

Planning for Open Space

*Materials from "Planning for Open Space"
Workshop Series, June/July 1989
Prepared by Humstone Squires Associates*



Workshop co-sponsors:

Vermont Natural Resources Council

Vermont Land Trust

Vermont Association of Planning and Development Agencies

Vermont League of Cities and Towns

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OPEN SPACE PLANNING WORKSHOP
June/July 1989
Presentation by Humstone Squires Associates
171 St. Paul Street
Burlington, Vermont 05401

PLANNING FOR OPEN SPACE PROTECTION

Goals

- Through a process of public discussion and other participation, a consensus should be established around the idea of open space protection. The Act 200 goals provide a starting point for articulation of such a goal or goals.

Definition of Resource Type

- Open space types should be delineated and defined, and the community attitudes and preferences regarding each type should be gauged. Types might include:
 - 1.) Farmland; productive agricultural soils, farm parcels or working farms.
 - 2.) Forestland; multiple use, ie. timber harvesting, wildlife habitat, watershed management, recreation, aesthetic value.
 - 3.) Water resources
 - 4.) Natural or fragile areas
 - 5.) Recreation areas
 - 6.) Visually sensitive or scenic areas
 - 7.) Greenways, trails, and other corridors.

Resource Inventory

- Based upon the resource categories identified, an inventory of open spaces should be conducted. Techniques and sources include:
 - 1.) Existing maps; SCS, deeryards, wetlands, fragile areas, orthophotos
 - 2.) Windshield survey and other field reconnaissance
 - 3.) Interviews with experts and knowledgeable people.
- Evaluate resource areas to determine relative significance of various areas. Chances are that not all of the inventory can or necessarily should be conserved. Due to location or availability of services, some resource areas may be logical locations for development. Some may be of such extraordinary significance that its protection is imperative. Consider a LESA evaluation for farmland, and forestland if a system is available for the area.

A viewshed analysis can also be helpful. Expert appraisal of the importance of the various resource areas is useful.

Prepare Resource Mapping and Documentation

- The resource areas determined to be priorities for conservation should be mapped. An orthophoto base should be used to enable entry onto the GIS. Mapping may be somewhat generalized, but should reflect the land resource and not property ownership boundaries, except perhaps for recreation sites and working farms.
- Photographic documentation is valuable, particularly for scenic resources and visually sensitive areas.
- To the extent possible, ownership and area (acreage) of the various resource types should be documented.

Analysis

- The existing measures for protecting the open space resources should be identified.
- Threats to accomplishment of the goals for open spaces should be identified.
- A range of actions available for meeting the goals should be understood.

Incorporate the Documentation into the Town Plan as an Open Space Element.

- The process of goal setting, inventorying, analysis and mapping should be described in a narrative.
- The documentation should be supplemented with a section on the purpose of open space protection and an implementation section.
- The Open Space Element should be reviewed and adopted per Vermont law, to become part of the town's plan.

OPEN SPACE PROTECTION: REGULATORY APPROACHES

Introduction

- planning work done and resource identified, threats to resources are known
- community is now looking for the best approaches to address open space protection
- regulatory approaches will be just one part of the strategy for open space protection: others include voluntary actions, taxation, acquisition
- two major regulatory tools that will be discussed are zoning and subdivision regulations

Identification of Resource in the Regulations

- Designation of Resource as a Separate District
 - 1.) Agricultural and Rural Residential
 - 2.) Forest
 - 3.) Recreation
 - 4.) Design Control or Historic
 - 5.) Shorelands
 - 6.) Floodplains
 - 7.) Other

EXAMPLES: Colchester Ag. District, Springfield Land Reserve District, Charlotte Shoreland District
- Overlay Districts

EXAMPLES: Peru, Shrewsbury, Charlotte (proposed)
- Mapped Sites (usually in Municipal Plan)

EXAMPLES: Charlotte Natural Areas, Wetlands

Types of Protection Mechanisms

ZONING

- Mandatory Provisions
 - 1.) Required Cluster or PRD/PUD
 - 2.) Conditional Use
 - 3.) Prohibition of Most Uses
 - 4.) Density/Lot Size Restrictions
 - 5.) Open Space Impact Fee
 - 6.) Transfer of Development Rights

FOCUS #1: Required Cluster: Establish threshold (# of acres, lots or units), decide on lot sizes, develop standards, develop procedures for processing application. **EXAMPLE:** Peru Mandatory PRD Review in Rural District.

FOCUS #2: Conditional Use: Identify which uses will be conditional, develop standards, develop procedures for processing application.
EXAMPLE: East Montpelier Conditional Use Review in Conservation Overlay District.

FOCUS #3: Density/Lot Size Restrictions: Lower density by prohibiting the inclusion of certain lands, such as steep slopes, wetlands, and floodplains, from the land counted for density purposes; establish maximum lot size within a PRD to minimize land consumed for building; enable transfer of developments where density lowered.
EXAMPLES: Peru Mandatory PRD Review in Rural District (exclusion of certain lands from density calculation), Warren Meadowland Provisions (enable TDR's), Middlebury Agricultural/Rural Residential Density Provisions (overall parcel density, lot size, sliding scale).

- Incentive Provisions

- 1.) PRD
- 2.) Density Bonus
- 3.) By-pass restrictions placed on other developments, such as permit limits, sewer allocation limits
- 4.) Agricultural Incentive Districts

SUBDIVISION REGULATIONS

- Mandatory Provisions

- 1.) Mandatory Cluster
- 2.) No Platting of Designated Lands
- 3.) Building Envelopes
- 4.) No utilities or roads on designated lands
- 5.) Required dedication of recreation land (up to 15% of parcel)
- 6.) Open Space Impact Fee

FOCUS #1: No Platting of Designated Lands. Prohibits or restricts the division of designated lands into lots. Require designated lands to be shown on the plat, establish conditions (if any) under which lots may be permitted on these lands. EXAMPLE: Town of Shrewsbury Subdivision Regulations - Standards for Wetlands and Meadowlands.

- Incentive Provisions

- 1.) By-pass restrictions placed on other developments, such as lot limitations, sewer allocation limits, prohibitions of community water and septic systems
- 2.) Town agreement to takeover internal roads

Examples of Zoning and Subdivision Standards by Resource Type

EXTENSIVE LANDS: Farmland, Woodland, Wildlife Habitat, Recreation Lands, Scenic Vistas and Views.

- **Siting Restrictions on Buildings, Utilities, Roads, and Septic Systems:**
 - 1.) require that building envelopes be located off the designated open space resource or minimize the impact on the resource by location at the periphery of the resource or clustering of building sites
 - 2.) prohibit extension of public sewer and water lines to or through designated open space
 - 3.) prohibit overhead power, phone, and cable lines on designated open spaces (exceptions could be made for woodlands)
 - 4.) prohibit roads on designated open lands or limit roads to the shortest distance possible or to the periphery of the designated open space
 - 5.) prohibit on site septic systems on designated open lands where they interfere with the purpose of the open space being maintained (active farming, for example).
- **Require that a percentage of the parcel be established as open space: % may vary with parcel size. EXAMPLE: Proposed Charlotte Zoning**
- **Long term maintenance and ownership of open space lands:**
 - 1.) require common ownership and management by an association of homeowners
 - 2.) require, as alternative, donation to the town, local land trust, or conservation commission (town can require dedication of up to 15% of land on parcel for recreation purposes)
 - 3.) require permanent conservation restrictions to be placed on the land; restrictions to be held by town, land trust, or conservation commission
 - 4.) require land retain eligibility for state's Current Use Value Taxation Program
 - 5.) require submission of a management plan for the property to include such provisions as leasing to farmers, annual mowing, forestry management, and public access
- **Establish maximum lot size or area-based allocation for density**
- **Require buffer zones between farms and residential clusters, around wildlife habitat, and recreation land**
- **Require consultation with Department of Fish and Wildlife representative on protection measures for wildlife habitat.**

SITE SPECIFIC RESOURCE LANDS: Wetlands, Natural Areas, Aquifer Protection Areas, and Archeological Sites

- Prohibit draining, filling, or otherwise altering wetlands; some communities make exceptions for wetlands on active farms
- Prohibit alteration of natural areas
- Prohibit alteration of archeological sites until investigation of resources is complete
- Require buffer or setback area around wetlands, natural areas, and archeological sites
- Prohibit certain uses within aquifer protection areas
- Don't count wetlands for density purposes

AREAS HAZARDOUS FOR DEVELOPMENT: Steep slopes, floodplains, excessively wet or shallow soils

- Allow only compatible development that does not present a public health or safety problem on these lands, such as agriculture (floodplains), forestry (steep slopes, provided there is a management plan), and recreation (hiking, picnicking, cross-country or downhill skiing, boat or fishing access, etc.)
- Do not allow these lands to be counted for density purposes

LINEAR RESOURCES: Ridgelines, Shorelines, River Corridors, Trails and Greenways, and Scenic Roads

- Establish building siting criteria, especially for ridgelines and shorelines
- Require land dedication (up to 15%) for public access and trails within subdivisions; promote connections between adjacent subdivisions
- Require building and septic system setbacks from shorelines, rivers and streams, trails and scenic roads
- Prevent removal or destruction of special features, such as vegetation along a shoreline or a row of shade trees along a scenic road or forest cover along a ridgeline.

Procedural Issues

- Submission requirements (in addition to those normally required)
 - 1.) maps showing location of open space resources on the parcel as identified on zoning map, town plan maps, or through special field study (documented) by the applicant
 - 2.) ownership and management provisions for common open space, including articles of association and by-laws for the homeowners association, draft conservation restrictions
 - 3.) description of measures to be taken to protect designated open space resources in accordance with town standards.

- Site visits: important to verify the location of the proposed development or subdivision in relation to the open space resources.
- Use of sketch plan phase for subdivisions and PRD's to flag issues
- Require submission of information for entire parcel even if only a portion is being proposed for development where open space resources have been identified on the remainder of the parcel.

Other Issues

- Protecting resources on contiguous parcels
- Managing multiple resources on a parcel
- Perpetual restrictions on open space land?
- Interim zoning or subdivision controls as an emergency measure?
- Public involvement, especially by affected landowners
- Impact on land values; affordable housing

REFERENCES: OPEN SPACE PLANNING

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Yaro, Robert D; Randall G. Arendt; Harry L. Dodson; and Elizabeth A. Brabec, 1988, Dealing with Change in the Connecticut River Valley: A Design Manual for Conservation and Development, Amherst, Mass., Center for Rural Massachusetts, 183 pp., (CRM, University of Massachusetts, Amherst, MA 01003).

Excerpted From:

Town of Shrewsbury - Subdivision Regulations

subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.

c. Written evidence of approval by all local, regional, State and federal agencies having jurisdiction over the project, including final approvals for any water supply and sewage disposal systems, and written evidence of the expiration of all appeal periods.

Article IV. Planning and Design Standards.

Section 1. General Planning Standards.

The Commission shall authorize the creation of lots, and the siting of structures and improvements on those lots in accordance with the following planning standards. Through the use of these standards, the Commission will seek to implement the Town Plan. That Plan is designed to reinforce two principal factors: the historical, rural character of Shrewsbury and the natural beauty of its mountain setting. These factors will be strongly influenced by future patterns of land subdivision and development siting. Accordingly, the Commission shall consider the Town's special features, landscape patterns, natural resources and the relationship of land use and road access in rendering its decisions.

Character of the Land

All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for the intended purposes without danger to public health or safety, to the environment or to critical resources, as identified in the Town Plan. Land designated as flood hazard areas or characterized by poor drainage or steep slopes, or subject to other hazardous conditions shall not ordinarily be subdivided.

Lot Layout/Siting

The layout of lots and the siting of structures shall conform to the requirements of the Zoning Ordinance and shall be appropriate for the intended construction. Consideration in lot layout and siting shall be given to aesthetics, and topographic and soil conditions.

Preservation of Existing Features

Due regard shall be given to the preservation and protection of existing features such as but not limited to trees, scenic points and roads, brooks, streams, rock outcroppings, water bodies, forest resources, other natural resources, wildlife habitat, historic resources, prime agricultural soils, and open meadowland. Specifically, those areas included in the Special Features Overlay Zone Map of the Shrewsbury Zoning Ordinance shall be treated as follows:

1- Wetlands: Wetlands identified in the overlay zone shall not be drained, filled or altered to accommodate subdivision. Proposals for the subdivision of a lot involving or adjacent to an identified wetland shall provide for adequate setbacks of roads, buildings, structures and sewage systems from the wetland. Adequate setbacks shall be no less than 100 feet, but may be increased by the Planning Commission accordingly to protect the following wetland values:

- a. water quality control
- b. groundwater supply
- c. flood and erosion control
- d. flora and fauna
- e. education and recreation

This provision shall not apply to the use of such areas for the growing of food or crops in connection with farming activities.

2- Deeryard: Subdivision immediately adjacent to a deeryard identified on the overlay zone shall be designed, sited and undertaken in a manner compatible with the continued viability of the deeryard. Subdivision within a deeryard boundary shall be permitted only where the Planning Commission makes the following findings:

- a. The parcel to be subdivided includes no land that is practical for subdivision except that which is deeryard.
- b. The subdivision can be designed and undertaken in a manner that minimizes the impact of the subdivision on the continued viability of the deeryard.

Proposals for subdivision of a lot involving or adjacent to an identified deeryard shall be based upon consultation with representatives of the Vermont Department of Fish and Wildlife and shall provide evidence of such consultation.

Where subdivision takes place within a deeryard or includes part or all of a deeryard in the land base for the subdivision or the determination of its density, the remainder of the deeryard owned by the applicant shall be managed in a manner compatible with the continued viability of the deeryard. This may include the preparation and implementation of a forest management plan approved by the Vermont Department of Fish and Wildlife.

3-Cuttingsville Aquifer Recharge Areas: Subdivision in an Aquifer Recharge Area may not result in the pollution of ground or surface waters or an unreasonable reduction of the supply of groundwater. The Planning Commission shall consider such factors as the amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal system and the capability of the land and water to sustain such use without

degradation. In considering an application the Planning Commission may consult with the Vermont Department of Water Resources for assistance or require certification by a registered professional engineer that the project will not result in degradation.

4. Scenic Roads: Subdivision adjacent to those Town roads designated as scenic on the overlay map shall be reviewed by the Planning Commission to ensure that the siting of any proposed structure and any site alterations, including grading filling, removal of trees, stonewalls or other existing landscape feature are consistent with the scenic quality of the road, roadside and area and to minimize any interference with views or vistas afforded from the scenic road. To accomplish this purpose the Planning Commission may guide the location of structures(s) by varying setbacks, height and other requirements of the district and may restrict or require landscaping or screening measures.

5- Meadowland: subdivision of meadowlands may be permitted only where the Planning Commission makes the following findings:

a. The Subdivision:

- (1) minimizes the disruption of the scenic quality of the site:
- (2) retains the maximum possible meadowland for agricultural use through such means as clustering under FRD provisions, reduction in allowable density sale or donation of development rights; and
- (3) maximizes the use of the least productive land and the protection of primary agricultural soils.

b. The subdivision will not conflict with existing agricultural uses in the area.

Energy Conservation

Energy efficient site planning and layout shall be encouraged in the review of a proposed subdivision.

Section 2. Roads

Layout

All roadways and intersections shall be designed to insure the safe and efficient movement of vehicles. Roads shall be logically related to the topography so as to produce usable lots and reasonable road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be

Excerpted From:

Town of Peru - Proposed Zoning Bylaw 6/89

3.0 ZONING DISTRICTS BYLAWS

3.3 RURAL RESIDENTIAL 5 DISTRICT (RR 5)

3.3.1 PURPOSE To permit low-density residential development only where it can overcome physical constraints to development and is consistent with objectives to protect significant natural and scenic resources, and to minimize development remote from town services.

3.3.2 PERMITTED USES The following uses are permitted in the RR 5 District:

- 1 Single and two-unit dwellings
- 2 Agriculture
- 3 Forestry
- 4 Municipal recreation facility
- 5 Public utility use
- 6 Boarding house
- 7 Outdoor recreation activities not involving the construction of a structure
- 8 Multi-family dwellings where approved in a PRD only
- 9 Accessory uses customarily incidental to the above uses.

3.3.3 CONDITIONAL USES The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of Section 4.2:

- 1 Snow ski areas and accessory uses clearly incidental to winter skiing
- 2 Outdoor recreational activities involving the construction of a structure
- 3 Airports and aeronautical landing fields public
- 4 Light industry, only with direct vehicular access onto a paved road
- 5 Sanitariums, hospitals, nursing homes, rest homes, and philanthropic institutions

3.3.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|--|----------|
| 1 | Minimum lot size for dwelling unit or non-residential use
(except as noted under 3.3.5) | 5 acres |
| 2 | Minimum front setback | 50 feet |
| 3 | Minimum side and rear setback | |
| | Residential | 50 feet |
| | Non-residential | 75 feet |
| 4 | Minimum frontage | 200 feet |
| 5 | Maximum building height | 35 feet |
| 6 | Maximum building coverage | 15% |

3.3.5 REQUIREMENT FOR PLANNED RESIDENTIAL DEVELOPMENT (PRD)

PURPOSE This requirement is designed to provide flexibility in land development within the RR 5 District and recognizes the variety in land capability for development for parcels of land in this district. The requirement is intended to ensure the protection of critical natural resources, including agricultural land, productive woodland, wetlands, wildlife habitat, water bodies, and high elevations; to prevent development where there are severe limitations for sewage disposal; to prevent development in hazardous areas, including floodplains and steep slopes; to preserve the scenic beauty of the town; and to limit development according to the town's ability to provide services.

3.0 ZONING DISTRICTS BYLAWS

3.3.5 REQUIREMENT FOR PLANNED RESIDENTIAL DEVELOPMENT (CONTD.)

APPLICATION Following the subdivision into three lots of any parcel of land in existence as of the effective date of this bylaw, any further subdivision will require review and approval under the following special PRD provisions. These provisions are in addition to the standards and procedures for PRDs under Section 4.6 of this bylaw.

DENSITY DETERMINATION The following land will not be counted for determining allowable density:

- 1 Soils with severe limitations for on-site sewage disposal
- 2 Wetlands
- 3 Flood hazard areas
- 4 Natural water bodies (excluding streams)
- 5 Slopes of 25% grade or greater
- 6 Elevations in excess of 2,500 feet above mean sea level

The locations of the above types of land may be determined from maps adopted in the Town Plan. Alternatively, applicants for PRDs may submit more detailed information based on on-site studies. This information will be considered by the Planning Commission in determining the suitability of the land for on-site sewage disposal.

DIMENSIONAL REQUIREMENTS:

- | | |
|---|------------------|
| 1 Maximum overall density on entire parcel
(except lands listed under DENSITY DETERMINATION) | 5 acres per unit |
| 2 Maximum density on any one acre | 2 units |
| 3 Front setback of project | 100 feet |
| 4 Side and rear setback of project | 100 feet |

OTHER STANDARDS:

- 1 Buildings and roadways will be located so as to retain the maximum possible meadowland on the parcel for productive agricultural use and for its scenic value. Assurances as to how existing open land will be maintained in its current condition will be required.
- 2 Developments will comply with the Town Plan's General Policies on the Environment.
- 3 Buildings and roadways will be located so as to minimize the disruption to the scenic quality of the parcel.
- 4 The scale, density, and design of the buildings will be consistent with the rural character and historic pattern of development of the town.
- 5 Development immediately adjacent to a deeryard identified in the Town Plan shall be designed, sited, and undertaken in a manner compatible with the continued viability of the deeryard. Land development within a deeryard shall be permitted only where the Planning Commission makes the following findings:
 - [1] The parcel on which the development is proposed includes no land that is practical for development except that which is deeryard.
 - [2] The proposed development can be designed, sited, and undertaken in a manner that minimizes the impact of the development on the continued viability of the deeryard.
- 6 Proposals for development involving or adjacent to an identified deeryard shall be based upon consultation with representatives of the Vermont Department of Fish and Wildlife, and shall provide evidence of such consultation.

degradation. In considering an application the Planning Commission may consult with the Vermont Department of Water Resources for assistance or require certification by a registered professional engineer that the project will not result in degradation.

4. Scenic Roads: Subdivision adjacent to those Town roads designated as scenic on the overlay map shall be reviewed by the Planning Commission to ensure that the siting of any proposed structure and any site alterations, including grading filling, removal of trees, stonewalls or other existing landscape feature are consistent with the scenic quality of the road, roadside and area and to minimize any interference with views or vistas afforded from the scenic road. To accomplish this purpose the Planning Commission may guide the location of structures(s) by varying setbacks, height and other requirements of the district and may restrict or require landscaping or screening measures.

5- Meadowland: subdivision of meadowlands may be permitted only where the Planning Commission makes the following findings:

a. The Subdivision:

- (1) minimizes the disruption of the scenic quality of the site;
- (2) retains the maximum possible meadowland for agricultural use through such means as clustering under PRD provisions, reduction in allowable density sale or donation of development rights; and
- (3) maximizes the use of the least productive land and the protection of primary agricultural soils.

b. The subdivision will not conflict with existing agricultural uses in the area.

Energy Conservation

Energy efficient site planning and layout shall be encouraged in the review of a proposed subdivision.

Section 2. Roads

Layout

All roadways and intersections shall be designed to insure the safe and efficient movement of vehicles. Roads shall be logically related to the topography so as to produce usable lots and reasonable road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be

Excerpted From:

Town of Peru - Zoning Bylaws

3.0 ZONING DISTRICTS BYLAWS

3.7 ROUTE 11 CORRIDOR OVERLAY DISTRICT

3.7.1 PURPOSE The purpose of the Route 11 Corridor Overlay District is to maintain the area along the roadway from Bromley Ski Village to east of Peru Village as a permanent greenway; to facilitate traffic flow along the arterial highway of Route 11 and minimize points of access; to prevent the scattering or spreading of commercial and residential development in a linear pattern along the corridor; and to preserve scenic vistas, views, and meadowlands.

3.7.2 APPLICATION OF REGULATIONS The Route 11 Corridor Overlay District regulations apply to all uses allowed within the districts which this overlay covers. The dimensional requirements of those districts shall apply to the uses unless the Route 11 Corridor Overlay District regulations are more restrictive in which case they shall apply. In addition all land development shall meet the requirements set forth in Sections 3.7.3, 3.7.4, and 3.7.5. The Peru Village Historic Overlay District supercedes the Route 11 Corridor Overlay District in the Peru Village.

3.7.3 ROUTE 11 ACCESS REQUIREMENTS These regulations shall apply to all land development, including the division of land into two or more parcels, on properties with frontage on Route 11. For the purposes of this section, a property having frontage on Route 11 is defined to be one or more contiguous parcels under common ownership at the effective date of this amendment to the Peru zoning bylaw, which has any property line coterminous with a right-of-way line of Route 11. If any of the contiguous parcels under common ownership as defined above also have frontage on a secondary road which intersects with Route 11, the property is deemed to have access to Route 11 and to the secondary road.

- 1 Properties having frontage on Route 11 and no frontage on a secondary road shall be allowed one access point on Route 11. Said access point shall be located and designed so as to provide access to the entire property.
- 2 Properties having frontage on Route 11 and on a secondary road shall be required to locate all access points on the secondary road, except where the Planning Commission determines that the topographical and natural conditions of the site make such location impracticable. Such access points shall be located and designed to provide access to the entire property.
- 3 On either Route 11 or secondary roads carrying through traffic; common access points serving multiple properties are encouraged. Land development shall be planned to consider future access connections to adjacent property.
- 4 Developments shall be designed, where possible, to minimize left turn movements to and from Route 11.

3.7.4 DIMENSIONAL REQUIREMENTS:

- 1 Front setbacks from the edge of the Route 11 right of way:
Single and two-unit dwellings 100 feet
All other uses 200 feet

3.0 ZONING DISTRICTS BYLAWS

3.7.5 LANDSCAPING AND SCREENING REQUIREMENTS Vegetative screening between buildings and the Route 11 right-of-way shall be retained, unless removal of vegetation would improve the views of meadowland and mountain vistas.

3.7.6 DENSITY BONUS FOR PUD'S AND PRD'S The planning commission may grant a density bonus (up to the maximum 25%) to PUD and PRD applicants who, in addition to all other standards for these developments, meet the following conditions:

- 1 Meadowland offering scenic views and vistas to the travelling public is protected through the dedication of land or interests in land to a land trust, the municipality, or a non-profit conservation organization as a result of the development; or
- 2 The development improves the traffic conditions on Route 11 over existing conditions and offers an exemplary traffic control and management plan through its interior road system and access plan to Route 11 and/or through provisions for mass transportation, such as vans, buses, car pooling, and bicycling.

3.

Excerpted From:

Town of East Montpelier - Zoning Regulations

Section 20: TRAILER CAMP PERMITS

1. No person or persons shall construct or operate a trailer camp without first obtaining site plan approval from the Planning Commission and a permit from the Administrative Officer. Before issuing a trailer camp permit, a performance bond shall be obtained from the operator to assure that the camp is maintained in a satisfactory manner.

2. Application for a trailer camp site plan approval shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings showing property lines, area, contours, roads, walkways, lots, parking, water lines, sanitary sewer and storm drainage facilities, garbage collection stations, and electrical distribution.

Section 21: CONSERVATION AREA REVIEW

Purpose

The purpose of the Conservation Area review is to ensure the protection of critical natural resources. The Town Plan has identified scattered Conservation areas which deserve special attention. Due to the diversity of land use districts that surround the Conservation areas and land forms and land capabilities within these districts, a process is required to ensure adequate protection of the Town's critical natural resources.

Application

Conservation Area review shall apply to all land development. Conservation areas are treated in these Regulations as an "overlay zone". An overlay zone is a zone that is superimposed over an underlying existing zone. The provisions of the overlay zone take precedent over the requirements of the underlying zone. In these Regulations, proposed uses in the Conservation area shall be subject to Conditional Use review to ensure adequate protection of the resource. In considering an application, the Board of Adjustment shall evaluate the immediate and long range impact of the proposed use on the resource.

Review Standards

All land development in the Conservation Areas shall meet the following standards:

1. All proposals shall demonstrate how conservation areas, including but not limited to wetlands, wildlife habitat, water supply sources, and other unique natural or manmade features, will be protected under the proposed development plan.

A. In the case of the aquifer protection area, the applicant shall demonstrate that the proposed use will not result in the pollution of ground or surface waters or an unreasonable reduction of the supply of groundwater. The Board shall consider such factors as the amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal system, and the capability of the land and water to sustain such use without degradation. In considering an application, the Board may consult with the State Department of Water Resources for assistance or require certification by a registered professional engineer that the project will not result in degradation.

B. In the case of wetlands, wildlife areas, and other unique natural or manmade features, the proposal shall provide for adequate setbacks of roads, buildings,

Excerpted From:

Town of Shrewsbury - Zoning Regulations

involving an increment of 5 or more beds shall be subject to the requirements of Section 610 of these regulations.

Section 550. High Elevation District

The purpose of the High Elevation District is to protect the natural beauty of the mountain terrain and its resource as a critical wildlife habitat, the fragile natural environment above 2300 feet elevation, and to foster the important role played by these areas in the water cycle. Land development in this District shall be limited to open space uses including forestry and agriculture.

A. Permitted Uses

1. Agriculture and good forestry practices

B. Conditional Uses

1. None

C. Area and Yard Regulations

Lot area minimum:	10 acres
Lot frontage minimum:	400 feet
Lot depth minimum:	500 feet

Section 560. Special Features Overlay Zone

The purpose of the Special Features Overlay Zone is to ensure the protection of the Town's critical resources, consistent with the provision of Section 4405(g) of the Act. The Town Plan has identified fragile areas, natural areas, critical wildlife habitat areas, and resource areas which deserve special attention. Due to the diversity of land use districts that surround these areas, and land forms and land capabilities within these districts, a separate process is required to ensure adequate protection of the Town's critical resources.

A. Application

The Special Features Overlay Zone is superimposed over underlying existing zoning districts. The provisions of the overlay zone take precedence over the requirements of the underlying districts. Unless otherwise noted, proposed uses in the Special Features Overlay Zone shall be subject to conditional use review to ensure adequate protection of the resource. In considering an application, the Board of Adjustment shall evaluate the immediate and long range impact of the proposed use on the resource. Specific standards for review involving each resource are listed below.

1. Wetlands: Wetlands identified in the overlay zone shall not be drained, filled, or altered to accommodate

land development. Proposals for the development of a lot involving or adjacent to an identified wetland shall provide for adequate setbacks of roads, buildings, structures, and sewage systems from the wetland. Adequate setbacks shall be no less than 100 feet, but may be increased by the Board accordingly to protect the following wetland values:

- a. water quality control
- b. groundwater supply
- c. flood and erosion control
- d. flora and fauna
- e. education and recreation

This provision shall not apply to the use of such areas for the growing of food or crops in connection with farming activities.

2. Deeryard: Land development immediately adjacent to a deeryard identified on the overlay zone shall be designed, sited, and undertaken in a manner compatible with the continued viability of the deeryard. Land development within a deeryard boundary shall be permitted only where the Board makes the following findings:

- a. The parcel on which the development is proposed includes no land that is practical for development except that which is deeryard.
- b. The proposed development can be designed, sited, and undertaken in a manner that minimizes the impact of the development on the continued viability of the deeryard.

Proposals for development of a lot involving or adjacent to an identified deeryard shall be based upon consultation with representatives of the Vermont Department of Fish and Wildlife, and shall provide evidence of such consultation.

Where development takes place within a deeryard or includes part or all of a deeryard in the land base for the development or the determination of its density, the remainder of the deeryard owned by the applicant shall be managed in a manner compatible with the continued viability of the deeryard. This may include the preparation and implementation of a forest management plan approved by the Vermont Department of Fish and Wildlife.

3. Cuttingsville Aquifer Recharge Areas: Land development in an Aquifer Recharge Area shall be subject to conditional use review to ensure that the proposed use will not result in the pollution of ground or surface waters or an unreasonable reduction of the supply of groundwater. The Board shall consider such factors as the amount and type of wastes to be

generated by the proposed use and the adequacy of the proposed disposal system, and the capability of the land and water to sustain such use without degradation. In considering an application, the Board may consult with the Vermont Department of Water Resources for assistance or require certification by a registered professional engineer that the project will not result in degradation.

4. Meadowland: Land development other than agricultural uses, accessory uses to a primary use in existence as of (DATE) or outdoor recreation uses compatible with agricultural uses may be permitted on meadowlands identified on the overlay only where the Board makes the following findings:

a. The lot on which the development is proposed contains no land that is practical for development except that which is meadowland.

b. The placement of the use on the lot:

(1) minimizes the disruption of the scenic quality of the site;

(2) retains the maximum possible meadowland for agricultural use through such means as clustering under PRD provisions, reduction in allowable density, sale or donation of development rights; and

(3) maximizes the use of the least productive land and the protection of primary agricultural soils.

c. The development will not conflict with existing agricultural uses in the area.

d. Unnecessary hardship has not been created by the applicant or his predecessor(s) in title subsequent to the DATE.

Article VI. Conditional Uses

Section 6[O]10. General Standards

No zoning permit shall be issued by the Administrative Officer for any use or structure which requires conditional use approval until the Board of Adjustment grants such approval. In considering its action, the Board shall make findings upon specific standards set forth in [the zoning regulations] this Article and the following general standards:

A. The capacity of existing and planned community facilities:

Section 602 - General Dimension, Location, Area and Height Requirements

A person shall not use any land or commence any land development in a district specified in this Section unless such use or land development conforms to the following minimum lot areas, lot frontages, front, side and rear yard setbacks, and the following maximum lot coverages and building heights.

Lot Dimension Requirements:

ZONING ORDINANCE		LOT DIMENSION REQUIREMENTS					SETBACKS		
SECTION 602		FRONTAGE OR LOT WIDTH	HEIGHT	COVERAGE (BUILDING MAXIMUM)	FRONT	SIDE	REAR	ACCESSORY	
LOT SIZE PER DWELLING UNIT OR PER PRINCIPAL BUILDING/USE	FRONTAGE OR LOT WIDTH	HEIGHT	COVERAGE (BUILDING MAXIMUM)	FRONT	SIDE	REAR	ACCESSORY		
COM	.25 AC	35'		125' from center line of road	100'	100'			
ARR	TOWN WATER & ON-SITE SEPTIC - 1 AC ON-SITE WATER & SEPTIC - 2 AC	35'		75' from center line of road	25'	50'	100'		
MDR	ON-SITE WATER & SEPTIC - 2 AC	35'		65' from center line of road	25'	50'	10'		
HDR	TOWN WATER & ON-SITE SEPTIC - 1 AC TOWN WATER & SEWER - 20,000 SQ. FT.	35'		25' from ROW	15'	25'	10'		
MHP	10,000 SQ. FT./UNIT *	35'		75' from center line of road	15'	25'	10'		
OFA	UNIT 3,000 SQ. FT.	20'		75' from center line of road	15'	25'	10'		
VRC	PARK 10,000 SQ. FT.	35'		25' from ROW	15'	25'	10'		
CBD	10,000 SQ. FT. *	35'		25' from ROW	15'	25'	10'		
CC	1 AC	50'	80%	0 (edge of public right of way)	0	25'	10'		
IND	3.5 AC	50'	40%	35' from ROW	25'	35'	10'		
AIR	2 AC	50'	25%	50' from ROW	25'	35'	10'		
INS	10,000 SQ. FT. *	35'	45%	75' from center line of road	40'	50'	10'		
PHD	TOWN WATER SEWER 20,000 SQ. FT./UNIT ON-SITE SEPTIC 1 ACRE/UNIT NON-RESIDENTIAL P.U.D. 5 ACRES	35'	40%	50' from center line of road	15'	25'	10'		

NOTE: * - in pre-existing homes, one 2 bdrm. apartment may be added
* - P.C. may allow up to 8 units/acre special cases (P.U.D.)

NOTE: ARR DENSITY (TOTAL NUMBER OF HOMESITES PERMITTED ON A PARCEL) IS RESTRICTED PER SCHEDULE A, ATTACHED

ARR - AGRICULTURAL/RURAL RESIDENTIAL DISTRICT DENSITY

PARCEL AREA (ACRES)	PERMITTED NUMBER OF LOTS (EXISTING & NEW HOMESITES)
0 - 3.9	1
4 - 13.9	2
14 - 23.9	3
24 - 33.9	4
34 - 43.9	5
44 - 53.9	6
54 - 63.9	7
64 - 73.9	8
74 - 83.9	9
84 - 93.9	10
94 - 103.9	11
104 - 113.9	12
114 - 123.9	13
124 - 133.9	14
134 - 143.9	15
144 - 153.9	16
ETC.	ETC.

NOTES:

- A. "Parcel Area" shall be the acreage on the effective date of this zoning (July 28, 1987), of the contiguous taxable property under the same ownership or control, exclusive of existing homesites. Any pre-existing home shall be allotted a minimum lot area site for computation purposes.
- B. This table only limits the number of homesites which are permitted. The minimum lot size can be as small as one acre, with Town water; or as small as two acres, in the case of on-site water supply and septic system.
- C. Planning Commission approval of lot size and layout is also dependent upon meeting other requirements, e.g.: on-site sewage, lot frontage/width, access, and other provisions of the Zoning and Subdivision Regulations.



