waiver for nonconforming lots with more than one property line on a street shall require a DRB hearing.

(iv) Preexisting Nonconforming Setbacks. For nonconforming structures within any zoning district:

1. If the structure is a house or garage, it may be rebuilt on the existing foundation or site with the same nonconforming setbacks.
2. If the structure is not a house or garage, the DRB shall hear the permit and the applicant must demonstrate that the requested waiver meets all the requirements listed in Section 309.3(a).

(v) Fences and Retaining Walls.

A land owner may request for a setback waiver for a fence. If granted, the setback waiver shall only apply to the fence described in the permit application. The granted setback waiver does not apply to any other structure including fences in the current application and any past or future applications. In the case where the setback for a fence involves street and/or surface water setbacks the minimum setback is proscribed in Section 809.4(a)(i)/(ii). In all other cases a setback for a fence may be decreased to allow installation on the property line. Property owners of the land abutting a proposed fence shall be informed of the project if the setback is less than the height of the fence. Waivers for a fence may be a Permitted Use.

Retaining walls are different from fences in that the top of a retaining wall is considered to be even with the ground. If a retaining wall has a two sided portion above ground, it is considered a fence. A request to build a retaining wall within a front setback on a Town

Road that is less than 25' from the center of the Town Road requires approval, written or verbal to the ZA, by the Danville Road Foreman. In all other cases a setback for a retaining wall may be decreased to allow installation on the property line. Property owners of the land abutting a proposed retaining wall shall be informed of the project if the setback is less than the height of the retaining wall. Waivers for a retaining wall may be a Permitted Use.

(b) Waivers for Subdivision of Nonconforming Lots. Subdivisions involving nonconforming lots located in any zoning district may be facilitated by waiving the minimum lot size to expand a nonconforming lot. A lot may be subdivided to create an undersized parcel that will be conveyed and combined with an abutting nonconforming lot, even though the resulting lots may be undersized. Any resulting undersized parcel shall be considered a nonconforming lot.

### **Section 307: Variances**

307.1 A variance is deviation from a specific zoning requirement. If granted, a variance allows the owner to develop their land in a way that is ordinarily not permitted by a zoning ordinance. A variance is not a change in the zoning bylaw, but a single release from the requirements of a specific zoning bylaw. A variance cannot allow a use that is not permitted or conditional in the property's zoning district. Note: granting variance requests should not be common. Waivers allow for reasonable exceptions to general zoning requirements and are preferable to variances. A request for a variance may only be granted if it meets all of the criteria in this section.

307.2 The applicant for a permit with a variance is responsible for providing a complete written application. The application must, in writing, identify the specific zoning bylaw request of the variance and provide arguments supporting each of the facts described in Section 314.3 below. The ZA shall only consider an application for a permit with a variance to be complete if and only if the specific bylaw is identified and all the required facts are addressed. The ZA shall not warn or schedule an incomplete permit application for a DRB hearing.

307.3 The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A. §4469(a) and appeal procedures under §508 of this bylaw. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Development Review Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision.

- (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, and that unnecessary hardship is due to 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,
- (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) The unnecessary hardship has not been created by the appellant;
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

(5) A variance for development within the River Corridor may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.

(6) A variance authorized in a flood hazard area shall meet applicable federal and State rules for compliance with the National Flood Insurance Program, and the written decision must state “Building a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage.”

(7) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

### **Section 308: Penalties**

308.1 All violations shall be pursued in accordance with 24 V.S.A. §§4451 and 4452. The Zoning Administration shall act on behalf of the Town of Danville to impose a fine of up to, but not more than, \$100 for each violation. Each day that a violation continues shall constitute a separate offense. All fines imposed and collected shall be paid over to the Town of Danville.

308.2 The Zoning Administrator shall not bring any action against an alleged violation unless the alleged offender has had at least 7 days’ notice by certified mail that such a violation exists. The notice of violation also shall be recorded in the land records of the Town of Danville. The notice of violation shall state that;

(a) a violation exists,

(b) that the alleged offender has had an opportunity to cure the violation within the seven-day notice period, and

(c) that the alleged offender will not be entitled to an additional warning notice.

308.3 Within 30 days of the issuance of a notice of violation, the Zoning Administrator shall deliver either the original or a legible copy to the Danville Town Clerk for recording in the Town of Danville land records.

308.4 The Zoning Administrator may bring action without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

308.5 In accordance with 24 V.S.A. §4454(a), the Zoning Administrator may take action against an alleged violation within the 15 year statute of limitation period from the date the violation first occurred, and not thereafter. The burden of proving the date the alleged violation first occurred was outside the 15 years shall be on the alleged offender.

308.6 In accordance with 24 V.S.A. §4454(b) the Zoning Administrator shall not take action against an alleged violation unless the permit or notice of the permit has been recorded in the land records of the Town of Danville.

## **ARTICLE 4: GENERAL PROVISIONS**

### **Section 401: Lots in Two Zoning Districts**

401.1 Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend for not more than 100 feet into the more restricted part.

### **Section 402: Required Frontage on, or Access to Public Roads or Public Waters**

402.1 No land development may be permitted which does not have adequate means of access, either through frontage on a maintained public road (class 1, 2, or 3) or with the approval of the DRB ~~granted in accordance with section of the bylaw~~, access by means of permanent easement or right of way to such a public road or to public waters. Access easements or right of way shall not be less than 50 feet in width. Access on to town highways requires a curb cut permit approved by the highway foreman and the Selectboard. Access on state highways must be permitted by Vermont AOT.

### **Section 403: Lots Abutting More Than One Public Road**

403.1 Lots which abut more than one public road shall provide the required frontage on all public roads.

### **Section 404: Location of Driveways**

404.1 All driveways are to be located at least thirty feet from a road line intersection for all uses, all new driveways require a curbcut application approved by the highway foreman and Selectboard.

### **Section 405: Off-Street Parking and Loading**

405.1 Off-street parking shall be provided as follows:

(a) All required parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 300 square feet per space; Off-street parking requirements will be met, however, only when the required number of spaces meeting these dimensions are provided and maintained, in a manner appropriate to the circumstances of the case, in accordance with all bylaws and regulations of the Town.

(b) The minimum number of off-street parking spaces shall be provided for the proposed use as determined from the accompanying Parking Table, unless waived by the Development Review Board under Subsection 411.3 below. Off-street parking spaces shall be clearly marked by pavement lining, curbs, bumper blocks, or other methods approved by the Board.

(c) Spaces for persons with disabilities, to be included in the total number of required parking spaces under (b), shall be provided in accordance with American with Disabilities Act (ADA) design guidelines. Handicapped spaces shall be located nearest to the principal handicapped accessible entrance and be clearly marked and signed.

(d) All off-street parking areas in excess of 10 parking spaces shall incorporate landscaped areas which, at minimum, equal 10% of the total parking area (30 square feet per space), unless otherwise approved by the Development Review Board due to physical site or access constraints. Landscaped areas shall be integrated into parking lot and storm water management design, and shall be regularly maintained.

(e) New on-street parking may be incorporated in project design on public highways, and counted toward off-street parking requirements, only if approved by state or town highway officials.

(f) Provision shall be made for regular and long-term parking area maintenance, including landscaping, on-site storm water management and winter snow storage and removal.

Parking Table: Minimum Off-Street Parking Requirements	
Use	Parking Spaces
Bed & Breakfast	2 per dwelling unit, and 1 per guest room
Clinic	5 per physician, dentist or other primary care giver
Cultural Facility (Library, Museum, etc.)	1.25 per 300 sq. ft. of gross floor area
Day Care Center	1 per 10 children or adults
Dwelling/Accessory	1 per dwelling unit
Dwelling/Multi-Family	1.5 per dwelling unit
Dwelling/Single or Two Family	2 per dwelling unit
Funeral Home	2 per dwelling unit and 5 per visiting room
Home Child Care	2 per dwelling unit and 1 per nonresident employee
Home Occupation/Business	2 per dwelling unit and 1 per nonresident employee
Inn	1 per guest room and 1 per caretaker apartment
Light Industry	1.25 per employee
Lodging (Boarding) House	1.2 per lodging room
Mixed Use	Total (sum) required per each individual use
Motor Vehicle Sales	1 per 1,000 sq. ft. gross floor area
Motor Vehicle Service Station	4 per service bay
Office	1 per 300 sq. ft. of gross floor area
Personal Service	1 per employee, and one per customer service station
Private Club	1 per 4 members
Public Assembly (church, theater, hall, etc.)	1 per 200 sq. ft. of gross floor area, or 1 per 4 seats whichever is greater
Public Facility [with limited/no public access] (e.g., garage, fire station)	1 per 1,000 sq. ft. of gross floor area
Recreation, Indoor	0.33 per maximum facility occupancy
Recreation, Outdoor	1 per 10 acres, and 1 per 500 sq. ft. of gross floor area
Residential Care Facility	0.33 per bed
Restaurant , Bar	1 per 4 seats and 4 per 1,000 sq. ft. of gross floor area for customer space without seats
Retail Store	1 per 300 sq. ft. of gross floor area
School	0.25 per student at capacity
Warehouse	1 per 1,000 sq. ft. of gross floor area, and 1 per employee
Unspecified	As determined by the Development Review Board in accordance with accepted transportation* standards
* Institute of Transportation Engineers <i>Parking Generation</i> (current edition) or local survey data.	

405.2 Loading and Service Areas. Where proposed development will require regular or frequent loading or unloading of goods or passengers, adequate on-site loading areas shall be provided to the rear of the principal building, unless otherwise approved by the Development Review Board due to physical site or access constraints. Under these circumstances the Board may allow loading areas be located to the side

of the principal building, behind the building front line. Service areas also shall be provided for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as necessitated by the proposed use. All loading and service areas shall 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, and shall be screened from the view of adjoining road rights-of-way and properties.

405.3 Exceptions. For development subject to subdivision, site plan or conditional use review, the Development Review Board may reduce or waive on-site parking, loading and/or service area requirements based on the determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate:

- (1) green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate to meet demonstrated need;
- (2) adequate shared parking, loading, and/or service areas for use by 2 or more businesses exist on the same or contiguous lots, under common ownership or a long-term lease;
- (3) substitute off-site parking, including public parking or other private parking under common ownership or secured through a long-term lease, exists within the district in which the establishment is located or within in reasonable walking distance of the establishment;
- (4) the proposal is for the development of affordable or elderly housing; or
- (5) the applicant can demonstrate to the satisfaction of the Development Review Board, using Institute of Transportation Engineers (ITE) parking generation data or local parking surveys of average (not peak) occupancy, that minimum parking requirements as applied to a particular use are excessive.

#### **Section 406: Protection of Home Occupations**

406.1 Definition of a home occupation: Commercial activities conducted within 25% or less of the floor area of a dwelling or accessory building, which is clearly secondary to the dwelling's use as living quarters, is customary in residential areas and does not have an undue adverse effect on the character of the neighborhood. Adherence to the standards in section 3.1 and 6.1(1-3) is required.

406.2 Bylaw provisions: No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential area and which does not change the character of the area. The home occupation shall be conducted / managed by the residents of the dwelling.

406.3 Home occupations are defined as follows;

- Accessory use to residential properties, which are clearly incidental and secondary to the residential use,
- Conducted wholly within the principal structure and occupy less than 25% of the entire floor area of such structures,
- The primary business or service is not retail in nature.
- In order to ensure that the home occupation will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards;
- All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit; no outside storage will be permitted.
- No traffic will be generated which would be uncharacteristic of the neighborhood.
- Parking required for home occupation shall be provided off street and shall not be located in

- front yards.
- No objectionable vibration, odor, smoke, dust, electrical disturbance, heat or glare shall be produced by the home occupation.
- Exterior displays must not exceed 48 inches in length and 24 inches in height. Signage must not unduly detract from the character of the Neighborhood. Internally lit plastic signs, elevated signs shall not be permitted. Other applicable ordinances may apply.

#### **Section 407: Projections into Required Yards**

407.1 All structures, whether attached to the principal structure or not, and whether open or enclosed including porches, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

#### **Section 408: Temporary Uses and Structures**

408.1 The Zoning Administrator may issue temporary permits for a period not exceeding one year for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

#### **Section 409: Abandoned, Demolished, Burned or Collapsed Structures**

409.1 Within 18 months after any structure has been demolished, damaged by fire, or has collapsed, the owner shall repair, rebuild or replace the structure or shall remove all structural materials and fill any excavation remaining, to normal grade. [See also Design Control Overlay demolition requirements.](#)

[409.2 Nonconforming structures or uses within a Flood Hazard Area shall be considered abandoned where such structures or uses are discontinued for more than 12 months.](#)

#### **Section 410: Agricultural Buildings and / or Structures Not Exempted by Statute**

410.1 These buildings shall be considered Accessory Uses and shall be subject Conditional Use review.

410.2 Feed lots, fenced runs, and pens and similar intensively used facilities for animal rearing and care shall be subject to Conditional Use review.

#### **Section 411: Surface Water Protection**

[411.1 A 100-foot vegetated buffer adjacent to 3rd and 4th order streams, a 50-foot vegetated buffer adjacent to 1st and 2nd order streams, and a 50-foot vegetated buffer adjacent to Class 2 Wetlands shall be maintained. No structure or fill shall be placed within the vegetated buffer area, as defined in this bylaw.](#)

[411.2 Purpose: Structures in close proximity to streams are susceptible to damage resulting from bank erosion and the lateral movement of streams. Hard surfaces result in increased runoff during rain storms, negatively impacting wetlands and streams. Naturally vegetated buffers absorb and filter runoff, reduce impacts from pollution, and create a more stable bank than lawn.](#)

#### **Section 412: Signs**

*Maybe this should be its own article? The rules and processes here are complicated.*

412.1 Signs are regulated to promote and protect public safety, encourage use of signs as a means of effective communication, protect the economic and scenic value of the Town, and ensure a fair and consistent simple process for permitting of signs and clear enforcement of the bylaw.

412.2 No sign, whether temporary or permanent, shall be erected, installed, or altered unless in conformance with all applicable provisions of this bylaw. Unless the express terms of this bylaw state that a permit is required, all signs do not require a permit. If a permit is required, no sign shall be erected, installed or altered until a permit has been issued for such sign by the Zoning Administrator or Development Review Board as applicable. ~~All signs must have a legible contact name and telephone number on them.~~

412.3 Signs identified below are authorized in all districts and do not require a sign permit when located on the parcel upon which the advertised is located, or when located on another parcel with the permission of the owner:

- Signs erected, maintained or administered by the Town or the State of Vermont under Title 10, V.S.A., Chapter 21.
- Unlighted signs not exceeding two (2) square feet in area (per side excluding frame and mounting hardware) or smaller including those bearing property names, numbers, post box numbers or names of occupants of premises.
- Legal notices and identification, informational, warning or directional signs displayed in response to government regulations or requirements or informational signs on government buildings that identify the building.
- Temporary signs advertising the sale of property on which the sign is located, not exceeding six (6) square feet in area (per side excluding frame and mounting hardware). Signs must be removed with completion of sale.
- Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, posted areas, parking lots or the like with an area not exceeding two (2) square feet in area (per side excluding frame and mounting hardware), provided the signs are on the premises of the activity served by the sign.
- One “Open” or “Welcome” banner or flag per parcel or lot, provided that such sign has no other wording or logos, is less than 15 square feet in area (per side excluding mounting hardware) and is used in conjunction with a permitted non-residential use.
- Temporary signs to be maintained for not more than 2 weeks erected by fairs, expositions, non-profit organizations or signs announcing a garage sale, yard sale or auction, or an event of a civic, political, philanthropic service, or religious organization, not exceeding 10 square feet in area. These signs may be located off-premise with the permission of the landowner. All such signs must be removed by the owner within 24 hours following the event or they may be removed by the Town at the sign owner’s expense.
- Temporary agricultural based signs advertising the sale of seasonal produce or products not exceeding 10 square feet in area.
- Signs for a maximum of two registered and inspected motor vehicles offered for private sale, except when such vehicles are being used primarily for advertising.
- State or National flags.
- Temporary contractor signs not exceeding 6 square feet in area (per side excluding frame and mounting hardware) located on the property where the work is being performed and to be removed upon completion of work.
- Political signage will follow established State of Vermont regulations.

412.4 Application for a Sign Permit shall be filed with the Zoning Administrator on a Town of Danville permit application. All applications must be accompanied with the following minimum sign information;

- Site plan showing the location of all signs on the lot and relation to nearby buildings, structures and roads.
- Plans, drawn to scale, and specifications for the sign including: sign dimensions, height above grade, colors, material of which the sign is to be constructed, lighting and intensity, and method of attachment to the building or ground.
- Name, address and telephone number of person erecting the sign if different than the applicant.

- Written consent of the owner of the building and land upon which the sign will be located if such owner is not the applicant.

If signage is part of a larger proposed development, the signage review process can be integrated with the normal review process.

412.5 The following standards will apply to all permitted signs;

- (a) Signs shall be located on the parcel or lot where the advertised business, product or activity is located or sold. Off-premise signs require owner’s permission and shall be limited to no more than 2 off-premise signs per non-residential use or business and require a legible contact name and telephone number.
- (b) Signs shall not prevent a clear and unobstructed view of official signs or other permitted signs or otherwise impede adequate sight distance.
- (c) Signs shall not appear to direct the movement of traffic or interfere with, imitate or resemble any official traffic, directional or route sign, signal or device.
- (d) Signs shall not contain any animated, flashing, fluttering, revolving or moving parts nor any fluorescent paint or coloring, neon or electronic LED messaging.
- (e) Signs shall not be within or over the right-of-way to public roads except for signs in the Village Core district and temporary public service announcements approved by the DRB.
- (f) Signs shall not be erected, attached or maintained upon trees or drawn or painted on rocks or other natural features or upon utility poles.
- (g) Signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors shall be substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain clean, neat, safe and orderly appearance.
- (h) No sign shall incorporate a public address system or other audio system.
- (i) Lighting of signs shall be shielded to prevent glare off-site, into the sky, or onto adjoining properties or roads.
- (j) Total signage per non-residential / business shall not exceed 64 square feet where permitted.
- (k) Free standing or signs attached to buildings or structures shall not exceed twenty (20) feet in height from grade.
- (l) Portable signs (mounted on wheels, trailers, or motor vehicles if those vehicles or wheeled signs are regularly located for fixed display) are not permitted.

412.6 Permanent Permitted Signs (excluding window treatments) per Property:

District	Maximum # Signs	Maximum Sq Footage	Maximum Height from Grade (feet)
Village Core	2	64	<b>16</b>
Historic Neighborhood	1	20	10
Village Residential	1	20	10
Medium Density	1	10	10
Low Density	1	10	10
Conservation	0	0	0

Route #2	2	64	20
Design Control Overlay	See District	See District	See District

**Section 413: Mobile Homes and Mobile Home Park Standards**

413.1 Mobile homes on a single lot will be qualified under the same regulations as other single-family dwellings.

413.2 A mobile home park shall have an area of not less than 10 acres.

413.3 Mobile home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space.

413.4 Each mobile home space shall be at least 7200 square feet in area, and at least 60 feet wide by at least 120 feet in depth, and shall front on an access driveway.

413.5 All access driveways within a mobile home park shall have a right-of-way at least 50 feet in width and have a surface treated gravel surface at least 24 feet in width and 12 inches in depth of compacted gravel. All-weather walkways shall be provided.

413.6 Two parking spaces with 12 inches in depth of compacted gravel for each mobile home space shall be provided, at least 10 feet wide by 22 feet long.

413.7 Mobile home parks shall provide at least 10% of the total area for recreation and other open space purposes.

413.8 A suitable non-porous pad shall be provided for each mobile home.

413.9 Each mobile home space shall have an attachment for water supply which is adequate, safe and potable. The water supply source must be approved by the State Department of Health and meet all local and state regulations.

413.10 Each mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Department of Health and local regulations. However, it shall not be located on the mobile home space unless the mobile home space is at least one acre in size.

413.11 A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least 50 feet in width.

413.12 Provisions for disposal of household garbage and rubbish shall be made.

413.13 A mobile home shall be located on the mobile home space so that it is at least 20 feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.

**Section 414: Travel Trailers**

414.1 It shall be unlawful for any person to park a camping trailer, travel trailer, pickup coach or motor home on any public or private property except that a property owner may park his own travel trailer, pickup coach or motor home or that of a visitor on his is own property provided the vehicle is parked no closer than 6 feet to any lot line and is not to be used as permanent living quarters.

## **ARTICLE 5: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

[Note: there are no sections 503-509 and 519, so that normal districts have numbers in the 510s and overlay districts have numbers in the 520s.](#)

### **Section 501: Zoning Map and Districts**

501.1 The zoning map officially entitled "Town of Danville Zoning Map" is hereby adopted as part of this bylaw. The Town of Danville zoning Map shows a division of the Town into the following districts [and](#)

[Overlays:](#)

- Village Core
- Historic Neighborhoods
- Village Residential
- Route 2
- MDR I
- MDR II
- [Low Density Residential](#)
- [Developed Shoreland](#)
- [Conservation](#)
- [Flood Hazard Overlay](#)
- [Design Control Overlay](#)

501.2 Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town.

501.3 District boundaries shown within lines of roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of such district boundaries. When the Zoning Administrator cannot definitely determine the location of such district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, then the Zoning Administrator shall "Defer Action" until the DRB has interpreted the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.

### **Section 502: District Objectives and Land Use Controls**

502.1 The following tables state the objectives of each of the districts hereby established and the provisions of this bylaw that apply respectively in each district. Any use designated as a "Permitted Use" which does not require site plan approval in the table relating to a particular district, may be commenced in such district pursuant to Section 304 of this bylaw. Any use designated as a "Permitted Use" requiring site plan approval in the table relating to a particular district, may be commenced pursuant to Section 305 of this bylaw. Any use designated as a "Conditional Use" in the table relating to a particular district may be commenced pursuant to Section 307 of this bylaw. Any use not designated by this bylaw as a "Permitted Use" or "Conditional Use" in the table relating to a particular district shall be deemed prohibited in such district.

502.2 Permitted uses are those uses that are allowed, provided the standards established by this bylaw are met. The Zoning administrator may issue the necessary permit unless a waiver, variance, or other special action by the Development Review Board is required.

502.3 Conditional uses are those uses that may be allowed by the Development Review Board as provided for in Section 4414 of the Act after public notice and hearing. In order for the permit to be

granted the DRB must find that the proposed use is in conformance with the specific standards for the district in which it is located and it shall not adversely affect:

- The capacity of existing or planned community facilities,
- The character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the plan,
- Traffic on roads and highways in the vicinity,
- Bylaws and ordinances then in effect,
- The utilization of renewable energy resources.

502.4 As a condition of approval, the Development Review Board may attach such additional reasonable conditions and safeguards as it deems necessary for approval to implement the purposes of the Act and these zoning regulations.

502.5 The application of this bylaw is subject to Sections 4411, 4412, and 4413 of Vermont Statutes Title 24. No land development may commence without a zoning permit issued by the Zoning Administrator. Unless such land development conforms to the regulations herein specified, no permit may be issued by the Zoning Administrator. Applications for approval of subdivisions shall conform to requirements of Section 306: Subdivisions of Land.

**Section 510: Village Core District**

510.1 The Village Core District is intended to promote a vibrant mix of uses in the heart of Danville Village(s), while preserving and building upon historic patterns of land use and design that define the area. A combination of residential, civic, and commercial uses is encouraged, provided that such uses are compatible with the character of the district and effectively integrated with existing uses and patterns of development.

510.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Structure/Use	Bakery
Agriculture (see 304.2)	Bank (with drive-through)
Bank (no drive-through)	Bar/Pub
Bed & Breakfast (max: 5 guest rooms)	Club, Private
Clinic	Cultural Facility
Dwelling, Accessory	Day Care Center
Dwelling, Single Family	Dwelling, Accessory
Dwelling, Two Family	Dwelling, Multifamily (> 5 dwelling units)
Dwelling, Multifamily (max: 4 dwelling units)	Equipment Service & Repair
Forestry (see 304.2)	Essential Services
Funeral Home	Gasoline Station
Group Home (max: 8 residents)	Inn (max: 20 rooms)
Home Child Care	Mixed Use (see District Standards)
Home Occupation (see 403)	Motor Vehicle Service & Repair
Lodging House (max: 5 boarding rooms)	Office (>2,000 sq. ft.; max: 4,000 sq. ft.)
Office (max: 2000 sq. ft.)	Outdoor Market
Personal Service	Pond, Man-made
Retail Store (max: 2000 sq. ft.)	Parking Facility (max: 25 spaces)
Studio	Public Assembly
	Recreation Facility, Indoor
	Recreation Facility, Outdoor (non-motorized only)
	Religious Institution
	Residential Care Facility
	Restaurant
	Retail Store (>2,000 sq. ft.; max: 4,000 sq. ft.)
	School
	Transit Facility

510.3 Area and Dimensional Requirements

Minimum Lot Size:	8,500 sq. ft.
Minimum Lot Frontage:	50 feet
Setback, Front:	Equal to or between the existing principal building setbacks on adjacent lots on either side or if there are no principal buildings on one or both adjacent lots, then the next principal building within the block on the same side of the street as the subject property. All structures must be located outside of Town rights-of-way unless otherwise approved by the Select Board
Minimum Setback, Side:	5 feet, or the average of existing side setback distances on adjacent lots on either side, whichever is lesser
Minimum Setback, Rear:	10 feet, or the average of existing side setback distances on adjacent lots on either side, whichever is lesser
Maximum Building Height:	40 feet

## 510.4 District Standards

510.4.1 Mixed Uses. A “Mixed Use,” which includes more than one principal use in one or more buildings on a single lot, is allowed in this district subject to conditional use review. Uses are limited to those permitted and conditional uses allowed within the district. All other applicable standards of these regulations, including district dimensional standards and parking requirements shall apply. The total number of parking spaces required for a mixed use shall equal the combined total of spaces calculated for each use, unless reduced or waived by the Development Review Board under Subsection (7) below.

510.4.2 Maximum Building Square Footage. Maximum square footage requirements refer to maximum gross floor area per individual use.

510.4.3 Maximum Building Footprint. The total combined footprint for all principal buildings on a single lot in this district shall not exceed 5,000 square feet.

510.4.4 Modification of Setback Requirements. As part of site plan or conditional use review, the Development Review Board may modify or waive district setback requirements as necessary to: (a) maintain consistent setback distances and building lines along the road right-of-way; (b) allow for emergency vehicle or handicapped access; or (c) as required for snow removal or building, road and infrastructure maintenance on or from adjoining properties. A right-of-way or maintenance easement for structures built on or within five feet of a side or rear property line may be required as necessary to ensure access to or from adjoining properties for these purposes.

510.4.5 Modification of Frontage Requirements. As part of site plan review, and upon request by the applicant, the Development Review Board will waive district lot frontage requirements for the subdivision of a preexisting lot for infill (rear or side lot) development, if the subdivision results in a total of three or fewer lots and the lots are served by an access easement or right-of-way at least 20 feet wide. A 50-foot road right-of-way, and required lot frontage along the right-of-way, shall be required to serve four or more lots.

510.4.6 Maximum Impervious Area. The total amount of required parking shall be determined based on the table provided in section 411 of this bylaw, as modified by section 7 below. However, in no case shall the total at-grade impervious area on a single lot (including but not limited to parking, loading areas, walkways, and patios, but excluding building roofs) exceed 5,000 square feet. If the required amount of parking plus other impervious surfaces as shown on the site plan together exceed this ceiling, the applicant shall work with the Development Review Board to implement one or more of the following strategies: a) reduce the size of the building (and thus the amount of required parking); b) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or secure an option for public, on-street, or shared parking as described in section 7 below. Any impervious area on a lot adjacent to the lot in question that is intended primarily for the use of vehicles associated with the lot in question shall be included in the calculation of total impervious area for the lot in question.

510.4.7 Parking Waivers. The Development Review Board may reduce or waive minimum on-site parking requirements if the applicant demonstrates that substitute public, on-street, or shared parking is available off-site, either within the district where the project is located or within 500 feet of the project (as measured by the most direct walkable publicly accessible route from the property boundary) in an adjacent district. The Development Review Board shall require that the applicant either provide documentation of the availability of public or on-street parking or secure a parking easement or long-term lease agreement for shared private off-street parking prior to the approval of off-site parking. The same substitute parking option may not be claimed by more than one applicant for reduction or waiver purposes unless the latest applicant can demonstrate that the substitute parking can accommodate the additional claim requirements.

510.4.8 Shared Parking. Shared off-street parking is recommended for nonresidential uses and may be required for mixed uses and, where feasible, for adjoining properties that are subject to site plan or

conditional use review, as determined by the Development Review Board to improve site access and circulation, reduce traffic congestion, or reduce the overall amount of parking required. Shared parking areas may be located on a single lot or constructed across a common side or rear lot boundary, and may be accessed through a shared access along a common boundary or via cross connections between lots.

510.4.9 Location of Parking. All parking, loading, and service areas in this district shall be located behind the building front line. Such areas shall be located to the rear of the principal structure wherever site conditions allow. If site conditions are such that this is not possible, some or all of such areas may be located to the side of the principal structure at the discretion of the Development Review Board. To lessen visual impacts and glare, the Development Review Board may require that multifamily, mixed use and nonresidential parking areas be screened from the street or from adjoining properties by fencing or shrubs. Parking areas in this district shall meet Americans with Disabilities Act (ADA) design guidelines and ensure personal safety through adequate lighting, visibility and pedestrian ways.

510.4.10 Bicycle Parking. Bicycle parking is encouraged but not mandatory on nonresidential, multifamily and mixed use properties for use by employees, residents and the general public, at a rate of two locking locations per ten vehicle parking spaces. The type, location, and installation of bicycle parking shall meet generally accepted industry guidelines.

510.4.11 Orientation of Principal Buildings. Principal buildings within this district shall be oriented on the lot either parallel or perpendicular (e.g., gable end) to the road right-of-way (street line).

510.4.12 Minimum Principal Building Height. Principal buildings within this district shall have a minimum height of 1.5 stories.

510.4.13 Maximum Accessory Building Height. The height of an accessory building shall not exceed one and a half times the height of the principal building on the lot; however, in no case shall the height of the accessory building exceed 30 feet.

510.4.14 Location of Accessory Structures. Detached accessory structures within this district shall be located to the side or rear of the principal building, behind the building front line. Attached garages shall be recessed at least 8 feet behind the building front line.

510.4.15 Building Facades. Principal nonresidential buildings in this district shall include regularly spaced windows and entrances at street level to interrupt building façades as viewed from road rights-of-way.

510.4.16 Sidewalks and Pedestrian Paths. Sidewalks or marked pedestrian paths shall be provided between all parking areas and building entrances, and to connect to sidewalks or paths on adjoining properties and rights-of-way. Sidewalks for use by the general public shall be at least five feet wide and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks along public or private roads shall be separated from the curb (or, for roads without curbs, from the edge of the pavement) by a grassed or landscaped strip at least four feet wide. Along Route 2, the separation shall be at least eight feet, unless a different width is specified in the Route 2 Project design, in which case the latter shall prevail. However, the Development Review Board may modify or waive this requirement if the physical constraints of the site are such that compliance would create a safety hazard or significantly compromise the historic character of the area.

510.4.17 Access to Public Rights of Way. Vehicular access onto Route 2 must meet current *Vermont Access Management Program Guidelines*. Vehicular access onto town highways must meet adopted town highway standards (see 407). Only one vehicular access (curb cut) per preexisting lot fronting on Route 2 in this district shall be allowed unless it is determined by the Development Review Board, in consultation with state and town highway officials, that a second access is necessary for adequate emergency vehicle access or to improve traffic congestion and circulation on adjoining roads. Access to corner lots will be provided from the secondary (less traveled) road. Shared access and cross connections between adjoining parcels are encouraged and may be required by the Development Review

Board under site plan or conditional use review to access to new or redeveloped lots. Vehicular access shall be designed to incorporate sidewalk and pedestrian crossings.

**Section 511: Historic Neighborhoods District**

511.1 The Historic Neighborhoods District is intended to protect and enhance the historic character of Danville Village’s three historic residential streets – Hill Street, Peacham Road and Brainerd Street – while allowing for compatible residential infill development. Limited commercial uses are allowed, but only to the extent that they do not adversely affect the primarily residential character of the district.

511.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Structure/Use	Cemetery
Agriculture (see 304.2)	Clinic
Bed & Breakfast (max: 5 guest rooms)	Club, Private
Dwelling, Accessory	Cultural Facility
Dwelling, Single Family	Day Care Center
Dwelling, Two Family	Dwelling, Accessory
Dwelling, Multifamily (max: 5 dwelling units)	Dwelling, Multifamily (> 5 dwelling units)
Forestry (see 304.2)	Essential Services
Group Home (max: 8 residents)	Funeral Home
Home Child Care	Inn
Home Occupation (see 403)	Mixed Use (see District Standards)
Lodging House (max: 5 boarding rooms)	Office (max: 2,000 sq.ft.)
	Personal Services
	Pond, Man-made
	Public Facility
	Public Assembly
	Recreation Facility, Outdoor (non-motorized only)
	Recycling Center
	Religious Institution
	Residential Care Facility
	Restaurant
	School
	Studio

511.3 Area and Dimensional Requirements

Minimum Lot Size:	10,000 sq. ft.
Minimum Lot Frontage:	50 feet
Setback, Front:	Equal to or between the existing principal building setbacks on adjacent lots on either side or if there are no principal buildings on one or both adjacent lots, then the next principal building within the block on the same side of the street as the subject property. All structures must be located outside of Town rights-of-way unless otherwise approved by the Select Board
Maximum Setback, Front:	10 feet, or the average of existing front setback distances on adjacent lots on either side, whichever is greater
Minimum Setback, Side:	5 feet, or the average of existing side setback distances on adjacent lots on either side, whichever is greater
Minimum Setback, Rear:	10 feet, or the average of existing side setback distances on adjacent lots on either side, whichever is greater
Maximum Building Height:	35 feet

#### 511.4 District Standards

(1) Mixed Uses. A “Mixed Use” which includes more than one principal use in one or more buildings on a single lot is allowed in this district subject to conditional use review. Uses are limited to those permitted and conditional uses allowed within the district. All other applicable standards of these regulations, including district dimensional standards and parking requirements shall apply. The total number of parking spaces required for a mixed use shall equal the combined total of spaces calculated for each individual use, unless reduced or waived by the Development Review Board under Subsection (7) below.

(2) Maximum Building Square Footage. Maximum square footage requirements refer to maximum gross floor area per individual use.

(3) Maximum Building Footprint. The total combined footprint for all principal buildings on a single lot in this district (including mixed use buildings) shall not exceed 4,000 square feet.

(4) Modification of Setback Requirements. As part of site plan or conditional use review, the Development Review Board may modify or waive district setback requirements as necessary to: (a) maintain consistent setback distances and building lines along the road right-of-way; (b) provide emergency vehicle or handicapped access; or (c) as required for snow removal or building, road and infrastructure maintenance on or from adjoining properties. A right-of-way or maintenance easement may be required for structures built on or within five feet of a side or rear property line to ensure access to or from adjoining properties for these purposes.

(5) Modification of Frontage Requirements. As part of site plan review, and upon the request by the applicant, the Development Review Board will waive district lot frontage requirements for the subdivision of a preexisting lot for infill (rear or side lot) development, if the subdivision results in a total of three or fewer lots and the lots are served by an access easement or right-of-way at least 20 feet wide. A 50-foot road right-of-way, and required lot frontage along the right-of-way, shall be required to serve four or more lots.

(6) Maximum Impervious Area. The total amount of required parking shall be determined based on the table provided in section 411 of this bylaw, as modified by section 7 below. However, in no case shall the total at-grade impervious area on a single lot (including but not limited to parking, loading areas, walkways, and patios, but excluding building roofs) exceed 2,500 square feet. If the required amount of parking plus other impervious surfaces as shown on the site plan together exceed this ceiling, the applicant shall work with the Development Review Board to implement one or more of the following strategies: a) reduce the size of the building (and thus the amount of required parking); b) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or secure an option for public, on-street, or shared parking as described in section 7 below. Any impervious area on a lot adjacent to the lot in question that is intended primarily for the use of vehicles associated with the lot in question shall be included in the calculation of total impervious area for the lot in question.

(7) Parking Waivers. The Development Review Board may reduce or waive minimum on-site parking requirements if the applicant demonstrates that substitute public, on-street, or shared parking is available off-site, within the portion of the district in which the project is located (Hill Street, Peacham Road, or Brainerd Street) or within 500 feet of the project (as measured by the most direct pedestrian publicly accessible route from the property boundary) in an adjacent district. The Development Review Board shall require that the applicant either provide documentation of the availability of public or on-street parking or secure a parking easement or long-term lease agreement for shared private off-street parking prior to the approval of off-site parking. The same substitute parking option may not be claimed by more than one applicant for reduction or waiver purposes unless the latest applicant can demonstrate that the substitute parking can accommodate the additional claim requirements.

(8) Shared Parking. Shared off-street parking is recommended for nonresidential uses and may be required for mixed uses and, where feasible, for adjoining properties that are subject to site plan or

conditional use review, as determined by the Development Review Board to improve site access and circulation, reduce traffic congestion, or reduce the overall amount of parking required. Shared parking areas may be located on a single lot or constructed across a common side or rear lot boundary, and may be accessed through a shared access along a common boundary or via cross connections between lots.

(9) Location of Parking. All parking, loading, and service areas in this district shall be located behind the building front line. Such areas shall be located to the rear of the principal structure wherever site conditions allow. If site conditions are such that this is not possible, some or all of such areas may be located to the side of the principal structure at the discretion of the Development Review Board. To lessen visual impacts and glare, the Development Review Board may require that multifamily, mixed use and nonresidential parking areas be screened from the street or from adjoining properties by fencing or shrubs. Parking areas in this district shall meet Americans with Disabilities Act (ADA) design guidelines and ensure personal safety through adequate lighting, visibility and pedestrian ways.

(10) Bicycle Parking. Bicycle parking shall be encouraged but not mandatory on nonresidential, multifamily and mixed use properties for use by employees, residents and the general public, at a rate of two locking locations per ten vehicle parking spaces. The type, location, and installation of bicycle parking shall meet generally accepted industry guidelines.

(11) Orientation of Principal Buildings. Principal buildings within this district shall be oriented on the lot either parallel or perpendicular (e.g., gable end) to the road right-of-way (street line).

(12) Minimum Principal Building Height. Principal buildings within this district shall have a minimum height of 1.5 stories.

(13) Maximum Accessory Building Height. The height of an accessory building shall not exceed one and a half times the height of the principal building on the lot; however, in no case shall the height of the accessory building exceed 30 feet.

(14) Location of Accessory Structures. Detached accessory structures within this district shall be located to the side or rear of the principal building, behind the building front line. Attached garages shall be recessed at least 8 feet behind the building front line.

(15) Building Facades. Principal nonresidential buildings in this district shall include regularly spaced windows and entrances at street level to interrupt building façades as viewed from road rights-of-way.

(16) Sidewalks and Pedestrian Paths. Sidewalks or marked pedestrian paths shall be provided on multifamily and nonresidential lots between all parking areas and building entrances, and to connect to existing sidewalks or paths on adjoining properties and rights-of-way. Sidewalks for use by the general public shall be at least five feet wide and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks along public or private roads shall be separated from the curb (or, for roads without curbs, from the edge of the pavement) by a grassed or landscaped strip at least four feet wide. However, the Development Review Board may modify or waive this requirement if the physical constraints of the site are such that compliance would create a safety hazard or significantly compromise the historic character of the area.

(17) Access to Public Rights of Way. Vehicular access onto town highways must meet adopted town highway standards (see 407). Access to corner lots will be provided from secondary (less traveled) roads. Shared access and cross connections with adjoining lots are encouraged and may be required by the Development Review Board under site plan or conditional use review for access to new or redeveloped lots. Vehicular access shall be designed to incorporate sidewalk and pedestrian crossings.

**Section 512: Village Residential District**

512.1 The Village Residential District is intended to provide areas for expansion of Danville Village that preserve and extend the fundamental patterns of land use and interconnected street networks that define the historic portions of the village, while offering flexible standards and a range of options for site design. Development within this district is to be compact and shall provide easy pedestrian access to the village core. Limited nonresidential development is allowed, so long as it does not detract from the essential residential character of the district.

512.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Structure/Use	Cemetery
Agriculture (see 304.2)	Club, Private
Bed & Breakfast (max: 5 guest rooms)	Day Care Center
Dwelling, Accessory	Dwelling, Accessory
Dwelling, Single Family	Dwelling, Multifamily
Dwelling, Two Family	Essential Services
Forestry (see 304.2)	Funeral Home
Group Home (max: 8 residents)	Pond, Man-made
Home Child Care	Mixed Use (see District Standards)
Home Occupation (see 403)	Public Assembly
Lodging House (max: 5 boarding rooms)	Recreation Facility, Outdoor (non-motorized only)
	Religious Institution
	Residential Care Facility
	School

512.3 Area and Dimensional Requirements

Minimum Lot Size:	10,000 sq. ft.
Minimum Lot Frontage:	50 feet
Setback, Front:	Equal to or between the existing principal building setbacks on adjacent lots on either side or if there are no principal buildings on one or both adjacent lots, then the next principal building within the block on the same side of the street as the subject property. All structures must be located outside of Town rights-of-way unless otherwise approved by the Select Board
Maximum Setback, Front:	50 feet, or the average of existing front setback distances on adjacent lots on either side, whichever is greater
Minimum Setback/Side:	10 feet
Minimum Setback/Rear:	10 feet
Maximum Building Height:	30 feet

512.4 District Standards

(1) Mixed Uses. “Mixed Use,” which includes more than one principal use in one or more buildings on a single lot, is allowed in this district subject to conditional use review. Uses are limited to those permitted and conditional uses allowed within the district. All other applicable standards of these regulations, including district dimensional standards and parking requirements shall apply. The total number of parking spaces required for a mixed use shall equal the combined total of spaces calculated for each use.

(2) Maximum Building Footprint. The total combined footprint for all principal buildings on a single lot in this district shall not exceed 4,000 square feet.

(3) Maximum Impervious Area. The total amount of required parking shall be determined based on the table provided in section 411 of this bylaw, as modified by section 4 below. However, in no case shall the total at-grade impervious area on a single lot (including but not limited to parking, loading areas,

walkways, and patios, but excluding building roofs) exceed 2,500 square feet. If the required amount of parking plus other impervious surfaces as shown on the site plan together exceed this ceiling, the applicant shall work with the Development Review Board to implement one or more of the following strategies: a) reduce the size of the building (and thus the amount of required parking); b) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or secure an option for public, on-street, or shared parking as described in section 4 below. Any impervious area on a lot adjacent to the lot in question that is intended primarily for the use of vehicles associated with the lot in question shall be included in the calculation of total impervious area for the lot in question.

(4) Parking Waivers. Within this district the Development Review Board may reduce or waive minimum on-site parking requirements if the applicant demonstrates that substitute public, on-street, or shared parking is available on a parcel adjacent to the parcel in question. The Development Review Board shall require that the applicant either provide documentation of the availability of public or on-street parking or secure a parking easement or long-term lease agreement for shared private off-street parking prior to the approval of off-site parking. The same substitute parking option may not be claimed by more than one applicant for reduction or waiver purposes unless the latest applicant can demonstrate that the substitute parking can accommodate the additional claim requirements.

(5) Shared Parking. Shared off-street parking is recommended for nonresidential uses and may be required for mixed uses and, where feasible, for adjoining properties that are subject to site plan or conditional use review, as determined by the Development Review Board to improve site access and circulation, reduce traffic congestion, or reduce the overall amount of parking required. Shared parking areas may be located on a single lot or constructed across a common side or rear lot boundary, and may be accessed through a shared access along a common boundary or via cross connections between lots.

(6) Location of Parking. Parking, loading, and service areas for multifamily, mixed use and nonresidential uses within this district shall be located behind the building front line. Such areas shall be located to the rear of the principal structure wherever site conditions allow. If site conditions are such that this is not possible, some or all of such areas may be located to the side of the principal structure at the discretion of the Development Review Board. To lessen visual impacts and glare, the Development Review Board may require that parking areas be screened from the street or from adjoining properties by fencing or shrubs. Parking areas in this district shall meet Americans with Disabilities Act (ADA) design guidelines and ensure personal safety through adequate lighting, visibility and pedestrian ways.

(7) Bicycle Parking. Bicycle parking shall be encouraged but not mandatory on nonresidential, multifamily and mixed use properties for use by employees, residents and the general public, at a rate of two locking locations per ten vehicle parking spaces. The type, location, and installation of bicycle parking shall meet generally accepted industry guidelines.

(8) Orientation of Principal Buildings. Principal buildings within this district shall be oriented on the lot either parallel or perpendicular (e.g., gable end) to the road right-of-way (street line).

(9) Minimum Principal Building Height. Principal buildings in this district shall have a minimum height of 1 story.

(10) Maximum Accessory Building Height. The height of an accessory building shall not exceed one and a half times the height of the principal building on the lot; however, in no case shall the height of the accessory building exceed 25 feet.

(11) Location of Accessory Structures. Detached accessory structures within this district shall be located to the side or rear of the principal building, behind the building front line. Attached garages shall be recessed at least 8 feet behind the principal building front line.

(12) Sidewalks and Pedestrian Paths. Sidewalks or marked pedestrian paths shall be provided on multifamily and nonresidential lots between parking areas and building entrances, and along at least one

side of new development roads. Sidewalks or paths shall connect to existing sidewalks or pedestrian paths. Sidewalks or pedestrian paths intended for general public use shall be at least five feet wide and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks along public or private roads shall be separated from the curb (or, for roads without curbs, from the edge of the pavement) by a grassed or landscaped strip at least four feet wide. Along Route 2, the separation shall be at least eight feet, unless a different width is specified in the Route 2 Project design, in which case the latter shall prevail.

(13) Access to Public Rights of Way. Vehicular access onto town highways must meet adopted town highway standards (see 407). Access to corner lots will be provided from secondary (less traveled) roads. Shared access and cross connections with adjoining lots are encouraged and may be required by the Development Review Board under site plan or conditional use review for access to new or redeveloped lots. Vehicular access shall be designed to incorporate sidewalk and pedestrian crossings.

**Section 513: Route 2 District**

513.1 The Route 2 District is intended to ensure that development along the eastern and western gateways to Danville Village is compatible with the historic character and scale of the village and enhances the viability of existing village businesses. Commercial enterprises in this district are encouraged, but are to be sited and designed so as to complement and enhance the visual character of the village core, to create a pedestrian-friendly environment that encourages walking from one business (and district) to the next, and to extend and replicate the efficient patterns of land use that are typical of the historic Village Core District. The long-range intent of this district is to attract a critical mass of local businesses and community facilities that, together, establish Danville Village as a “full service” village that provides for the daily needs of its residents within easy walking distance of most of the village’s residential neighborhoods.

513.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Structure/Use Agriculture (see 304.2) Bank (no drive-through) Bed & Breakfast (max: 5 guest rooms) Clinic Dwelling, Accessory Dwelling, Single Family Dwelling, Two Family Dwelling, Multifamily (max: 4 dwelling units) Forestry (see 304.2) Funeral Home Group Home (max: 8 residents) Home Child Care Home Occupation (see 403) Lodging House (max: 5 boarding rooms) Office (max: 2,000 sq.ft.) Personal Service Retail Store (max: 2,000 sq.ft.) Studio	Bakery (max: 2,000 sq. ft.) Bank (with drive-through) Club, Private Cultural Facility Day Care Center Dwelling, Accessory Dwelling, Multifamily (> 5 dwelling units) Equipment Service & Repair (max: 3,000 sq. ft.) Essential Services Gasoline Station Grocery Store (max: 15,000 sq. ft.) Inn (max: 20 rooms) Kennel Light Industry (max: 20,000 sq. ft.) Mixed Use (see District Standards) Motor Vehicle Service & Repair Office (>2,000 sq. ft.; max: 5,000 sq. ft.) Pond, Man-made Parking Facility (max: 40 spaces) Public Assembly Recycling Facility Recreation Facility, Indoor Recreation Facility, Outdoor (non-motorized only) Religious Institution Residential Care Facility Restaurant Retail Store (>2,000 sq. ft.; max: 5,000 sq. ft.) School Transfer Station Transit Facility Veterinarian

### 513.3 Area and Dimensional Requirements

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Frontage:	100 feet
Setback, Front:	Equal to or between the existing principal building setbacks on adjacent lots on either side or if there are no principal buildings on one or both adjacent lots, then the next principle building within the block on the same side of the street as the subject property. All structures must be located outside of Town rights-of-way unless otherwise approved by the Select Board.
Minimum Setback, Side:	15 feet
Minimum Setback, Rear:	25 feet
Maximum Building Height:	40 feet

### 513.4 District Standards

(1) Mixed Uses. “Mixed Use,” which includes more than one principal use in one or more buildings on a single lot, is allowed in this district subject to conditional use review. Uses are limited to those permitted and conditional uses allowed within the district. All other applicable standards of these regulations, including district dimensional standards and parking requirements shall apply. The total number of parking spaces required for a mixed use shall equal the combined total of spaces calculated for each use ~~under subsection (3) below.~~

(2) Maximum Building Square Footage. Maximum square footage requirements refer to maximum gross floor area per individual use.

(3) Maximum Building Footprint. Except as specified in subsection (4) below, the total combined footprint of all principal buildings on a single lot shall in no case exceed 5,000 square feet.

(4) Maximum Building Footprint for Mixed Uses. In no case shall the total combined footprint of all principal buildings in a “mixed use” development on a single lot in this district exceed the maximum allowed square footage for the use on the property with the highest individual limit. *(Example: a mixed-use project that included a Grocery Store and a Retail Store would have a maximum gross floor area of 20,000 square feet (15,000 plus 5,000), but a maximum building footprint of 15,000 square feet.)* If none of the uses included in a “mixed use” development have a specified maximum square footage, the total combined footprint of all principal buildings shall not exceed 5,000 square feet.

(5) Maximum Impervious Area. The total amount of required parking shall be determined based on the table provided in section 411 of this bylaw, as modified by section 6 below. However, in no case shall the total at-grade impervious area on a single lot (including but not limited to parking, loading areas, walkways, and patios, but excluding building roofs) exceed 15,000 square feet. If the required amount of parking plus other impervious surfaces as shown on the site plan together exceed this ceiling, the applicant shall work with the Development Review Board to implement one or more of the following strategies: a) reduce the size of the building (and thus the amount of required parking); b) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or secure an option for public, on-street, or shared parking as described in subsection (6) below. Any impervious area on a lot adjacent to the lot in question that is intended primarily for the use of vehicles associated with the lot in question shall be included in the calculation of total impervious area for the lot in question.

(6) Parking Waivers. Within this district the Development Review Board may reduce or waive minimum on-site parking requirements if the applicant demonstrates that substitute public, on-street, or shared parking is available off-site either within the district or in an adjacent district, within 500 feet of the project (as measured by the most direct pedestrian publicly accessible route from the property boundary). The Development Review Board shall require that the applicant either provide documentation of the availability of public or on-street parking or secure a parking easement or long-term lease agreement for shared private off-street parking prior to the approval of off-site parking. The same substitute parking

option may not be claimed by more than one applicant for reduction or waiver purposes unless the latest applicant can demonstrate that the substitute parking can accommodate the additional claim requirements.

(7) Shared Parking. Shared off-street parking is recommended for nonresidential uses and may be required for mixed uses and, where feasible, for adjoining properties that are subject to site plan or conditional use review, as determined by the Development Review Board to improve site access and circulation, reduce traffic congestion, or reduce the overall amount of parking required. Shared parking areas may be located on a single lot or constructed across a common side or rear lot boundary, and may be accessed through a shared access along a common boundary or via cross connections between lots.

(8) Location of Parking. Loading and service areas for multifamily, mixed use and nonresidential uses within this district shall be located behind the building front line. At least 90% of parking shall be behind the building front line. Parking, loading, and service areas shall be located to the rear of the principal structure wherever site conditions allow. If site conditions are such that this is not possible, some or all of such areas may be located to the side of the principal structure at the discretion of the Development Review Board. To lessen visual impacts and glare, the Development Review Board may require that parking areas be screened from the street or from adjoining properties by fencing or shrubs. Parking areas in this district shall meet Americans with Disabilities Act (ADA) design guidelines and ensure personal safety through adequate lighting, visibility and pedestrian ways.

(9) Bicycle Parking. Bicycle parking shall be encouraged but not mandatory on nonresidential, multifamily and mixed use properties for use by employees, residents and the general public, at a rate of two locking locations per ten vehicle parking spaces. The type, location, and installation of bicycle parking shall meet generally accepted industry guidelines.

(10) Orientation of Principal Buildings. Principal buildings within this district shall be oriented on the lot either parallel or perpendicular (e.g., gable end) to the road right-of-way (street line).

(11) Minimum Principal Building Height. Principal buildings within this district shall have a minimum height of 1 story.

(12) Maximum Accessory Building Height. The height of an accessory building shall not exceed one and a half times the height of the principal building on the lot; however, in no case shall the height of the accessory building exceed 30 feet.

(13) Location of Accessory Structures. Detached accessory structures within this district shall be located to the side or rear of the principal building, behind the building front line. Attached garages shall be recessed at least 8 feet behind the building front line.

(14) Building Facades. Principal nonresidential buildings in this district shall include regularly spaced windows and entrances at street level to interrupt building façades as viewed from road rights-of-way.

(15) Sidewalks and Pedestrian Paths. Sidewalks or marked pedestrian paths shall be provided between parking areas and building entrances, and along at least one side of new development roads. Sidewalks or paths shall connect to existing sidewalks or pedestrian paths. Sidewalks or pedestrian paths intended for general public use shall be at least five feet wide and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks along public or private roads shall be separated from the curb (or, for roads without curbs, from the edge of the pavement) by a grassed or landscaped strip at least four feet wide. Along Route 2, the separation shall be at least eight feet, unless a different width is specified in the Route 2 Project design, in which case the latter shall prevail.

(16) Access to Public Rights of Way. Vehicular access onto Route 2 must meet current *Vermont Access Management Program Guidelines*. Vehicular access onto town highways must meet adopted town highway standards (see 407). Only one vehicular access (curb cut) per preexisting lot fronting on Route 2

in this district shall be allowed unless it is determined by the Development Review Board, in consultation with state and town highway officials, that a second access is necessary for adequate emergency vehicle access or to improve traffic congestion and circulation on adjoining roads. Access to corner lots will be provided from the secondary (less traveled) road. Shared access and cross connections between adjoining parcels is encouraged and may be required by the Development Review Board under site plan or conditional use review for access to new or redeveloped lots. Vehicular access shall be designed to incorporate sidewalk and pedestrian crossings.

**Section 514: Medium Density Residential (MDR) I**

514.1 Medium Density Residential I (MDR I) is a district to provide for residential and other compatible uses at a density consistent with the physical capability of the land, the availability of services and the need to provide sufficient opportunities for housing.

514.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Use Agricultural Dwelling, One Family Dwelling, Two Family Home Occupation Hospital Religious Institution Public & Quasi-Public Buildings School	Club, private Community center Commercial use Dwelling, multi-family Essential services Light industry Lodging house Membership club Motel Motor vehicle sales, service & repair Neighborhood commercial facility Personal Service Pond, man-made Public assembly use Recreational facility, indoor Recreational facility, outdoor Recreational facility, private indoor & outdoor Removal of fill, gravel stone or loam Restaurant Retail store Warehouse or trucking terminal Wholesale distribution service

514.3 Minimum Area and Dimensional Requirements

- Minimum Lot size: 1acre
- Minimum Lot Frontage: 125 feet
- Minimum Setback Front: 25 feet
- Minimum Setback Side: 35 feet
- Minimum Setback Rear: 50 feet

Front setback shall be computed from the street right-of-way line. For the purpose of this district, every street shall be considered as having a 50 foot right-of-way and the boundary shall be considered as 25 feet from the existing center line of the street.

**Section 515: Medium Density Residential (MDR) II**

515.1 Medium Density Residential II (MDR II) is a district is to provide for residential and other compatible uses at a lower density than Medium Residential I. The minimum lot size requirement is intended to be of sufficient size to provide for septic tanks and leach fields and on-site water supply since public water and sewer service is not available in these areas. The district included areas that are not remote from more densely developed areas and which are served by an adequate year-round road system.

515.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Use Agricultural Use Dwelling, Seasonal Dwelling, Single Family Dwelling, Two Family Home Occupations Hospital Public / Quasi Public Building Public Facility Religious Institution School	Bank Clinic Club, Private Commercial Use Community Center Dwelling, Multi-Family Essential Services Light Industry Lodging House Membership Club Motel Motor Vehicle Sales, Service & Repair Neighborhood Commercial Facility Personal Service Pond, Man-Made Recreational Facility, Indoor Recreational Facility, Outdoor Recreational Facility, Private Indoor & Outdoor Removal of Fill, Gravel, Stone or Loam Restaurant Retail Store Warehouse or Trucking Terminal Wholesale Distribution Service

515.3 Minimum Area and Dimensional Requirements

- Minimum Lot size: 1.5 acres
- Minimum Lot Frontage: 150 feet
- Minimum Setback Front: 25 feet
- Minimum Setback Side: 35 feet
- Minimum Setback Rear: 50 feet

Front setback shall be computed from the street right-of-way line. For the purpose of this district, every street shall be considered as having a 50 foot right-of-way and the boundary shall be considered as 25 feet from the existing center line of the street.

**Section 516: Low Density Residential (LDR)**

516.1 Low Density Residential (LDR) is intended to provide for limited residential and compliance development in areas that are rural in character with agriculture and forestry as their primary use. These areas are generally served by adequate town roads and are suitable for development at a moderate density.

516.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Use	Club
Agricultural Use	Commercial Use
Dwelling, Multi-Family	Community Center
Dwelling, Seasonal	Forestry Use
Dwelling, Single Family	Junk Yard
Essential Services	Light Industry
Home Occupation	Lodging House
Hospital	Membership Club
Public & Quasi-Public	Motel Travel
Religious	Motor Vehicle Sales, Service, Repair
School	Office
	Personal Service
	Pond, Man-Made
	Recreational Facility, Indoor
	Recreational Facility, Outdoor
	Recreational Facility, Private Indoor & Outdoor
	Removal of Fill, Gravel, Stone, or Loam
	Restaurant
	Retail Store
	Trailer Camp
	Warehouse or Trucking Terminal
	Wholesale Distribution Service

516.3 Minimum Area and Dimensional Requirements

- Minimum Lot size: 3 acres
- Minimum Lot Frontage: 150 feet
- Minimum Setback Front: 25 feet
- Minimum Setback Side: 35 feet
- Minimum Setback Rear: 50 feet

Front setback shall be computed from the street right-of-way line. For the purpose of this district, every street shall be considered as having a 50 foot right-of-way and the boundary shall be considered as 25 feet from the existing center line of the street.

**Section 517: Conservation District**

517.1 Conservation District includes areas of the community that should have a low density of development. The purpose of the district is to protect the natural resource value of lands which are essentially underdeveloped, lack direct access to public roads, are important for wildlife habitats, have potential for forestry use, have one or more physical limitations to development, or include significant natural recreational or scenic resources, and are located 1,000 feet back from Class II and Class III roads.

517.2 Permitted and Conditional Uses.

Permitted Uses	Conditional Uses
Accessory Use	Club, Private
Agricultural Use	Commercial Use
Dwelling, Seasonal	Community Center
Dwelling, Single Family	Junk Yard
Essential Services	Personal Service
Forestry Use	Removal of Fill, Gravel, Stone or Loam
Home Occupations	
Ponds, Man-Made	

517.3 Minimum Area and Dimensional Requirements

- Minimum Lot size: 10 acres
- Minimum Lot Frontage: 300 feet
- Minimum Setback Front: 25 feet
- Minimum Setback Side: 35 feet
- Minimum Setback Rear: 50 feet

Front setback shall be computed from the street right-of-way line. For the purpose of this district, every street shall be considered as having a 50 foot right-of-way and the boundary shall be considered as 25 feet from the existing center line of the street.

**Section 518: Developed Shoreland District**

518.1 Developed Shoreland District is located on developed properties adjacent to Joe’s Pond. The purpose of this district is to prevent the degradation of water quality in Joe’s Pond, preserve habitat and the stability of the shoreline, maintain the economic benefits of the lake to property owners and residents of the town, and provide flexibility in siting structures to better enable property owners to meet the requirements of the Vermont Shoreland Protection Act. All property within 250 feet of the mean water level of Joe’s pond will also need to meet the requirements of the State Shoreland Protection Act, and whichever standards are more restrictive shall apply. Development within this District shall meet the following standards:

518.2 Permitted and Conditional Uses

<u>Permitted Uses</u>	<u>Conditional Uses</u>
<u>Accessory Structure/Use, including accessory dwelling, home child care, and other uses considered a permitted single-family use of property (see section 505.1)</u>	<u>Club, Private</u>
<u>Agricultural Use</u>	<u>Community Center</u>
<u>Dwelling, Seasonal</u>	<u>Essential Services</u>
<u>Dwelling, Single Family</u>	<u>Hospital</u>
<u>Dwelling, Two Family</u>	<u>Lodging House</u>
<u>Home Occupations (see section 403)</u>	<u>Membership Club</u>
	<u>Public / Quasi Public Building</u>
	<u>Public Facility</u>
	<u>Recreational Facility, Outdoor</u>
	<u>Recreational Facility, Private Indoor &amp; Outdoor</u>
	<u>Restaurant</u>
	<u>Religious Institution</u>
	<u>School</u>

518.3 Area and Dimensional Requirements:

- Maximum height of buildings and structures: 25 feet
- Maximum building footprint: 1,500 square feet
- Minimum shoreline frontage: 50 feet
- Minimum setback from road: 25 feet
- Minimum setback from mean high water: 25 feet
- Minimum setback from adjacent property lines: 35 feet
- Maximum impervious coverage (buildings, driveways, etc.):

518.4 Waiver of setback requirements in the Developed Shoreland District. In order to better enable property owners to minimize negative impacts on the lake, setbacks in the Developed Lakeshore District may be waived by the Development Review Board provided that:

- (1) the proposed development maintains the maximum possible setback distance from the mean high water level of the lake;
- (2) the Applicant demonstrates that Best Management Practices as defined by the Watershed Management Division of the Agency of Natural Resources have been employed to mitigate impacts to the lake;
- (3) any reduction in required setback from adjacent property lines does not result in the height of any point of the building or structure being greater than the horizontal distance to the property line.

**Section 520: Flood Hazard Overlay**

521.1 Objective: The purpose of the Flood Hazard Overlay District is to avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding; ensure that the design and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair flood plain services or the stream corridor; manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753; and make the Town of Danville, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

521.2 Lands to Which these Regulations Apply. These regulations shall apply to the Flood Hazard Areas (hereafter called “hazard areas”) in the Town of Danville, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. The provisions of these flood hazard regulations shall not remove the necessity of compliance with any other local, state or federal law or regulation. Where these flood hazard regulations impose a greater restriction, the provisions here shall take precedence. Where more than one zone or area is involved, the most restrictive standard shall take precedence. These hazard areas include:

(1) The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope, unless a greater setback is required under Section 411 of this bylaw.

(2) The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

521.3 Permitted, Conditional, and Prohibited Development

<u>Permitted Development</u>	<u>Prohibited Development</u>
<u>Non-substantial improvements to existing structures</u> <u>Accessory structures of 500 square feet or less, that represent a minimal investment</u> <u>Development related to on-site septic or water supply systems</u> <u>Building utilities</u> <u>At-grade parking for existing buildings</u> <u>Recreational vehicles</u>	<u>New residential or non-residential structures (including the placement of mobile homes)</u> <u>Storage or junk yards</u> <u>New fill except as necessary to elevate structures above the base flood elevation or for on-site mound septic systems, if it can be demonstrated that no other practicable alternative is available;</u> <u>Accessory structures in the floodway</u> <u>New critical facilities are prohibited in all areas affected by mapped flood hazards</u> <u>All development not exempted, permitted, or conditionally permitted</u>
<u>Conditional Development</u>	
<u>Substantial improvement, elevation, relocation, or flood proofing of existing structures. A structure may be reconstructed only in circumstances where the structure cannot be relocated to a less hazardous location on the parcel, or where it can be demonstrated that an alternative location is not practicable;</u> <u>New or replacement storage tanks for existing structures</u> <u>Improvements to existing structures in the floodway</u> <u>Grading, excavation; or the creation of a pond</u> <u>Improvements to existing roads</u>	

Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing  
Public utilities not regulated under 30 V.S.A. 248a  
Improvements to existing primary structures in the River Corridor that do not expand the footprint of the existing structure more than 500 square feet  
Accessory structures in the River Corridor, of 500 square feet or less, that represent a minimal investment  
Building utilities in the River Corridor; and  
At-grade parking for existing buildings in the River Corridor

521.4 Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

521.5 Interpretation. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

(1) If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.

(2) If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

521.6 Special Flood Hazard Area Development Standards.

521.6.1 All development shall be:

- (1) Reasonably safe from flooding;
- (2) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- (3) Constructed with materials resistant to flood damage;
- (4) Constructed by methods and practices that minimize flood damage;
- (5) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) Adequately drained to reduce exposure to flood hazards;
- (7) Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- (8) Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

521.6.2 Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

521.6.3. Non-residential structures to be substantially improved shall:

- (1) Meet the standards in Section 521.6.2 above; or,
- (2) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect

has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

521.6.4 Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

521.6.5 Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:

(1) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,

(2) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

521.6.7 Recreational vehicles must be fully licensed and ready for highway use;

521.6.8 A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 521.6.5 (above).

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

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

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

521.6.12 The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

521.6.13 Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

521.6.14 Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.

#### 521.7 River Corridor Development Standards.

521.7.1 Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank.

521.7.2 Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.

521.7.3 Development shall not increase the susceptibility of that or other properties to fluvial erosion damage.

521.7.4 Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion.

521.7.5 Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.

521.7.6 Bridge and culvert projects must have a Stream Alteration Permit, if applicable.

521.7.7 Channel management activities must be authorized by the Agency of Natural Resources.

521.8 Floodway Area Development Standards (NOTE: the Town of Danville does not currently have any FEMA-mapped Floodway areas. This section would apply to any newly mapped Floodways developed and supplied to the Town.)

521.8.1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

(1) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;

(2) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

521.8.2 Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

521.9 Exempted Activities. The following are exempt from regulation under this bylaw:

(1) The removal of a building or other structure in whole or in part;

(2) Maintenance of existing roads and storm water drainage;

(3) Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,

(4) Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Required Agricultural Practices. Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

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

**Section 521: Design Control Overlay**

**Section 508: Design Control Districts**

~~508.1 As provided in Section 4414 (1) (E) of the Act, Design Control Districts are established as described on the official design control district map which is an appendix of the official zoning map located in the Town Clerks office. Such districts are:~~

- ~~● Greenbank's Hollow~~
- ~~● Harvey's Hollow~~
- ~~● North Danville Village~~
- ~~● West Danville Village~~

~~508.2 Within any Design Control district, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished or changed in use or type of occupancy without design approval of plans by the Development Review Board. This does not include routine "Maintenance" as described in Section 202.~~

~~508.3 The procedure for obtaining design approval of plans shall be as follows:~~

~~A. Any application for a zoning permit for construction or alteration of any structure shall be made to the Zoning Administrator with two copies of proposed plans and elevations and a description of materials to be used on the exterior of any structure.~~

~~B. The Zoning Administrator shall, act in accordance with Sections 4448 and 4449 upon receiving plans for development review, and submit them to the Development Review Board for review.~~

~~C. The Development Review Board shall, in the manner and within the time specified in Section 4414 of the Act, render a decision as to the acceptability of plans based on the compatibility of the plans with other properties within or adjacent to the same design control district, after giving consideration to the following factors:~~

- ~~○ Exterior design~~
- ~~○ Exterior materials~~
- ~~○ Landscaping~~
- ~~○ The relationship between the widths to height on the front elevation of the building is compatible with existing buildings~~
- ~~○ The relationship of width to height of windows and doors is compatible with existing buildings~~
- ~~○ The materials to be used are compatible with the materials used in the district~~
- ~~○ Proposed architectural details (such as cornices, windows, chimneys, etc.) are compatible with those existing in the district~~
- ~~○ The proposed roof shape is compatible with existing roof shapes in the district~~

~~508.4 No zoning permit may be issued by the Zoning Administrative for any construction, reconstruction, substantial alteration, or other action involving a structure within the design control district hereby established, unless the Development Review Board has approved the original plans. A permit is not required for routine maintenance as described in section 202.~~

~~508.5 The procedure governing notice and time limits for submission or resubmission of an application and approval, disapproval or approval with modifications shall be as set forth in Section 4464 of the Act, and shall be the same as for all other districts in this bylaw.~~

521.1 The purpose of this zone is to preserve and enhance the historic and architectural significance of Danville, North Danville and West Danville. It is also the purpose of this zone to maintain the relationship of exterior architectural features of a structure and to ensure the general compatibility of scale, exterior

design, arrangement, texture and materials, both on the structure and with surrounding structures. It is the intent of these regulations to encourage development that is compatible with the existing character of the area and creates a pedestrian friendly environment. It is expected that these regulation will contribute to an increase in population and commerce.

521.2 Applicability. All regulations relating to this zone shall be required for the properties identified below in the districts defined as Village Core, Historic Neighborhoods and Village Residential. In the event that any such lot is less than 75 feet in depth, any lot to the immediate rear is included in the district hereby established if visible from the road. The Village Center Zone Design Review established by the Select board and indicated on said map is intended to encompass and include all lots in:

(a) Danville:

- facing to any extent the Town Green:
- facing to any extent Route 2 from Dole Hill/Old Stagecoach Roads intersection to the intersection of Windy Acres Road (Walden Hill Road?):
- facing to any extent Hill Street from Route 2 to Webster Hill Road:
- facing to any extent Brainerd Street from Peacham Road to the cementary:
- facing to any extent Peacham Road from Route 2 to the intersection of the rail trail,

(b) North Danville:

- facing to any extent McReynolds Road from the intersection with North Church Road to North Danville Road:
- facing to any extent Stanton Road from the (to be named Creek) to the intersection with North Danville Road:
- facing to any extent North Danville road from the (to be named Creek) to Badger Memorial Highway:
- facing to any extent Badger Memorial Highway from the intersection with North Danville Road to (???)

(c) West Danville:

- Facing to any extent Route 2 from Wightman Road to Keiser Pond Road:
- Facing to any extent Route 15 from the intersection with Route 2 to the intersection with Lemay Road.

521.3 Special Review Requirements. Except for interior modifications and except for ordinary maintenance, painting (including color is said color is historically appropriate), or repair which does not change the design, type of material, or appearance of a structure, review and approval by the Development Review Board, upon written recommendation of the Danville Historic Preservation and Design Review Commission (DHPDRC ), is required within this overlay before:

(a) A Zoning Permit can be issued.

(b) A conditional use, variance, or alteration to a non-complying structure can be approved by the Development Review Board.

(c) A site plan or preliminary subdivision application can be approved by the Development Review Board.

(d) An addition or alteration can be made to the exterior of a building, whether enclosed or not.

(e) An alteration can be made to the exterior wall of a building by tearing down or removing any portion thereof, or by changing or altering any portion of an existing window, door space, porch or breezeway thereon.

(f) Materials on the exterior walls of a building may be removed, covered or replaced, where the materials so added or exposed are a kind or type different from those existing.

(g) A building may be moved within the district or out of the district.

(h) A building can be demolished.

**ARTICLE 6: NON-CONFORMING USES, AND NON-CONFORMING STRUCTURES, AND LOTS**

**Section 601: Construction Approved Prior to Adoption or Amendment to Regulations**

601.1 Nothing contained in this bylaw shall require any change in plans for the construction of a non-conforming structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of this bylaw or which is completed within one year from the effective date of this bylaw.

**Section 602: Non-Conforming Uses**

602.1 In accordance with Title 24 VSA 4412(7) the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw. Any non-conforming use may be continued indefinitely but:

- Shall not be expanded, enlarged, or extended (except as specifically provided), nor shall any
- external evidence of such use be increased by any means whatsoever,
- Shall not be changed to another non-conforming use,
- Shall not be re-established if such use has been discontinued for a period of 12 months, or has been changed to, or replaced by a conforming use. Intent to resume a non-conforming use
- shall not confer the right to do so.

602.2 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

**Section 603: Expansion of a Non-Conforming Use**

603.1 The Development Review Board may, after public notice and hearing, allow expansion of any non-conforming use up to 20% greater than its existing size at the time of adoption of this bylaw provided it conforms to any other applicable requirements of this bylaw.

**Section 604: Non-conforming Structures**

604.1 In accordance with Title 24 VSA 4412(7) the following provisions shall apply to all non-conforming structures:

(a) A non-conforming structure may be continued indefinitely and may be expanded without limitation provided the expansion is in accordance with any applicable requirements of this bylaw, does not increase the degree of non-conformance and meets the requirements regarding expansion of a non-conforming use.

(b) Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformance.

**Section 605: Non-conforming Lots**

605.1 Any lot that is legally subdivided, is in individual and separate, nonaffiliated ownership from surrounding properties, and is in existence as of the date of enactment of this bylaw may be developed for the purpose permitted in its zoning district, even if the lot does not conform to the district's minimum lot size requirements, provided such lot is one eighth acre or more in area and has a minimum width and depth dimensions of at least 40 feet.

## **ARTICLE 7: SUBDIVISIONS**

### **Section 701: Subdivisions of Land**

701.1 The Town has equal interest in all parcels resulting from a subdivision. A property owner may have differing survey requirements for each derived parcel of a subdivision, while the Town has equal interest in the originating parcel and all derived parcels. Requirements for subdivision documentation: reflect the duty of the Town to maintain accurate property records (VSA Titles 24, 26 and 27 and Danville Zoning Bylaws); assure fair property taxation (Danville Tax Maps); provide public visibility of land development activity as it relates to the Town Plan; and constitute compliance with State and Town land record requirements. It is the intent of subdivision bylaws to assure that the Town's requirements for warning and documentation are met and at the same time allow property owners, in consultation with a Vermont licensed surveyor, to meet their documentation requirements without undue financial burden.

701.2 Applications for all subdivisions of land shall be subject to Site Plan Review by the Development Review Board after public notice and hearing. In accordance with 24 V.S.A. §4464(a)(1), the warning period for the public hearing shall not be less than 15 days.

701.3 All applications for subdivision of land shall be accompanied by a survey plat to portray existing conditions of originating parcel(s) and proposed development of derived parcel(s). The survey plat shall be prepared by a land surveyor licensed by the State of Vermont (VSA Title 26). The survey plat shall comply with basic requirements of VSA 27, Chapter 17, §1401(b) and, in addition, include:

- (a) legible inset locus, locating subject parcel(s) in the Town and showing roads and other major geographical features,
- (b) all lot lines and boundary dimensions,
- (e) names of roads abutting the property,
- (f) location and size of existing improvements identified as "existing",
- (g) location and size of proposed improvements identified as "proposed",
- (h) setback dimensions of proposed and existing structures,
- (i) location of any existing and proposed driveways and culverts,
- (j) location of any existing and proposed wells and/or septic systems and
- (k) location of any existing waterways, wetlands, and flood plains.

Where a subdivision involves steep terrain, flood plains or wetlands, a topographic survey may be required.

701.4 A subdivision shall not create any building lot that, when developed, would fail to meet the dimensional requirements of this bylaw.

701.5 [A subdivision may create a](#) ~~An undersized parcel resulting from subdivision of land may be created,~~ provided it is combined with land from an adjacent property to form a conforming parcel, and a single property description with a new warranty or similar deed is filed in the Town's land records. The Development Review Board may waive access and dimensional requirements where a subdivision is made for the purpose of immediate conveyance of an undersized parcel to the owner of an abutting or contiguous parcel which complies with the requirements.

701.6 The subdivision permit is not official until all appeal periods have expired and/or all appeals are concluded and a final approved subdivision survey plat on mylar is submitted to the Zoning Administrator to be filed in the Town's land records.

**Section 702: Development Review Board - Site Plan Approval**

702.1 No zoning permit shall be issued by the Zoning Administrator for any use or structure other than single or two-family dwellings, associated accessory uses and structures, and other uses exempted from these regulations, until the Development Review Board grants site development plan approval. If conditional use review under Section 207.1 also is required, site plan review may be conducted concurrently with conditional use review.

702.2 The applicant shall submit two sets of site plan maps and supporting data to the Development Review Board which shall include a site plan showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces; landscaping plans, including site grading, landscape design and screening presented in drawn form and accompanied by written text.

702.3 Site Plan Development and Review by the Development Review Board shall conform to the requirements of Sections 4416 and 4464 of the Act before acting upon any applications. In considering its action the Development Review Board shall consider and may impose appropriate conditions and safeguards with respect to site layout and design, including building location and orientation, the adequacy of traffic access, circulation and parking, landscaping and screening, and the protection of the utilization of renewable energy resources.

702.4 The Development Review Board shall review the site plan and supporting data before approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives;

- Maximum safety of vehicular circulation between the site and public roads,
- Adequacy of circulation, parking and loading facilities with particular attention to safety,
- Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property,
- Protecting the utilization of renewable energy resources.

702.5 District Standards. In addition to the above considerations, in order to maintain and extend historic settlement patterns within the Village Core, Historic Neighborhoods, Village Residential and Route 2 Districts, the following site standards also shall apply in these districts:

(a) District Dimensional Requirements. Within the Village Core and Historic Neighborhoods Districts the Development Review Board may modify or waive district setback requirements as necessary to: (a) maintain consistent setback distances and building lines along the road right-of-way; (b) provide emergency vehicle or handicapped access; or (c) as required for snow removal or building, road and infrastructure maintenance on or from adjoining properties. A right-of-way or maintenance easement may be required for structures built on or within five feet of a side or rear property line to ensure access to or from adjoining properties for these purposes

(b) Building Site Location and Orientation. Principal buildings within these districts shall meet district requirements with regard to building location and orientation, including the following:

(i) Principal buildings shall be oriented on the lot either parallel or perpendicular (e.g., gable end) to the road right-of-way (street line), with main entrances facing the road.

(ii) Detached accessory structures within these districts shall be located to the side or rear of the principal building, behind the building front line.

(c) Vehicle Access & Circulation. Vehicular access to lots in these districts must meet access requirements under Sections 402 and 407, access requirements for each district, as well as other applicable state or town highway access (curb cut) requirements. Vehicular access in these districts shall be designed to incorporate sidewalk and pedestrian crossings. Only one access (curb cut) per lot shall be allowed unless it is determined by the Development Review Board, in consultation with state and town highway officials, that a second access is necessary for emergency vehicle access, to improve on-site circulation or to reduce traffic congestion on adjoining roads. In order to limit access points onto public highways the Development Review Board, in consultation with town and state highway officials, may also require:

- (i) For corner or through lots, access from the secondary (less traveled) road,
- (ii) Access from a service road or rear alley,
- (iii) The elimination, consolidation, redesign, or relocation of existing access points, or
- (iv) Shared access between adjoining lots or uses, through an access along a common boundary, or through cross-connections to adjoining lots, to be incorporated in site layout and design. The Development Review Board may allow a temporary access to serve the lot until such time as the adjoining lot is redeveloped and shared access or cross connections can be installed.

(d) Parking, Loading and Service Areas. Parking, loading and service areas shall be designed, sited and landscaped as required under Section 311. Within these districts, multifamily, mixed use and nonresidential parking areas must also meet applicable district requirements, including the following, unless modified or waived by the DRB under Section 411.3:

- (i) All off-street parking in these districts shall be located behind the building front line. Parking areas associated with nonresidential, multi-family and mixed uses shall be located to the rear of principal buildings on the lot, unless otherwise approved by the Development Review Board due to physical site or access constraints. Under these circumstances the Board may allow all or a portion of required parking to be located to the side of the principal building, behind the building front line.
- (ii) Shared off-street parking is recommended and may be required for mixed uses and, where feasible, for nonresidential uses on adjoining lots, as necessary to improve site access and circulation, to reduce traffic congestion, or to reduce the overall amount of parking required. Shared parking areas may be located on a single lot or constructed across a common side or rear lot boundary, and may be accessed through a shared access along a common boundary or cross connections between lots.
- (iii) The Development Review Board may require the installation of landscaping, fencing or other screening as necessary to reduce glare or to totally or partially screen parking areas from the view of adjoining properties and rights-of-way.
- (iv) At least one bicycle rack for use by employees, residents and the general public shall be encouraged but not mandatory for nonresidential, multifamily and mixed-use properties in these districts.
- (v) Transit facilities, such as bus shelters or pickup and drop-off areas, shall be incorporated in site design for development to be served by existing or planned transit routes.

(e) Pedestrian Circulation. Sidewalks or clearly marked pedestrian paths shall be provided between all parking areas and building entrances, and to connect to sidewalks and paths on adjoining properties and rights-of-way.

(i) Sidewalks for use by the general public shall be at least five (5) feet wide, and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks or paths along public or private roads shall be separated from the curb or, for roads without curbs, from the edge of pavement, by a grassed or landscaped strip at least 4 feet wide. The Development Review Board may modify or waive this requirement if the physical constraints of the site are such that compliance would create a safety hazard or significantly compromise the historic character of the area.

(f) Landscaping and Screening. Landscaping and screening shall be incorporated in site layout and design as necessary to establish visual or physical buffers between incompatible land uses (e.g., nonresidential and residential uses), to transition between higher and lower densities of development, and for additional privacy where appropriate. Also, within the Route 2 District landscaping and screening shall be used to interrupt or screen blank building walls, service and loading areas, as viewed from public rights-of-way or adjoining properties, and

## **ARTICLE 8: PERMITTING PROCESS**

### **Section 801: Overview**

[Except as listed in Section 204.2](#), no-one may commence land development as defined in 24 V.S.A. §4303(10) without a permit from the Zoning Administrator. The Zoning Administrator may not issue a zoning permit unless the proposed development complies with all applicable sections of this bylaw and the Development Review Board has granted any applicable approvals.

### **Section 802: Activities Exempt from Permitting**

802.1 No zoning permit shall be required for the following activities;

- (a) Required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with 24 V.S.A. §4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction ~~for~~ [as](#) required agricultural practices. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary,
- (b) Accepted silvicultural practices as those practices are defined by the Commissioner of Forests, Parks and Recreation, and forestry operations in accordance with 24 V.S.A. §4413(d),
- (c) Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan,
- (d) Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.

### **Section 803: State Reviews**

*[This section is for including fast-track language for projects where the applicant has already gotten plan approval from a state office.](#)*

### **Section 804: Permit Application**

804.1 Applicants shall file zoning permit applications with the Zoning Administrator on forms provided by the Town of Danville. Applicant shall be responsible for completing the zoning application and preparing the sketch in compliance with specific written instructions provided by the Zoning Administrator. All required application fees for all relevant development review processes, as set by the Town of Danville Selectboard, shall be submitted with the application. The applications for a permitted use shall include a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following;

- (a) the dimensions of the lot, including existing property boundaries,
- (b) the location, footprint and height of existing and proposed structures or additions,
- (c) the location of existing and proposed accesses (curb cuts), driveways and parking areas,
- (d) the location of existing and proposed easements and rights-of-way,

- (e) existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands,
- (f) the location of existing and proposed water and wastewater systems,
- (g) proposed erosion and sedimentation control measures to be undertaken,
- (h) snow and waste removal, and
- (i) other such information the Zoning Administrator requires to determine conformance with these regulations.

804.2 Applications with missing, confusing, or incorrect information are considered incomplete. The Zoning Administrator shall not process an incomplete application, but shall tell the applicant what is needed as soon as practical. If the applicant does not provide information to update and complete the application within 60 days of the determination that it was incomplete, the Zoning Administrator may reject the application. Incomplete or incorrect information submitted on zoning applications and or sketches shall result in the rejection of the zoning application until the required information is received to the satisfaction of the Zoning Administrator.

### **Section 805: Zoning Administrator Review**

805.1 Within 30 days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the Development Review Board for consideration.

805.2 Permitted Uses (single and two unit dwellings excepted) shall be subjected to Site Plan Review to ensure that the proposed use meets the development standards in the Town of Danville Zoning Bylaw. Any objections to a permit issued by the Zoning Administrator by an Interested Person shall be considered an appeal and will be forwarded to the Development Review Board for public hearing. Subject to the hearing, the Development Review Board may accept the permit as issued, reject the permit outright or impose reasonable conditions to mitigate any potential adverse effects.

805.3 In accordance with 24 V.S.A. §4448 and §4449, if the Zoning Administrator fails to act within the 30 day period, a permit shall be deemed issued on the 31st day.

805.4 If the Zoning Administrator refers the application to the Development Review Board, additional fees and information may be required.

805.6 Upon receipt of a complete application for a substantial improvement or new construction in a Special Flood Hazard area, the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

805.7 If the applicant is seeking a permit for the alteration or relocation of a watercourse, the ZA shall also submit copies of the application to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Development Review Board should consider comments from the NFIP Coordinator at ANR.

**Section 702: Development Review Board - Site Plan Approval**

702.1 No zoning permit shall be issued by the Zoning Administrator for any use or structure other than single or two-family dwellings, associated accessory uses and structures, and other uses exempted from these regulations, until the Development Review Board grants site development plan approval. If conditional use review under Section 207.1 also is required, site plan review may be conducted concurrently with conditional use review.

702.2 The applicant shall submit two sets of site plan maps and supporting data to the Development Review Board which shall include a site plan showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces; landscaping plans, including site grading, landscape design and screening presented in drawn form and accompanied by written text.

702.3 Site Plan Development and Review by the Development Review Board shall conform to the requirements of Sections 4416 and 4464 of the Act before acting upon any applications. In considering its action the Development Review Board shall consider and may impose appropriate conditions and safeguards with respect to site layout and design, including building location and orientation, the adequacy of traffic access, circulation and parking, landscaping and screening, and the protection of the utilization of renewable energy resources.

702.4 The Development Review Board shall review the site plan and supporting data before approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives;

- Maximum safety of vehicular circulation between the site and public roads,
- Adequacy of circulation, parking and loading facilities with particular attention to safety,
- Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property,
- Protecting the utilization of renewable energy resources.

702.5 District Standards. In addition to the above considerations, in order to maintain and extend historic settlement patterns within the Village Core, Historic Neighborhoods, Village Residential and Route 2 Districts, the following site standards also shall apply in these districts:

(a) District Dimensional Requirements. Within the Village Core and Historic Neighborhoods Districts the Development Review Board may modify or waive district setback requirements as necessary to: (a) maintain consistent setback distances and building lines along the road right-of-way; (b) provide emergency vehicle or handicapped access; or (c) as required for snow removal or building, road and infrastructure maintenance on or from adjoining properties. A right-of-way or maintenance easement may be required for structures built on or within five feet of a side or rear property line to ensure access to or from adjoining properties for these purposes

(b) Building Site Location and Orientation. Principal buildings within these districts shall meet district requirements with regard to building location and orientation, including the following:

(i) Principal buildings shall be oriented on the lot either parallel or perpendicular (e.g., gable end) to the road right-of-way (street line), with main entrances facing the road.

(ii) Detached accessory structures within these districts shall be located to the side or rear of the principal building, behind the building front line.

(c) Vehicle Access & Circulation. Vehicular access to lots in these districts must meet access requirements under Sections 402 and 407, access requirements for each district, as well as other applicable state or town highway access (curb cut) requirements. Vehicular access in these districts shall be designed to incorporate sidewalk and pedestrian crossings. Only one access (curb cut) per lot shall be allowed unless it is determined by the Development Review Board, in

consultation with state and town highway officials, that a second access is necessary for emergency vehicle access, to improve on-site circulation or to reduce traffic congestion on adjoining roads. In order to limit access points onto public highways the Development Review Board, in consultation with town and state highway officials, may also require:

- (i) For corner or through lots, access from the secondary (less traveled) road,
- (ii) Access from a service road or rear alley,
- (iii) The elimination, consolidation, redesign, or relocation of existing access points, or
- (iv) Shared access between adjoining lots or uses, through an access along a common boundary, or through cross-connections to adjoining lots, to be incorporated in site layout and design. The Development Review Board may allow a temporary access to serve the lot until such time as the adjoining lot is redeveloped and shared access or cross connections can be installed.

(d) **Parking, Loading and Service Areas.** Parking, loading and service areas shall be designed, sited and landscaped as required under Section 311. Within these districts, multifamily, mixed use and nonresidential parking areas must also meet applicable district requirements, including the following, unless modified or waived by the DRB under Section 411.3:

- (i) All off-street parking in these districts shall be located behind the building front line. Parking areas associated with nonresidential, multi-family and mixed uses shall be located to the rear of principal buildings on the lot, unless otherwise approved by the Development Review Board due to physical site or access constraints. Under these circumstances the Board may allow all or a portion of required parking to be located to the side of the principal building, behind the building front line.
- (ii) Shared off-street parking is recommended and may be required for mixed uses and, where feasible, for nonresidential uses on adjoining lots, as necessary to improve site access and circulation, to reduce traffic congestion, or to reduce the overall amount of parking required. Shared parking areas may be located on a single lot or constructed across a common side or rear lot boundary, and may be accessed through a shared access along a common boundary or cross connections between lots.
- (iii) The Development Review Board may require the installation of landscaping, fencing or other screening as necessary to reduce glare or to totally or partially screen parking areas from the view of adjoining properties and rights-of-way.
- (iv) At least one bicycle rack for use by employees, residents and the general public shall be encouraged but not mandatory for nonresidential, multifamily and mixed-use properties in these districts.
- (v) Transit facilities, such as bus shelters or pickup and drop-off areas, shall be incorporated in site design for development to be served by existing or planned transit routes.

(e) **Pedestrian Circulation.** Sidewalks or clearly marked pedestrian paths shall be provided between all parking areas and building entrances, and to connect to sidewalks and paths on adjoining properties and rights-of-way.

- (i) Sidewalks for use by the general public shall be at least five (5) feet wide, and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks or paths along public or private roads shall be separated from the curb or, for roads without curbs, from the

edge of pavement, by a grassed or landscaped strip at least 4 feet wide. The Development Review Board may modify or waive this requirement if the physical constraints of the site are such that compliance would create a safety hazard or significantly compromise the historic character of the area.

(f) Landscaping and Screening. Landscaping and screening shall be incorporated in site layout and design as necessary to establish visual or physical buffers between incompatible land uses (e.g., nonresidential and residential uses), to transition between higher and lower densities of development, and for additional privacy where appropriate. Also, within the Route 2 District landscaping and screening shall be used to interrupt or screen blank building walls, service and loading areas, as viewed from public rights-of-way or adjoining properties, and

### **Section 805A: DHPDRC Review**

805A.1 Once a completed application for Design Review approval or demolition for property in the Design Control District is submitted to the Planning Commission and Zoning Administrator the Danville Historic Preservation and Design Review Commission (DHPDRC) shall conduct a review of the application; whenever possible, the DHPDRC will initiate its review within 30 days of receipt of an application. Reviews may take place over multiple meetings. For demolitions, notice of the proposal shall be submitted to the State Historic Preservation Office and their comments shall be considered by the SHPDRC during their review.

805A.2 After completing its review, the DHPDRC shall forward a written recommendation regarding the application to the Development Review Board. The recommendation may include conditions that would bring the application into conformance with the guidelines of these regulations, without the submittal of revised plans by the applicant.

805A.3 The DHPDRC's recommendation shall be provided to the Development Review Board prior to the Board's first regularly scheduled meeting following DHPDRC review, unless the project addressed in the application is also subject to Site Plan, Preliminary Plan, and/or Conditional Use review, in which case the DHPDRC's recommendation shall be presented prior to the first hearing conducted in conjunction with such review.

805A.4 The DHPDRC shall forward a written report and recommendation to the Development Review Board within 15 days after completion of the DHPDRC review. The report shall describe whether the proposed demolition satisfies the standards below, and may include alternatives to demolition or removal of the structure.

805A.5 When considering a proposal to demolish a structure within the Village Center Overlay Zones, the Development Review Board shall consider the following standards:

(a) For structures identified in any of the following references: Historic Sites and Structures Survey, Danville, Book X and Y, prepared by the Vermont Division for Historic Preservation, or which are listed on or eligible to be listed on the National Register of Historic Places, or identified as historical significant by the Danville Vermont Historical Society, the Development Review Board may approve the proposed demolition, if:

1A. The Development Review Board must find that the structure proposed for demolition has deteriorated to the degree that rehabilitation and reuse of the structure is not feasible. It is the burden of the applicant to demonstrate that no feasible alternative to demolition, including rehabilitation, preservation, or relocation, exists, or

1B. The Development Review Board must find that the proposed redevelopment of the site after the demolition will provide a clear and substantial benefit to the community as a whole. It is the burden of the applicant to demonstrate that such a benefit will result

and all of the following conditions are met:

2. The demolition and redevelopment proposal mitigates, to the greatest extent practicable, any impact on historic structures on the subject property or adjacent properties;
3. All historically and architecturally important design features, construction techniques, examples of craftsmanship, and materials, have been properly documented using applicable standards of the Historic American Building Survey and made available to historians, architectural historians, and others interested in Danville's architectural history, and
4. The applicant has an approved redevelopment plan which provides replacement structures that are compatible with the historic integrity and the architectural character of the surrounding area. Note: This requirement may be waived if the applicant agrees to place a deed restriction on the property limiting it to open space or recreation uses for the community at large.

(b) For structures not listed in the references noted in sub-section (a) demolition may be approved if the Development Review Board finds that:

1. The proposed demolition shall not adversely impact the character and context of other historic structures on the subject property or on adjacent properties, including those separated by roads.
2. The development proposed to replace the demolished structure shall not have an adverse impact on the architectural and historical context of the overlay district.

(c) If the Development Review Board finds that the proposed demolition does not meet the standards set forth in sub-paragraphs (a) or (b), it may deny the application or impose a delay of up to six months, during which time the applicant shall be directed to explore alternatives to demolition, including, but not limited to, renovation, preservation, or relocation of the structure. At the end of such delay, the Development Review Board shall convene a second hearing to consider the proposed demolition.

1. If the applicant demonstrates that a reasonable effort to find alternatives to demolition has been made, and all other applicable requirements have been met, the demolition may be approved.
2. If the applicant cannot demonstrate that a reasonable effort to find alternatives to demolition has been made, the demolition shall be denied.

(d) If a structure for which demolition has been proposed has been damaged in excess of 70 percent of its assessed value due to flood, fire, wind, or other act of God, permission for the demolition may be granted by the Zoning Administrative Officer, without prior review by the DHPDRC or Development Review Board. It is the burden of the applicant to demonstrate that this requirement is met before the Zoning Administrative Officer may act.

### **Section 806: DRB Hearing**

806.1 Notice of any public hearing must be given not less than 15 days prior to the date of the public hearing.

806.2 All applications or appeals that come before the Development Review Board during a public hearing will be conducted and concluded in a public hearing within 60 days of the more recent of either occurrence:

- (a) the date the Zoning Administrator refers the application to the Development Review Board, or
- (b) the date the Clerk of the Development Review Board receives the names and addresses of abutting property owners.

806.3 Warning of the abovementioned hearings shall be issued accordingly:

- (a) by publishing the date, place and purpose of the hearing in a local newspaper of general circulation; and
- (b) by posting the same information in 3 or more public places within the Town of Danville, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and
- (c) by written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, clearly identify how and where additional information may be obtained, and state that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

806.4 All meetings and hearings of the Planning Commission and the Development Review Board, except for deliberative sessions, shall be open to the public and conducted in accordance with adopted Rules of Procedure and Vermont's Open Meeting Law.

806.5 In any public hearing, the Secretary of the Development Review Board or the Planning Commission shall keep a record of the name and address of each person present and note who participated as defined in Statute as offering through oral or written testimony, evidence or a statement of concern related to the subject proceeding. Only Interested Persons who have participated in a Development Review Board public hearing may appeal its decision to the Environmental Court.

806.6 The Zoning Administrator shall not issue a zoning permit for any use or structure except for one- and two-unit dwellings until the Development Review Board grants site plan approval after public notice and hearing and in accordance with 24 V.S.A. §4416. In reviewing site plans, the Development Review Board or the appropriate municipal panel may impose appropriate safeguards with respect to the following;

- (a) adequacy of parking,
- (b) traffic access and circulation for pedestrians and vehicles,
- (c) landscaping and screening,
- (d) protection of the utilization of renewable energy resources,
- (e) exterior lighting,
- (f) size, location, and design of signs,

- (g) erosion and sedimentation control,
- (h) snow removal,
- (i) trash and dumpster location.

806.7 Conditional Uses are subject to Site Plan Review and Site Visit by the Development Review Board to ensure that the proposed use meets the development standards in the Town of Danville Zoning Bylaw and is appropriate for any given site in a zoning district. After public notice and hearing, the Development Review Board or the appropriate municipal panel shall determine if a proposed conditional use has the potential to have an undue adverse effect on the following;

- (a) capacity of existing or planned community facilities,
- (b) character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan,
- (c) traffic on roads and highways in the vicinity,
- (d) bylaws in effect with special reference to this zoning bylaw, and
- (e) utilization of renewable energy resources.

806.8 In permitting a conditional use, the Development Review Board or the appropriate municipal panel may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include the following;

- (a) increasing the required lot size or yard dimensions in order to protect adjacent properties,
- (b) limiting the coverage or height of buildings or plantings because of obstruction of view or reduction of light or air to nearby properties,
- (c) controlling the location and number of vehicular access points to the property,
- (d) increasing road width,
- (e) increasing the number of off-street parking or loading spaces required,
- (f) limiting the number, location, and size of signs,
- (g) requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area,
- (h) specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use,
- (i) requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.

806.9 As a condition of the grant of a conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of 24 V.S.A. and this zoning bylaw.

806.10 Change of use, expansion or contraction of land area or expansion of structures for uses which are designated as conditional uses within the district in which they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

806.11 The Development Review Board may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

806.12 Any action or decision of the Planning Commission or the Development Review Board must be agreed upon by a majority of the appointed members.

806.13 In accordance with 24 V.S.A. §4464(b), the Development Review Board shall issue all decisions within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46<sup>th</sup> day.

806.14 All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

806.15 In rendering a decision in favor of the applicant or appellant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement these regulations and the town plan currently in effect.

806.16 [The Zoning Administrator shall send a](#)All decisions ~~shall be sent~~ by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. [The Zoning Administrator shall also mail](#) ~~C~~copies of the decision ~~also shall be mailed~~ to every person appearing who participated at the hearing, and file [copies of the decision](#) ~~with the Zoning Administrator and Clerk~~ as part of the public record of the Town of Danville.

### **Section 807: Zoning Permits**

807.1 Zoning permits and letters of denial shall include a statement of the time within which appeals may be taken under Section 308 of this bylaw; and shall require posting of a notice of permit, on a form prescribed by the Town of Danville. The Zoning Administrator shall post this notice of permit within view from the public right-of-way nearest the subject property until the time for appeal has expired.

807.2 The Zoning Administrator, within 3 days of the date of issuance shall:

- (a) deliver a copy of the zoning permit to the Town of Danville Listers,
- (b) request the Road Foreman to review and perform a Site Visit if necessary, and report back on permit requests that fall within the Town of Danville road right of ways such as curb cuts, fences, hedges, mail boxes, etc.
- (c) post a copy of the permit in the Town of Danville town offices for a period of 15 days from the date of issuance.

807.3 No zoning permit shall take effect until the time for appeal under Section 809 of this bylaw has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

807.4 Zoning permits shall remain in effect for two years from the date of issuance. All development authorized by the permit shall be substantially commenced within this two-year period or reapplication shall be required to continue development.

807.5. Within 30 days of the issuance of a zoning permit, the Zoning Administrator shall deliver the original, a legible copy, or a notice of the permit to the Danville Town Clerk for recording in the Town of Danville land records.

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

- (1) All permits issued in areas covered by this bylaw;
- (2) Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area;
- (3) All flood proofing and other certifications required under this regulation; and,
- (4) All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

### **Section 808: Certificate of Compliance**

808.1 No use of any land or structure may commence until the Zoning Administrator has issued a Certificate of Compliance.

808.2 When the Zoning Administrator issues a zoning permit, he or she shall also issue an application for a Certificate of Compliance. Prior to the use of the land or structure, the applicant shall submit a completed Certificate of Compliance application to the Zoning Administrator.

808.3 At the time the application for a Certificate of Compliance is submitted, the applicant shall also submit a copy of the septic permit if applicable from the State of Vermont, or a letter of determination stating that no such permit is required.

808.4 A Certificate of Compliance shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the Zoning Administrator determines that the project has been fully completed in conformance with all such approvals and permits.

808.5 Within 30 days of receipt of the application for a Certificate of Compliance, the Zoning Administrator or their delegate may inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. If the Zoning Administrator fails to either grant or deny the Certificate of Compliance within 30 days of the submission of an application, the Certificate of Compliance shall be deemed issued on the 31st day.

### **Section 809: Appeals**

809.1 Interested Persons are defined under 24 V.S.A. §4465 as:

- (a) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case,
- (b) The Town of Danville or any adjoining municipality,
- (c) A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that

the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the Town of Danville Town Plan and / or Zoning Bylaw,

(d) Any 10 voters or property owners within the Town of Danville who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the Town of Danville Town Plan and / or Zoning Bylaw, and

(e) Any department or administrative subdivision of the state owning property or any interest therein within the municipality, and the Vermont Agency of Commerce and Community Development.

809.2 Any Interested Person may appeal a decision or act of the Zoning Administrator or Development Review Board within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by filing a copy of the notice with the Zoning Administrator. A notice of appeal filed under this section shall be in writing and include the following information:

(a) the name and address of the appellant,

(b) a brief description of the property with respect to which the appeal is taken,

(c) a reference to applicable provisions of these regulations,

(d) the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and

(e) the alleged grounds why such relief is believed proper under the circumstances including any new facts or concerns.

809.3 The Development Review Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. §4468. The Development Review Board shall give public notice of the hearing under Section 310 of this bylaw, and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

809.4 The Development Review Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Development Review Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts presented by or on behalf of the appellant.

809.5 All appeal hearings shall be open to the public and shall be conducted in accordance with the Development Review Board's rules of procedures, as required by 24 V.S.A. §4461. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Development Review Board from time to time, provided that the date, time, and place of the continuation of the hearing are announced at the hearing.

809.6 A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the the Town of Danville, in accordance with Section 310 of this bylaw. If the Development Review Board fails to issue a decision within this 45-day period, the appeal will be deemed approved and shall be effective on the 46th day.

809.7 Appeals to Environmental Court:

(a) In accordance with 24 V.S.A. §4471, an interested person who has offered oral or written testimony in a hearing of the Development Review Board may appeal a decision within 30 days of such decision, to the Vermont Environmental Court.

(b) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Zoning Administrator of the Town of Danville, who shall supply a list of persons who have offered oral or written testimony (including the applicant if not the appellant), to the appellant within 5 working days.

(c) Upon receipt of the list of persons referenced in paragraph 2 above, the appellant shall, by certified mail, provide a copy of the notice of appeal to every person on said list. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.