

Article I, Section 10. Purpose

Current: The purpose of the Zoning Bylaws is to protect the Village’s historical and cultural sites; to preserve the existing appearance of the Village as a community predominantly composed of older, single-family dwellings of eighteenth and nineteenth century design; to ensure that any future development complies with Design Review provisions; to preserve the existing low population density and ample open space; to limit commercial activity to the few existing commercial uses; to provide adequate public facilities for present and future growth; to provide for public safety, well-being and convenience, and to channel future development towards these purposes.

Proposed:

The purpose of the Zoning Bylaws is to:

1. Protect the Village’s historical and cultural sites.
2. Preserve the existing appearance of the Village while providing appropriate future land uses, densities, and intensities of development.
3. Ensure that any future developments comply with established Design Review Criteria and reflect eighteenth and nineteenth century design.
4. Preserve open space and protect the value of property.
5. Preserve the Village quality of life and enhance the sense of community.
6. Limit commercial activity.
7. Provide adequate public facilities for present and future growth.
8. Provide for public safety, well-being, and convenience, and to channel future development toward these purposes

Article II, Section 20 Definitions

Current:

DWELLING UNIT, ACCESSORY – An efficiency or one bedroom dwelling unit located within, or appurtenant to, an owner-occupied one-family dwelling, that is clearly subordinate to the one-family dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation; provided that the property has sufficient wastewater capacity, and that the unit does not exceed 30 percent of the total habitable floor area of the one-family dwelling, but is at least 400 square feet in floor area.

Proposed:

ACCESSORY DWELLING UNIT – An apartment or dwelling unit that is clearly subordinate to a primary dwelling unit of which it is a part or appurtenant to, provided such accessory dwelling unit has facilities and provisions for independent living including sleeping, food preparation, and sanitation and provided compliance with all the following:

1. The unit does not exceed 30% of the total habitable floor area of the primary dwelling or is 900 square feet, whichever is greater.
2. The unit meets all setbacks, coverage, water, wastewater, and parking requirements.
3. The unit complies with all fire safety and other building code requirements.

Current:

LAND DEVELOPMENT – The division of a parcel into two or more parcels, the construction, 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.

Proposed:

LAND DEVELOPMENT – The division of a parcel into two or more parcels. The construction, reconstruction, demolition, conversion, structural alteration, installation, 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; any commercial use of land in the Village.

Article IV General Regulations, Section 44 A

Current:

Accessory dwelling units within a one-family dwelling: An accessory dwelling unit, located within a one-family dwelling, is permitted as a use subordinate to the one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, wastewater and parking requirements, does not exceed 30 percent of the total habitable floor area of the one-family dwelling, but is at least 400 square feet in floor area.

Proposed:

Accessory dwelling units within a one-family dwelling: An accessory dwelling unit, located within a one-family dwelling, is permitted as a use subordinate to the one-family dwelling, provided such accessory dwelling unit meets all applicable setbacks, coverage, wastewater, and parking requirements, does not exceed 30 percent of the total habitable floor area of the one family dwelling, or 900 square feet in floor area, whichever is greater. ADU's must comply with and present current fire safety and building code compliance documentation and must present annual certification of all safety inspections.

Article V Residential District, Section 51 A - Conditional Uses

Current: A. Two-family dwellings and multifamily dwellings provided the following conditions are met:

1. The dwelling shall be at least twenty-five years old; and
2. The conversion shall be made without major changes to the exterior of the dwelling, and shall comply with the design review provisions of this bylaw; and
3. The dwelling shall contain at least 1600 square feet for a two-family dwelling and 2200 square feet for a multifamily dwelling, exclusive of additions made within two years of the application; and
4. One dwelling unit in each such two-family or multifamily dwelling shall have a floor area of at least 1000 square feet. Each additional dwelling unit shall have a floor area of at least 400 square feet.
5. Each dwelling unit shall be connected to the sanitary sewer system or conform to the sanitary code, if any; and
6. Adequate off-street parking shall be provided for all dwelling units; and
7. No signs shall be erected advertising the dwelling in any way; and
8. At least one of the dwelling units shall be occupied by the owner, or the owner's "onsite" manager

Proposed:

Multifamily dwellings provided the following conditions are met:

1. The structure shall be at least twenty-five years old.
2. The conversion shall be made without major changes to the exterior of the structure and shall comply with the design review provisions of this bylaw.
3. One dwelling unit in each multifamily structure shall have a floor area of at least 1000 square feet. Each additional dwelling unit shall have a floor area of at least 400 square feet.
4. Each dwelling unit shall be connected to the sanitary sewer system or conform to the sanitary code, if any.
5. Adequate off-street parking shall be provided for all dwelling units.
6. No signs shall be erected advertising the dwelling in any way.

Article V, Section 54 C – Illumination

Current: ILLUMINATION: Except as specifically authorized herein, exterior lighting shall not be used to illuminate structures or parts of structures (as defined in 24 V.S.A. Section 4303), nor signs, lawns, lawn ornaments, shrubbery, driveways, or walkways for the purpose of (1) drawing attention, or (2) to deter theft.

1. Lamp posts installed on private property are subject to design review by the Planning Commission, and shall not exceed seven feet in height, unless the Commission determines that a taller installation is appropriate as being in proportion to, and consistent with, the scale of the residence.
2. This provision shall not prevent the use of porch lights, entrance lights, small and dim lights marking the edges of driveways or walks, municipal streetlights, seasonal holiday decorations or pre-existing nonconforming lighting.
3. Illuminated seasonal decorations may be installed for a total period of six weeks, and shall be removed no more than two weeks after the holiday.
4. Exterior, motion activated lighting in excess of 25 watts or equivalent lumens is prohibited if visible from the street or by adjacent neighbors.
5. Exterior lighting of structures or parts thereof, where such lighting constitutes a - legally permitted non-conforming use, shall not be changed, moved, increased in intensity or hours of use, or number of lights, changed in color of light, or changed in design or location, without the approval of the Zoning Board of Adjustment pursuant to Section 60 of these bylaws.

Proposed:

ILLUMINATION:

1. Purpose

- a. Permit the use but also provide limits for outdoor lighting that does not exceed the minimum levels specified in the Illuminating Engineering Society of North America recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- b. Minimize adverse offsite impacts of light trespass and obtrusive light.
- c. Reduce energy use by directing appropriate amounts of light where and when it is needed and using energy efficient light sources.
- d. Prevent light trespass, glare, and sky glow by requiring light fixtures to be appropriately shielded and aimed.

2. Applicability

- a. All outdoor lighting not exempted in 2.c must be installed, used, and maintained in accordance with the provisions of this section. These are minimum standards for outdoor lighting and the Planning Commission may specify additional requirements for outdoor lighting as necessary for the purposes of this section including, but not limited to time limits, bulb types, fixture height, brightness, and use of sensors.
- b. Except as specifically authorized herein, exterior lighting shall not be used to illuminate structures or parts of structures (as defined in 23 V.S.A Section 4303, nor signs, lawns, lawn ornaments, shrubbery, driveways, or walkways for the purpose of (1) drawing attention to or 2) to deter theft.

c. This provision shall not prevent the use of porch lights, entrance lights, small and dim lights marking the edges of driveways or walks, municipal streetlights, or seasonal holiday decorations. All outdoor lighting installed after the date of effect of this Bylaw shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, or any other location.

3. General Requirements

a. Lamp posts installed on private property are subject to design review by the Planning Commission, and shall not exceed seven feet in height, unless the Planning Commission determines that a taller installation is appropriate as being in proportion to, and consistent with, the scale of the residence.

b. Exterior lighting of structures or parts thereof, where such lighting constitutes a legally permitted non-conforming use, shall not be changed, moved, increased in intensity or hours of use, number of lights, changed in color of light, or changed in design or location, without the approval of the Zoning Board of Adjustment pursuant to Section 60 of these Bylaws.

c. For residences including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed 420 lumens. Total exterior luminaires shall not exceed 2500 lumens without review and approval from the Planning Commission.

d. Outdoor light fixtures must be located, oriented, and shielded as necessary to prevent glare and light trespass on adjacent properties and rights of way.

e. Other than entrance lights, outdoor lighting should not be visible between 11:00 PM until 6:00 AM, unless otherwise necessary and approved by the Planning Commission.

f. Illuminated seasonal decorations may be installed for a total period of six weeks and shall be removed no more than two weeks after the holiday.

g. Except as specifically authorized herein, exterior lighting shall not be used to illuminate structures or parts of structures (as defined in 24 V.S.A. Section 4303), nor signs, lawns, lawn ornaments, shrubbery, driveways, or walkways for the purpose of (1) drawing attention, or (2) to deter theft.

h. This provision shall not prevent the use of porch lights, entrance lights, small and dim lights marking the edges of driveways or walks, municipal streetlights, seasonal holiday decorations or pre-existing nonconforming lighting.

i. Exterior, motion activated lighting more than 25 watts or equivalent lumens is prohibited if visible from the street or by adjacent neighbors.

Article V, Section 55 – Off Street Parking Requirements

Current:

A. The provisions of this section shall apply prospectively only to new structures or to applications made pursuant to Sections 60(C) or 61 of this bylaw.

B. Parking facilities off the street or highway right-of-way shall be provided on the same lot as the structures or use they serve and shall provide for not less than the minimum number of parking spaces set forth below, exclusive of driveways and ramps necessary for access:

1. For dwellings, two parking spaces per dwelling unit.

2. For restaurants, theaters, assembly halls or churches, one space for each three seats and one space for each person normally employed at one time;

3. For places of public assembly or public recreation not otherwise listed, one space for each three legal occupants plus one space for each person normally employed at one time;

4. For inns, one space for each sleeping room.

C. Required minimum parking facilities shall have adequate all-weather surfacing, capable of free and safe movement of all vehicles customarily using the facility.

Proposed:

A. Parking facilities off the street or highway right-of-way shall be provided on the same lot as the structures or use they serve and shall provide for not less than the minimum number of parking spaces set forth below, exclusive of driveways and ramps necessary for access:

1. For dwellings, one parking space per dwelling unit.

2. For restaurants, theaters, assembly halls or churches, one space for each three seats and one space for each person normally employed at one time.

3. For places of public assembly or public recreation not otherwise listed, one space for each three legal occupants plus one space for each person normally employed at one time.

4. For inns, one space for each sleeping room.

B. Required minimum parking facilities shall have adequate all-weather surfacing, capable of free and safe movement of all vehicles customarily using the facility.

Article VII - Special Regulations, Section 70 – Parking

Current: Overnight parking is restricted to driveways. Parking that blocks a sidewalk or public walkway is prohibited. Parking on landscaped areas is prohibited unless on a temporary basis. Any such parking for a period in excess of seven (7) days requires the express approval of the Administrative Officer.

Proposed: Overnight parking is restricted to driveways and designated parking areas. Parking that blocks a sidewalk or public walkway is prohibited. Parking on landscaped areas is prohibited unless

on a temporary basis. Any such temporary parking for a period of more than two (2) days requires the express approval of the Administrative Officer.

Article VIII – Administration and Enforcement, Section 82 Zoning Permits – A,E,F,G,H

Current: A zoning permit must be obtained from the Administrative Officer, subject to Planning Commission approval, before any of the following may occur:

- A. Land development, as defined in 24 V.S.A 4303(10) and Section 20 of these bylaws.
- B. Any land or building that is devoted to a new or changed use, including the addition of an apartment to a single-family residence, or an accessory building.
- C. New construction, as defined in Section 20.
- D. Alterations to structures, as defined in Section 20, except those alterations qualifying as “Repair(s)” or “Replacements in Kind,” as defined in Section 20.
- E. Any change in exterior color.
- F. Removal of trees over 6” diameter breast height (DBH) located forward of the building line of the principal building within any yard fronting a street, and which are also within 150’ of the street right-of-way. Removal of dead trees does not require a permit.
- G. On a vacant lot, removal of more than 20% of trees over 6” diameter breast height (DBH) unless the removal is being done under a forest management plan prepared by a licensed forester. On an occupied lot, removal of more than 20% of trees forward of the building line of the principal building in any yard fronting a street. Removal of trees or plantings in the back or sides of the property should be considered in conjunction with an assessment of the contributions they offer to the overall character of the neighborhood, as well as, to the privacy and/or other concerns of the adjoining neighbors.
- H. Razing of a building.

Proposed:

A zoning permit must be obtained from the Administrative Officer, subject to Planning Commission approval, before any of the following may occur:

- A. The construction, reconstruction, conversion, structural alteration, relocation, enlargement, or demolition of any building or structure including the installation of structures, retaining or landscape walls, fencing, fuel tanks, HVAC equipment, or other exterior features on a lot.
- B. Any land or building that is devoted to a new or changed use, including the addition of an apartment to a single-family residence, or an accessory building.
- C. New construction, as defined in Section 20.
- D. Alterations to structures, as defined in Section 20, except those alterations qualifying as “Repair(s)” or “Replacements in Kind,” as defined in Section 20.

E. Any change in the color or material makeup of the exterior of a building or structure.

F. Removal of certain trees: The removal of trees or plantings on a property should be considered in conjunction with an assessment of the contributions that they offer to the overall character of the neighborhood, as well as to the privacy and/or concerns of the adjoining neighbors (see also 97 P.) Tree removal is subject to the following provisions:

a. Removal of dead trees, not in the public way, does not require a permit. For purposes of this bylaw, a tree that has been certified in writing as not yet dead, but clearly dying or dangerous, by a certified tree professional may be considered dead.

b. A zoning permit is required for removal of 20% or more of trees with a diameter of breast height (DBH) of 6" or over, within each of the following zones:

i. The property as a whole.

ii. The area between the street facing building line of the lot's principal building and the public right of way; or

iii. The area within 25' of a side or rear property line.

c. Removal of any tree within the public right of way (the area within 25' from the center of the roadway) requires a Zoning Permit as well as the approval of the Village Tree Commissioner. A dead tree can be removed on the authority of the Tree Commissioner. However, removal of a live tree requires the approval of the Tree Commissioner and a warned public meeting.

i. Should a homeowner not approach the Village about the removal of a dead tree in the public right of way, the Village can choose to approach the homeowner and request removal of a dead tree which is deemed a public hazard. If the homeowner does not remove the tree, the Village may have the tree removed and bill the homeowner for the cost.

ii. On a vacant lot, removal of more than 20% of trees over 6" DBH is allowed under a forest management plan prepared by a licensed forester, but this plan must be submitted for review by the Village Zoning Administrator.

As stipulated in Section 89 (B), in addition to any fines that may be imposed in connection with a tree removal violation, the owner or owners of the property may be required to restore the property to its prior condition, or otherwise cure the violation.

G. Planting new trees or large shrubs in the public right of way. These permit applications will be considered by the Village Tree Commissioner.

H. On a vacant lot, removal of more than 20% of trees over 6" diameter breast height (DBH) unless the removal is being done under a forest management plan prepared by a licensed forester

I. Razing of a building. See Section 97 V for specific criteria for demolition of historic buildings and structures.

Article IX – Design Review, Section 96 D – General Criteria

Current: D. Design Review also regulates the following objects and construction: lawn decorations, swimming pools, artificial ponds, patios, awnings, walks and driveways, trees and landscaping, roads, gutters, sidewalks, lighting, signs, trees, shrubbery, energy installations, utility lines and poles, as well as historical markers, monuments and statues.

Proposed: D. Design Review also regulates the following objects and construction: lawn decorations, swimming pools, artificial ponds, patios, awnings, walks, driveways and additional parking areas, trees and landscaping, roads, gutters, sidewalks, lighting, signs, trees, shrubbery, as well as historical markers, monuments, and statues.

Article IX – Design Review, Section 97 – Specific Criteria

Current: New buildings, additions, alterations, and/or restorations to existing buildings shall exhibit architectural principles of perpendicularity, parallelism and symmetry. Buildings shall be parallel with, and/or perpendicular to, the street.

Proposed: New buildings, additions, alterations, restorations, repairs and replacements in kind to existing buildings shall exhibit architectural principles of perpendicularity, parallelism and symmetry. Buildings shall be parallel with, and/or perpendicular to, the street.

Article IX – Section 97 – F,G,N,Q,T,V

F. Doors

Current: Doors: The principal entrance door on the street side of the building shall have raised wooden panels and trim appropriate to the architectural style of the building, and paint color shall be in all ways appropriate.

Proposed: Doors: The principal entrance door on the street side of the building shall have raised wooden panels and trim appropriate to the architectural style of the building. No change to primary entryway(s) on the front façade of a contributing historic structure(s) shall be allowed.

G. Windows

Current: Windows shall generally be double hung wood windows, with true divided lites, or with simulated divided lites with muntins applied to both sides of the glass, appropriate to the architectural style of the building avoiding the use of vinyl, aluminum, or other inappropriate materials. Side, transom, or fan-lights shall also be in a style appropriate to the building. It is inappropriate to install new or replacement windows with applied internal grids to imitate multiple panes.

1. Glazing – Only clear, colorless glass may be used.

2. Trim – Windows in wood walls shall have projecting sills, and trim on all sides, with a minimum width of 3-1/2 inches. Windows in brick or stone walls shall have brick- mould trim, sills shall be stone or brick, and lintels shall be stone or flat-arched brick.

Proposed: Add the following:

Changes to existing window fenestration on front or street view façade will generally not be permitted.

Site Elements

Current:

- 1. Building Setback – Building setbacks shall conform to the setback provisions of this bylaw.
- 2. Walkways and Driveways – Walkways shall be parallel or perpendicular to the street, and paved with marble or concrete. Driveways shall be no more than 12 feet wide. Driveways shall be paved, or may be unpaved with pea gravel topping, provided a proper base is installed to prevent washout and rutting. Curbing shall not be used.
- 3. Exterior lighting – Outside lighting shall be limited to entry doors and associated walks. Posts, lamps or lanterns next to doorways shall be replicas of early nineteenth century designs, compatible with the style of the building, and shall be copper, brass, or painted black

Proposed: Add the following:

4. New parking areas must be located at the rear of primary structures wherever possible and screened from view of the sidewalk, street, and neighboring properties. Parking areas must be at least 50 feet from abutting neighboring property lines and certify that appropriate drainage and runoff design has been implemented. The property owner shall be liable for run-off or other damage to neighboring properties caused by parking area under this bylaw.

Q. Solar Installations

Current: Solar Installations: 31 1. Ground installations shall be installed in locations that minimize their visibility, such as a side or rear yard, and be screened from view of streets, public rights-of-way, and adjoining properties. 2. Solar panels and other roof-or-wall-mounted structures shall not be placed in a location that can be seen from the street or by neighbors. 3. Roof - or building-mounted systems on an historic building shall not physically damage the structure, alter its character-defining features, including existing roof lines or dormers, nor obstruct significant architectural features, such as overlaying windows or architectural detailing. Attachment points must be minimized and allow for future removal. 4. Roof-mounted installations shall be placed below and behind parapet walls and dormers, on rear-facing roofs where feasible. Panels are to be mounted flush with, and at the same angle as, the existing roof surface and, on flat roofs, set back from the roof edge to minimize visibility. Setbacks: Except for transmission and distribution lines and utility connections, all energy facilities including substations, commercial, utility and net-metered generation facilities and accessory structures must meet minimum setback requirements for the land use districts in which they are located. 5. Solar technology is improving. New products

or applications that are substantially less intrusive and noticeable than available presently may not be subject to all the provisions outlined above.

Proposed: Remove entire section pending adoption of Enhanced Energy Plan

T. Fences and Walls

Current: Fences and Walls: Fences and walls shall be parallel and/or perpendicular to the street, or parallel to the lot lines. Ornamental walls and fences shall have a maximum height of 48". Walls shall be solid, made of stone, and unpainted. Ornamental fences may be approved for 32 location along boundary lines, or to divide parts of a lot, provided they are constructed of wood or wood composites, are picket and rail design, and are painted white. Fences may only be proposed for installation in the interior of properties, for purposes such as confining animals or protecting children from swimming pools, and provided they are screened from view from adjacent streets or nearby residences.

Proposed: Fences and Walls: Fences and walls shall be defined as structures parallel and/or perpendicular to the street, or parallel to the lot lines for the bylaws herein. Fences and walls may consist of materials laid forth. All fences and walls need pre-approval from the Planning Commission before beginning construction, otherwise the property owner may be responsible for fines and/or removal costs.

Setbacks:

1. Fences and walls may be located within side, rear, or front setbacks and may be approved for locations along boundary lines or to divide parts of a lot.
2. Fences may only be proposed for installation in the interior of property lines for purposes such as enclosing animals, protecting children from swimming pools, enclosing tennis courts, gardens or patios.
3. Fences and walls in interior property lines should be adequately screened by landscaping to be less visible from the street and abutting properties.

Height:

1. Ornamental walls and fences shall have a maximum height of 48" and must not obscure vision above 36" at any road intersection. 2. Tennis court enclosure may be 8' in height provided it meets Setback criteria.

Materials:

1. Ornamental walls shall be solid, made of stone and unpainted.
2. Fences shall be constructed in 2 styles:
 - A. Wood or wood composite, in a picket or post and rail design, and painted white.
 - B. Unpainted split rail fencing with or without wire mesh.

C. Fences located on the front or with a street view should be picket design with wood/wood composite and painted white.

3. Tennis court enclosures should be constructed of wood posts with coated wire mesh and must be landscaped.

4. Gate design to be approved by the Planning Commission when visible from the street.

5. Fences must be constructed so that any support posts are inside and “finished” or “good” side is facing out.

6. Fencing must not be constructed of barbed or razor wire or similar materials capable of inflicting injury.

A temporary fence may be erected on an owner’s property under the following conditions:

1. The property is at high risk for trespassing and vandalism.

2. Demolition, renovation, or new construction presents a safety issue for pedestrians on public sidewalks.

3. The fence is removed after no more than a 6-month period, unless renewed by the Planning Commission.

4. The fence material, dimensions and height are approved by the Planning Commission. The Planning Commission may consider deviations from the above criteria. Considerations will be guided by the context of the property and neighborhood and what is appropriate in terms of sighting, style, scale, materials and landscaping.

Section 97 Proposed Addition V

Existing historic buildings and structures must be retained.

1. A severely damaged or deteriorated contributing historic building or structure shall not be demolished without the approval of the Planning Commission upon concluding that the building or structure cannot be practically or economically (compared to replacement costs) restored.

2. Certification by an engineer, architect, or other professional with historic preservation expertise that the building or structure cannot be practically or economically (compared to replacement costs) restored shall be required for an application to demolish a contributing historic structure. However, such certification is not binding upon the Planning Commission.