

Town of South Hero, Vermont Planning Commission Report in accordance with VSA Title 24, Chapter 117, Subchapter 9, §4441(c).

Amendments to Development Regulations
Adopted on September 13, 2011.

PURPOSE:

The purpose of the bylaw is to implement the South Hero Town Plan and to carry out the overall goals and vision of that plan. This bylaw also furthers the purposes of the Vermont Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act) to promote the health, safety and general welfare of the inhabitants of South Hero, Vermont.

EXPLANATION:

The following is a summary of proposed amendments to the Town of South Hero Development Regulations adopted by the Selectboard and effective on September 13, 2011.

The proposed amendments conform with or further the goals contained in the 2015-2020 South Hero Town Plan. The Development Regulations have been merged into one document titled "Development Regulations for the Town of South Hero, VT." The regulations have been organized to provide for easier use by staff, board members, and the public. Language throughout the regulations has been revised to provide additional clarity and to provide mandatory, enforceable language. Two new village zoning districts have been created: the South Hero Village District and the Keeler Bay Village District. The intent of these districts is to ensure that future development reflects the historic, traditional pattern of development in these areas.

The proposed amendments are compatible with the proposed future uses and densities of the 2015-2020 South Hero Town Plan. Most major areas of change are listed below:

Article I – Enactment, Intent, Amendment, and Effective Date

- (1) Integrated language that clarifies the **jurisdiction** of the regulations. (Section 103)
- (2) Refined the language applicable to **separability** (Section 106).

Article II – Zoning Districts and District Regulations

- (1) Created **two new village zoning districts**: the South Hero Village District and the Keeler Bay Village District. The intent of these districts is to ensure that future development reflects the traditional, historic development patterns in these areas (Section 203).
- (2) Refined the purpose statement for the **Rural Residential District** to ensure that future development in this district is focused on residential development (Section 203).
- (3) Added a purpose statement for the River Corridor Area located with the **Flood Hazard Overlay District** (Section 203). See Article IX for additional information.
- (4) Added a subsection that differentiates between different types of land **uses**. Clarified that uses that are not defined in the bylaw may be applied for subject to conditional use review (Section 204).

- (5) Substantially revised **Table 2.1**. Several new uses were added to the table. Most commercial uses will now be subject to site plan review. However, many commercial uses located in the new village district will now be permitted uses, not conditional uses (Section 204).
- (6) Added a section that provides clarity about terminology used in regards to **structures** (Section 205).
- (7) Revised setbacks standards and added **dimensional requirements** for the two new village districts (Section 206).
- (8) Provided clarity about how to measure **setbacks** (Section 206).

Article III – Development Review

- (1) Section 301: **Zoning Permit Procedure** contains mostly new language. The intent of this section was to clearly explain to users of the document what types of development review may be required for their project and to outline the process to obtaining the correct permits. This section also includes language about **exemptions** and **certificates of occupancy**.
- (2) Language explaining the applicability of **conditional use review** has been added. The standards used during conditional use review specifically reflect the standards in state statute (Section 302).
- (3) Figure 3.2 has been added to help the Development Review Board figure out if the impact of project constitutes an **“undue adverse effect.”** The “test” in Figure 3.2 can be used any time the development regulations refer to an “undue adverse effect.”
- (4) **Site plan review** language has also been updated to include a clearer applicability, application requirements and review standards (Section 303).
- (5) Added a **setback waiver**. Then intent was to simplify some existing regulation pertaining to nonconforming structures (Section 304).
- (6) Clarified the applicability, application requirements, and notice requirements of **variance** applications (Section 306).

Article IV – Subdivision and Boundary Line Adjustment Review.

- (1) Added an **applicability** section (Section 401).
- (2) Clarified **application materials** for all types of subdivision applications and added Table 4.1. Added Figure 4.1 to show the entire **subdivision process**. (Section 402).
- (3) Added a **waiver provision for the subdivision of large lots** which clarifies when a survey plat of entire parent parcel is required. (Section 402).
- (4) Reorganized the review procedure for **major and minor subdivisions** to provide clarity regarding the approval process (Section 404).
- (5) Clarified **subdivision plat requirements** and added **subdivision standards** (Section 405 and Section 408).
- (6) Clarified the **subdivision amendment process and subdivision expiration** (Section 406 and 407).

Article V – General Regulations

- (1) Added an **applicability** section (Section 501).
- (2) Substantially restructured the standards for **driveways and access to lots**. This includes provisions for access management, access to multi-household dwellings, and access for emergency vehicles (Section 503).
- (3) Simplified the standards for **nonconforming structures and nonconforming** uses without changing their intent (Section 505).
- (4) Clarified the applicability and standards for **outdoor lighting** (Section 506).
- (5) Clarified standards for **parking** for commercial and residential uses. Parking requirements are now generally based on square footage (Section 507).
- (6) Added general **performance standards** (Section 508).

Article VI – Development Standards

- (1) Added an **applicability** section for the development standards (Section 601).
- (2) Added specific standards that pertain to **landscaping and screening** (Section 602).
- (3) Added standards for the designs of **parking lots**. Clarified how shared and off street parking can be required and regulated in the Village Districts (Section 603).
- (4) Created a section dedicated to explaining how **public infrastructure** can be required and how it is controlled by the municipality (Section 604).
- (5) Clarified the standards for the design and constructions of new **roads and pedestrian infrastructure** (Section 605). This includes strengthening language related to the upgrade of private roads to private road standards.
- (6) Created new standards that clarify when a **stormwater management** plan is required and clarified what information is required to be a part of a stormwater management plan (Section 606).
- (7) Added **village form and design standards**. These standards outline how structures and lots within the village district shall be designed (Section 608).

Article VII – Specific Uses and Structures

- (1) Clarified standards that pertain to **accessory dwellings** appurtenant to single household dwellings and to farm operations (Section 701).
- (2) Added applicability, application requirements, and review standards for **earth resource extraction uses** (Section 702).
- (3) Clarified applicability of **fence** standards (Section 703).
- (4) Added clearer standards for **home businesses and home occupations**. Added standards for **home enterprises** that are larger in size than home occupations (Section 704).

- (5) Clarified the applicability of standards for **lake access structures and marinas** (Section 705 and 706).
- (6) Clarified the rules for the **conversion of seasonal dwellings** for year-round use (Section 708).
- (7) Added standards, as required by statute, for **telecommunications facilities** (Section 709).

Article VIII – Administration and Enforcement

- (1) Updated the duties of the **Zoning Administrator** (Section 801).
- (2) Replaced the Zoning Board of Adjustment section with a section about the appointment, rules, and duties of the **Development Review Board** (Section 802).
- (3) Replaced the appointment and duties language for the **Planning Commission** to account for the creation of the Development Review Board (Section 803).
- (4) Updated the section about **zoning permit issuance and public notice**. Including additional administrative guidance and clarified when a certificate of occupancy required (Section 804).
- (5) Clarified how **combined reviews** will be completed by the Development Review Board and how the Board can continue hearings to another meeting (Section 805).
- (6) Clarified when **DRB approvals expire** (Section 806).
- (7) Provided language that clarifies the **appeal** application requirements and clears up the Development Review Board’s authority when there are successive appeals (Section 807).
- (8) Added a new section that explains how **violations** will be addressed and how enforcement will be pursued. This section includes a provision for the issuance of municipal tickets (Section 808).

Article IX – Flood Hazard Area and River Corridor Regulations

- (1) Removed all existing language pertaining to the regulation of the **Flood Hazard Area Overlay District**. Replaced language using an existing State model language that ensures compliance with minimum National Flood Insurance Program standards (Article IX). Added language regulating **River Corridors**, areas subject to fluvial erosion, as mapped by the Vermont Agency of Natural Resources.
- (2) Separated **definitions** specific to the Flood Hazard Overlay District from the rest of the definitions to ensure that users understand when specific definitions are applicable (Section 911).

Article X – General Definitions

- (1) Revised or added the following **definitions** (Article X):
 - a. **Abandoned Use**
 - b. **Affordable House**
 - c. **Agriculture or Farming**
 - d. **Agricultural or Farm Use, Commercial**
 - e. **Agricultural or Farm Use, Accessory**

- f. **Agricultural of Farm Use, Auxiliary**
- g. **Agricultural Practices, Required (RAPs)**
- h. **Bed and Breakfast**
- i. **Boundary Line Adjustment**
- j. **Building**
- k. **Building Envelope**
- l. **Child Care Home**
- m. **Child Care Facility**
- n. **Commercial Agricultural Operation**
- o. **Conditional Use**
- p. **Density**
- q. **Driveway**
- r. **Dwelling, Multi-household**
- s. **Dwelling, Single household**
- t. **Dwelling, Two household**
- u. **Dwelling Unit**
- v. **Earth Resource Extraction**
- w. **Excavation**
- x. **Fence**
- y. **Final Subdivision Plan and Plat**
- z. **Footprint**
- aa. **Frontage**
- bb. **Gas/Service Station**
- cc. **Height**
- dd. **Home Business**
- ee. **Home Industry**
- ff. **Home Occupation**
- gg. **Household**
- hh. **Lake Access Structure**
- ii. **Landscaping**
- jj. **Lodging Establishments**
- kk. **Lot Area**
- ll. **Lot Depth**
- mm. **Lot Width**
- nn. **Mean Lake Level**
- oo. **Minor Subdivision**
- pp. **Mobile Home Park**
- qq. **Motor Vehicle Repair**
- rr. **Motor Vehicle Sales**
- ss. **Nonconforming Structure**
- tt. **Nonconforming Use**
- uu. **Open Air Market**
- vv. **Open Space**
- ww. **Open Space, Common**
- xx. **Open Space, Private**
- yy. **Open Space, Public**
- zz. **Overlay District**
- aaa. **Personal Services**
- bbb. **Planned Unit Development**
- ccc. **Pre-existing Small Lot**

- ddd. **Recreation, Public**
- eee. **Renewable Energy Resources**
- fff. **Required Agricultural Practices**
- ggg. **Retail Establishemnt**
- hhh. **Road**
- iii. **Setback**
- jjj. **Storage Facilities**
- kkk. **Structural Alteration**
- lll. **Structure, Principal**
- mmm. **Subdivision Amendment**
- nnn. **Survey Plat**
- ooo. **Town Plan**
- ppp. **Undue Adverse Effect**
- qqq. **Use**
- rrr. **Use, Accessory**
- sss. **Use, Principal**

PUNCTUATION, WORDING, AND FORMATS HAVE CHANGED TO INCREASE CLARITY AND FUNCTION OF THESE BYLAWS AND REGULATIONS.

CONFORMANCE AND IMPLEMENTATION:

The proposed South Hero Development Regulations conform with and further the goals and policies contained in the South Hero Town Plan including all goals and policies pertaining to the availability of safe and affordable housing. This change has no detrimental effect upon, and is entirely compatible with, the proposed future land uses and densities of the South Hero Town Plan. The proposed changes do not inhibit nor carry out any specific proposals for any planned community facilities.