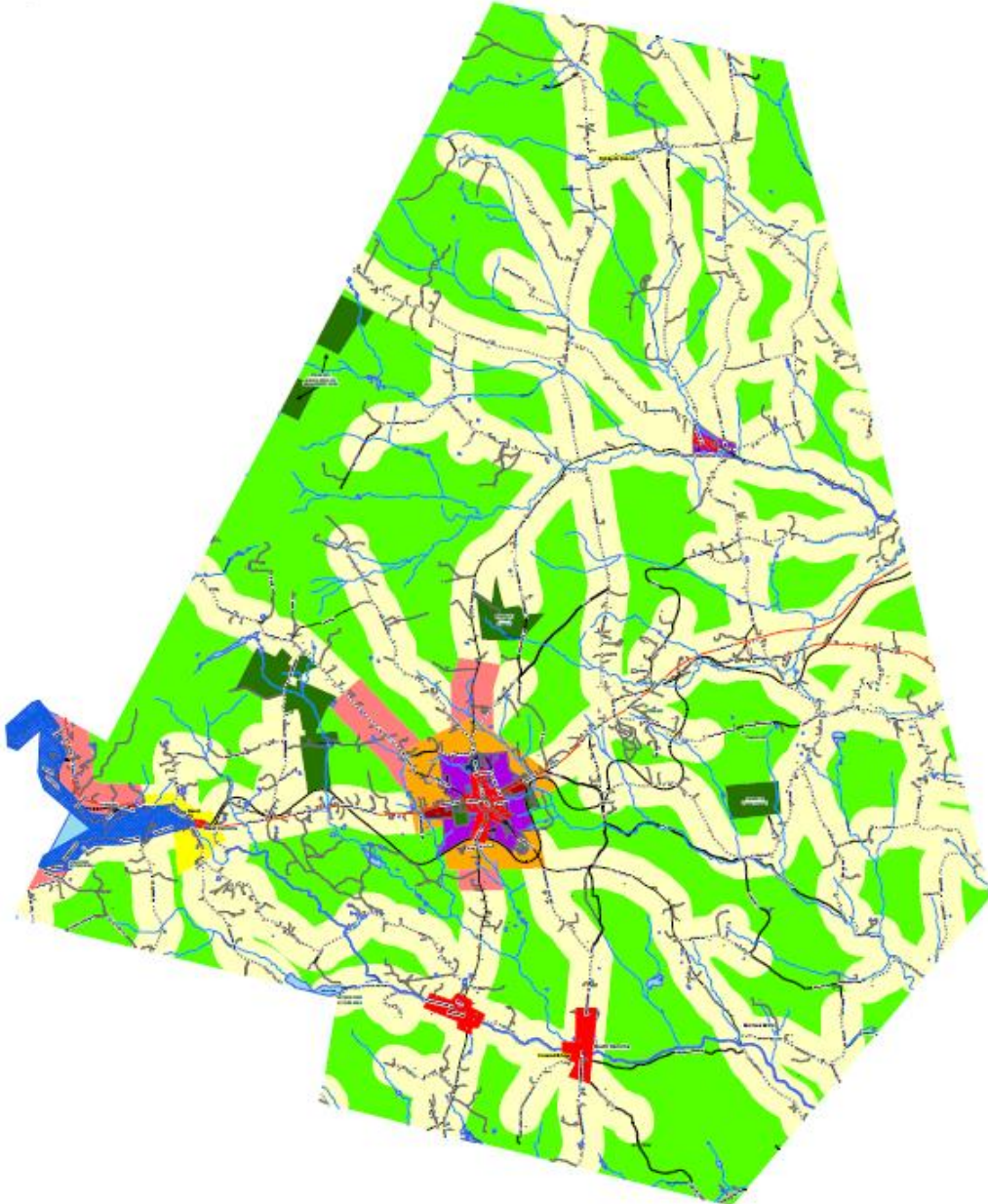


Town of Danville  
36 Route 2 West - PO Box 183  
Danville, VT 05828

# TOWN OF DANVILLE ZONING BYLAW 2024



**Adopted:** November 7, 2024  
**Effective:** November 28, 2024

## Contents

<b>ARTICLE 1: ENACTMENT, INTENT, INTERPRETATION, AND SEVERABILITY .....</b>	<b>3</b>
Section 101: Enactment.....	3
Section 102: Intent.....	3
Section 103: Interpretation .....	4
Section 104: Severability.....	4
<b>ARTICLE 2: DEFINITIONS.....</b>	<b>5</b>
Section 201: Common Word Meanings .....	5
Section 202: Definitions .....	5
<b>ARTICLE 3: ADMINISTRATION AND ENFORCEMENT .....</b>	<b>16</b>
Section 301: Zoning Administrator .....	16
Section 302: Planning Commission .....	16
Section 303: Development Review Board .....	17
Section 304: Waivers .....	17
Section 305: Variances .....	19
Section 306: Penalties .....	20
<b>ARTICLE 4: GENERAL PROVISIONS.....</b>	<b>21</b>
Section 401: Lots in Two Zoning Districts .....	21
Section 402: Required Frontage on or Access to Public Roads or Public Waters.....	21
Section 403: Construction and Plantings in Public Rights-of-Way .....	21
Section 404: Location of Driveways .....	21
Section 405: Off-Street Parking and Loading.....	21
Section 406: Protection of Home Occupations .....	24
Section 407: Projections into Required Setbacks.....	24
Section 408: Temporary Uses and Structures .....	24
Section 409: Abandoned, Demolished, Burned or Collapsed Structures .....	25
Section 410: Surface Water Protection .....	25
Section 411: Manufactured homes and Manufactured home Park Standards .....	25
Section 412: Travel Trailers and Recreational Vehicles .....	26
Section 413: Fences and Retaining Walls .....	26
414 Affordable Housing.....	27
414.1 An affordable Housing development as defined in Article 2 served by municipal water and sewer is permitted to exceed residential density limitations by 40%. Such developments may also exceed maximum building height by one story. The density bonus will be rounded up to the nearest whole number of units. ....	27
<b>ARTICLE 5: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS .....</b>	<b>28</b>
Section 501: Zoning Map and Districts .....	28
Section 502: District Objectives and Land Use Controls .....	28
Section 503: Allowable and Prohibited Uses .....	29
503.5 Two Unit (Duplex) Dwellings.....	30

Any pre-existing single unit dwelling may be converted to a two unit dwelling (duplex) irrespective of the density or dimensional standards of the applicable zoning district provided that the following are met: .....30

Section 510: Village Core District.....31

Section 511: Historic Neighborhoods District .....35

Section 512: Village Residential District .....39

Section 513: Route 2 District.....42

Section 514: Medium Density Residential (MDR) I .....46

Section 515: Medium Density Residential (MDR) II .....47

Section 516: Low Density Residential (LDR) .....48

Section 517: Conservation District .....49

Section 530: Design Control Overlay.....50

Section 531: Developed Shoreland Overlay .....52

Section 532: Flood Hazard Area Overlay .....54

**ARTICLE 6: NON-CONFORMING USES, STRUCTURES, AND LOTS ..... 68**

Section 601: Construction Approved Prior to Adoption or Amendment to Regulations .....68

Section 602: Non-Conforming Uses.....68

Section 603: Non-Conforming Structures .....68

Section 604: Non-Conforming Lots.....69

**ARTICLE 7: SUBDIVISIONS ..... 70**

Section 701: Subdivisions of Land .....70

Section 702: Rural Residential Clustering.....71

**ARTICLE 8: PERMITTING PROCESS ..... 72**

Section 801: Overview .....72

Section 802: Activities Exempt from Permitting .....72

Section 803: State Reviews .....72

Section 804: Permit Application.....73

Section 805: Zoning Administrator Review .....74

Section 806: Development Review Board Hearing and Review .....75

Section 807: Zoning Permits .....80

Section 808: Appeals .....81

Section 809: Certificate of Occupancy .....83

**ARTICLE 9: SIGNS ..... 84**

Section 901: Overview .....84

Section 902: Signs That Do Not Require a Permit .....84

Section 903: Signs That Require a Permit.....85

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

### **Section 101: Enactment**

**101.1** In accordance with the Vermont Planning and Development Act, Title 24 VSA 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 VSA §§ 4441 and 4442.

**101.3** This bylaw shall take effect in accordance with the procedures contained in 24 VSA §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, last revised/readopted June 9, 2022, and any previous versions of this bylaw are 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 24 VSA §4302, and to implement the Danville Town Plan as follows:

- A) Preserve the historic village and the rural working landscapes in accordance with the 2024 Danville town plan.
- B) Promote housing choice, affordability and quality in order to sustain a diverse population and conform to equal treatment and fair housing laws;
- C) Enhance recreational opportunities and bicycle and pedestrian facilities;
- D) Provide for orderly and coordinated development;
- E) Facilitate the adequate and efficient provision of public services and facilities;
- F) Ensure that land use and development will not adversely impact public health, safety and welfare;
- G) Ensure that land use and development will not adversely impact the reasonable use and enjoyment of adjoining property;
- H) Ensure that there will be safe and adequate vehicular, pedestrian, cyclist and emergency access to and within development sites;
- I) Ensure that development sites, structures and infrastructure are built and maintained in a safe and adequate condition;
- J) Establish sound development and engineering standards that result in well-constructed projects that minimize their environmental and climate impacts, contribute positively to community character, and do not burden future landowners or the municipality with unreasonable costs to maintain or repair;
- K) Protect scenic, historic and cultural resources;

- L) Maintain the character and appearance of Danville; and
- M) Protect environmental quality and important natural resources including surface waters, wetlands, floodplains, riparian buffers, priority forest blocks and significant wildlife habitat.

**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 VSA §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**

**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”.

**201.7** SIC is a reference to Standard Industrial Classification codes maintained by the US Department of Labor, available online (<https://www.osha.gov/data/sic-manual> at the time of publication).

### **Section 202: Definitions**

**ACCESSORY DWELLING:** See DWELLING/ACCESSORY.

**ACCESSORY ON-FARM BUSINESS:** means activity on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the following:

The storage, preparation, processing and sale of qualifying products, provided that the qualifying products are produced on a farm; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods.

Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes and exhibits in the preparation, processing or harvesting of qualifying products.

**ACCESSORY STRUCTURE:** A structure which is: 1) detached from and clearly 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 subordinate to the principal use of a lot and is customarily associated with the principal use. See also ACCESSORY STRUCTURE.

**AFFORDABLE HOUSING:** as defined in 24 V.S.A. § 4303 means either: (a) owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and

condominium association fees, does not exceed 30% of the gross annual income of a household at 120% of the area median income; or, (b) rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30% of the gross annual income of a household at 80% of the area median income.

**AFFORDABLE HOUSING DEVELOPMENT:** as defined in 24 V.S.A. § 4303 means a housing or mixed use development of which at least 20% of the dwelling units or a minimum of 5 dwelling units, whichever is greater, are affordable housing units. Affordability must be guaranteed in perpetuity.

**AREA MEDIAN INCOME:** means the most recently published median household income figure produced by the US Department of Housing and Urban Development for Vermont or Caledonia County, whichever is highest.

**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 if the barn is for agricultural use; otherwise, a barn is considered an accessory 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.

**BED & BREAKFAST:** An owner-occupied single-unit 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 a hotel. Does not include Short Term Rentals (STR). See also HOTEL.

**BREWERY/DISTILLERY:** A commercial establishment in which the principal business is the making 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.*

**CAMPGROUND:** Establishment primarily engaged in providing overnight or short-term (fewer than four consecutive months) sites for recreational vehicles, trailers, campers, or tents. *See SIC 7033*

**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.*

**CERTIFICATE OF COMPLIANCE:** *See Section 809 Certificate of Occupancy.*

**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.

**COMMUNITY CENTER:** Establishment where members of the public can meet for social, educational, or recreational activities.

**CONDITIONAL USE:** *See Section 502.3*

**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 childcare facilities as separately defined. *See also HOME CHILD CARE, RESIDENTIAL CARE FACILITY.*

**DWELLING, ACCESSORY:** In accordance with 24 VSA §4412(1)(E), a single distinct unit on an owner-occupied lot that is clearly subordinate to a single-unit dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: (i) the property has sufficient wastewater capacity; (ii) the unit does not exceed 30 percent of the total habitable floor area of the single-unit dwelling or 900 square feet, whichever is greater.

**DWELLING, SINGLE UNIT:** A detached residential dwelling unit including a manufactured home, designed for and occupied by one household only. In accordance with 24 VSA 4412(1)(G) a state licensed or registered community care home or group home serving not more than 8 persons who have a disability will be considered a single-unit dwelling



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

**DWELLING, MULTI-UNIT:** A residential building designed for or occupied by three or more households, 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.

**FARMING:** means use of a site or structure to grow plants, raise animals or harvest plant or animal products that the Vermont Agency of Agriculture, Food and Markets determines is a farm under state statute and rules which subjects them to Required Agricultural Practices (RAPs).

**FARM STRUCTURE:** means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

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

**FUNERAL HOME:** A building, single unit 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:** A Residential Care Facility serving not more than 8 persons. Note that in accordance with 24 VSA §4412(1)(G) a state licensed or registered community care home or group home serving not more than eight persons who have a disability will be considered a Single Unit Dwelling.

**HOME CHILD CARE:** In accordance with 24 VSA §4412(5), a child day care business operated by the owner or resident of a single-unit dwelling that (at the time this zoning bylaw was written) serves no more than six full-time children and four part-time children, the operator of which is licensed or registered by the state, shall constitute a permitted single unit 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 subordinate 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.

**HOTEL:** A commercial lodging facility consisting of a building or group of buildings containing more than 5 guest rooms for overnight or short-term occupancy (fewer than 30 consecutive days) 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 & BREAKFAST LODGING HOUSE, MOTEL.*

**HOUSEHOLD:** One or more people who live together as a single housekeeping unit and share expenses and common use of the property. The residents of a residential care (group) home will be considered a household for the purposes of these regulations. A household may include not more than two boarders or roomers for the purposes of these regulations

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

**KENNEL:** Establishment primarily engaged in performing services, except veterinary, for pets, equines, and other animal specialties. *See SIC 0752*

**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.

**LIGHT INDUSTRY:** Any facility for the assembly, manufacture, compounding, processing, packing, treatment, research or testing of materials, goods, or products that does not have an undue adverse effect on the area. *See CONDITIONAL USE.*

**LODGING HOUSE:** A dwelling where up to five rooms may be rented to boarders, with or without meals. A boarding house, rooming house, or long-term vacation rental shall be deemed a lodging house. *See also GROUP HOME, SHORT TERM RENTAL.*

**LOT:** An area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state highways, or a surface water with a drainage area of greater than 10 square miles will be considered separate lots for the purposes of these regulations.

**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.

**MAINTENANCE:** Repairs that do not change the size, materials, or architectural detail to: roofing, siding, windows, doors, exterior walls, chimneys, foundations, porches, porch railings, decks, stairs and steps.

**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.*

**MANUFACTURED 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 mobile home.

**MANUFACTURED HOME PARK:** A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more manufactured homes.

**MOTEL:** A commercial lodging facility consisting of a building or group of buildings containing more than 5 guest rooms for overnight or short-term occupancy (fewer than 30 consecutive days) 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. Guest rooms shall be accessed primarily through 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 HOTEL, LODGING HOUSE, MIXED USE.*

**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*.

**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 Zoning Administrator.

**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 Zoning Administrator.

**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 Zoning Administrator.

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

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

**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 artwork 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 no 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.

**PERMITTED USE:** See Section 502.2. A use that meets the development standards of this bylaw.

**PERSONAL SERVICE:** Includes barber, hairdresser, beauty parlor, shoe repair, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature. See SIC Major Group 72.

**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 use 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:** 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; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. See Section 412.

**RECYCLING FACILITY:** 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. Also known as a Transfer Station.

**REFUSE SYSTEM:** Establishment primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials. See SIC 4953.

**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.

**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 also AGRICULTURE, FARM STRUCTURE.*

**RESIDENTIAL CARE FACILITY:** Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. See SIC 8361. *See also DAY CARE CENTER, GROUP HOME.*

**RESIDENTIAL USE:** Includes a farm dwelling, single unit dwelling, two-unit dwelling, seasonal dwelling, multi-unit dwelling, lodging house and a manufactured 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.*

**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, firearms training, 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. Setbacks from a road are considered “front” setbacks and other setbacks are considered “side” setbacks. Parcels may have more than one front setback. For purposes of these regulations, the required setback area defines a minimal yard area. *See also ROAD LINE, YARD.*

**SHORT TERM RENTAL (STR):** In accordance with 18 VSA §4301(a)(14), a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year. At the time of publication, the Town does not have any zoning or other regulations for STRs and they are considered a permitted use for which no permit is needed.

**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:** See Section 806.5, 6.

**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.

**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.

**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.

**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:** Any trailer having a width of 8 feet or less and/or a length of 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, designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. A trailer shall also mean tent trailers, truck campers, and vehicles converted to sleeping facilities other than a manufactured home. This definition includes uses to which trailers might be put. See Section 412.

**VARIANCE:** See Section 305.

**VETERINARIAN:** Establishment of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery, for animals. See SIC Group 074.

**WAIVER:** See Section 304.

**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.



## **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 VSA §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 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 permitted or conditional use, 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 landowner is responsible for posting the permit 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 timeframes specified herein with subsequent information on approval or denial added within 24 hours of the Development Review Board's decision.

### **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 VSA §§ 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, to be reviewed and updated annually, and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 VSA §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 VSA §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.

**302.4** The Planning Commission shall maintain and update the Town Plan in accordance with 24 VSA Chapter 117, Subchapter 5, Municipal Development Plan,

**302.5** The Planning Commission shall perform and support other planning related tasks as directed by the Selectboard or as identified by the members.

### **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 VSA §4460(b) and (c). The Selectboard also may appoint up to 4 alternates, for specified terms, to serve on the Development Review Board in situations when one or more members of the Development Review Board are recused 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 VSA §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 VSA 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 and
- B) any associated Waiver or Variance requests, as described in this bylaw; and
- C) applications for Conditional Use approval, as described in this bylaw.
- D) Site Plan Review, as described in this bylaw; and
- E) rights-of-way or easements for development of non-frontage lots, as described in this bylaw; and
- F) Subdivisions of land, as described in this bylaw.

### **Section 304: Waivers**

**304.1** A property owner who cannot reasonably develop their land in full compliance with these regulations may request a waiver as provided for in this section.

**304.2** The Development Review Board:

- A) May approve waivers as specifically authorized in these regulations;
- B) May approve waivers that authorize an adjustment of up to 50% to a dimensional standard (as established for the applicable zoning district) of these regulations for proposed development on a residential property. Note- Wetlands are not subject to the 50% reduction. All wetland incursions and setback incursions must be approved by the State.

- C) Must not approve waivers within the Flood Hazard Overlay District;
- D) Must not approve waivers to reduce any riparian or wetland setback or buffer required under these regulations unless approved by the Agency of Natural Resources; and
- E) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

**304.3** The applicant must file a complete zoning permit application and a written request for a waiver with the Zoning Administrator that includes all of the following:

- A) A brief description of the subject property and proposed development;
- B) A reference to the standard(s) of these regulations that the applicant is requesting a waiver from;
- C) The specific modification(s) that the applicant is requesting; and
- D) A response to each of the review criteria in subparagraph 5 below.

**304.4** The Development Review Board must hold a public hearing and act on the waiver request in accordance with these regulations. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

**304.5** To approve a waiver, the Development Review Board must find that:

- A) The proposed development will not alter the essential character of the area in which the property is located.
- B) The proposed development will not substantially or permanently impair the lawful use or development of nearby property.
- C) The proposed development will not be detrimental to public health, safety or welfare.
- D) The proposed development is reasonable and similar to development on other properties in the area.
- E) The applicant is proposing adequate mitigation through design, screening or other remedy.
- F) The approved waiver 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

**304.6** Within the Village Core and Historic Neighborhoods Districts the Development Review Board may modify or waive district setback requirements as necessary to: (i) maintain consistent setback distances and building lines along the road right-of-way; (ii) provide emergency vehicle access or make otherwise accessible; or (iii) 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.

### **Section 305: Variances**

**305.1** A property owner who cannot develop their land in full compliance with these regulations may request a variance as provided for in this section.

**305.2** The Development Review Board:

- A) May approve variances that authorize adjustments to the dimensional standards of these regulations under the specific circumstances described in this section.
- B) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

**305.3** The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:

- A) A brief description of the subject property and proposed development;
- B) A reference to the specific provision(s) of these regulations that the applicant is requesting a variance from;
- C) The specific modification(s) that the applicant is requesting; and
- D) A response to each of the applicable review criteria in subparagraphs 5-7 below.

**305.4** The Development Review Board must hold a public hearing and act on the variance request in accordance with these regulations. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

**305.5** To approve a variance, the Development Review Board must find that:

- A) The proposed development will not alter the essential character of the area in which the property is located.
- B) The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.
- C) The proposed development will not be detrimental to public health, safety or welfare.
- D) The applicant has not created the unnecessary hardship.
- E) The applicant is proposing the least deviation possible from these regulations that will afford relief.
- F) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.

**305.6** If the variance is for a renewable energy structure, subparagraph 5F will not be applied but the Development Review Board must find that:

- A) It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.
- B) The proposed development will not reduce access to renewable energy resources.

**305.7** If the variance is for development within the Flood Hazard Overlay District, the Development Review Board must also find that the proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program including 44 C.F.R. § 60.6.

### **Section 306: Penalties**

**306.1** All violations shall be pursued in accordance with 24 VSA §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.

**306.2** 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) the alleged offender has had an opportunity to cure the violation within the seven-day notice period, and
- C) the alleged offender will not be entitled to an additional warning notice.

**306.3** 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.

**306.4** 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.

**306.5** In accordance with 24 VSA §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.

**306.6** In accordance with 24 VSA §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 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, 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.

**402.2** Access to town highways requires a curb cut permit approved by the Road Foreman and the Selectboard. Access on state highways must be permitted by the Vermont Agency of Transportation.

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

**402.4** New private roads providing access to 3 or more lots must be built in accordance with guidance from the Road Foreman to meet state class 3 standards, at a minimum, to ensure emergency vehicle access and mitigate potential damage from erosion or other hazards.

### **Section 403: Construction and Plantings in Public Rights-of-Way**

**403.1** Only mailboxes are allowed in the rights-of-way along public roads. Permits for structures or obstruction within a public right-of-way are issued by the Road Commissioner under the ordinance -- Relating to the Protection of Town Roads and Road Rights-of-way. The Town of Danville is not responsible for any damages to structures or plantings within the right-of-way (e.g., from winter plowing).

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

**404.1** All new driveways require a curb cut application approved by the Road Foreman. While not a requirement, driveways should generally obey side setback limits if possible, i.e., driveways should not run directly along property lines unless there is a good reason such as difficult terrain or a shared drive.

### **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. 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. Accessible parking spaces shall be located nearest to the principal 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.

<b>Parking Table: Minimum Off-Street Parking Requirements</b>	
Use	Parking Spaces*
Bed & Breakfast	1 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-Unit	1 per dwelling unit
Dwelling/Single or Two Unit	1 per dwelling unit
Funeral Home	1 per dwelling unit and 5 per visiting room
Home Occupation/Business	1 per dwelling unit and 1 per nonresident employee
Hotel	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.	

\*for residential uses fractional spaces are rounded up to the next whole number as necessary

Notes:

1. For residential uses fractional spaces are rounded up to the next whole number as necessary.
2. A pre-existing nonconforming parking space (as of July 1, 2024) may count toward the parking requirement of an existing residential building if new residential units are added to the building (see 24 VSA § 4428).
3. Institute of Transportation Engineers Parking Generation (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 to 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:

- A) 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;
- B) 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;



- C) 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;
- D) the proposal is for the development of affordable or elderly housing; or
- E) 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** 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.

**406.2** 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;

- A) 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.
- B) No traffic will be generated which would be uncharacteristic of the neighborhood.
- C) Parking required for home occupation shall be provided off street and shall not be located in front yards.
- D) No objectionable vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home occupation.
- E) 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 Setbacks**

**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 or side setback.

#### **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: Surface Water Protection**

**410.1** 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 and 100-foot vegetative buffer adjacent to Class 1 wetlands shall be maintained. No structure or fill shall be placed within the vegetated buffer area or wetland itself, as defined in this bylaw unless approved by the Agency of Natural Resources.

**410.2** 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 rainstorms, 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 411: Manufactured homes and Manufactured home Park Standards**

**411.1** Manufactured homes (two or less) on a single lot will be qualified under the same regulations as other single-unit dwellings.

**411.2** Vermont law defines a manufactured home park as having more than two manufactured homes.

**411.3** Manufactured home parks shall have an area of not less than 10 acres and provide for individual manufactured home spaces, access driveways, parking, and recreation open space.

**411.4** Each manufactured home space shall be at least 7200 square feet in area, at least 60 feet wide by at least 120 feet deep, and shall front on an access driveway.

**411.5** A manufactured home shall be located on the manufactured 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 manufactured home space.

**411.6** Each manufactured home shall have a suitable non-porous pad.

**411.7** Each manufactured home space shall have at least 1.0 parking space suitable for year-round use where municipal water and sewer service is available and 1.5 (rounded up to 2) spaces in non-serviced areas.

**411.8** Each manufactured 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.

**411.9** Each manufactured 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 manufactured home space unless the manufactured home space is at least one acre in size.

**411.10** All access driveways within a manufactured 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.

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

**411.12** The maximum density of a manufactured home parks must not exceed the allowable density for single unit residential development in the applicable zoning district.

**411.13** A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all manufactured 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.

**411.14** Park managers shall make provisions for disposal of household garbage and rubbish in accordance with applicable state and local regulations.

#### **Section 412: Travel Trailers and Recreational Vehicles**

**412.1** 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 (i.e. it is conforming to its primary use).

#### **Section 413: Fences and Retaining Walls**

**413.1** No zoning permit is required to erect, enlarge, or alter a fence or wall 5 feet in height or less with the exception of 1) fences erected within the front setback along public rights of way and 2) fences in Design Control Overlays. However, the following shall apply:

- A) Fences and walls 5 feet in height or less shall have a minimum setback of 2 feet from the adjoining property and the fence or wall must be erected in a manner that would allow access to build and maintain the fence or wall in good condition without trespass on the adjoining property,
- B) This regulation does not apply to fences existing or erected on property lines designed for agricultural use,
- C) Fences of any height erected within a front setback along a public right of way shall be a conditional use and must receive a conditional use permit,
- D) This regulation shall not constitute a waiver of any design review proceeding or design criteria as may be required by a design control overlay district for fences and walls of any height.

**413.2** A fence or wall in excess of 5 feet in height or in a Design Control Overlay is subject to the normal structure permit application process.

**413.3** The owner of any fence or wall in violation of this bylaw is subject to the penalties defined herein. For example, if a landowner builds a fence on a property line and trespasses on a

neighbor's property to maintain it, the Zoning Administrator may require the landowner to cure the violation or be subject to fines.

#### **414 Affordable Housing**

**414.1 An affordable Housing development as defined in Article 2 served by municipal water and sewer is permitted to exceed residential density limitations by 40%. Such developments may also exceed maximum building height by one story. The density bonus will be rounded up to the nearest whole number of units.**

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

Note: there are no sections 504-509 and 518-529 so that normal districts have numbers in the 510s and overlay districts have numbers in the 530s.

### **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:

- A) Village Core
- B) Historic Neighborhoods
- C) Village Residential
- D) Route 2
- E) MDR I
- F) MDR II
- G) Low Density Residential
- H) Conservation
- I) Design Control Overlay
- J) Developed Shoreland Overlay

**501.2** Regardless of the existence of other printed copies of the zoning map, which from time to time may be made, updated, or published, the official zoning map, which shall be located in the office of the Zoning Administrator, 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 as described in this section. Any use designated as a "Permitted Use" requiring site plan approval in the table relating to a particular district, may be commenced as described in this section. Any use designated as a "Conditional Use" in the table relating to a

particular district may be commenced as described in this section. 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 24 VSA §4414 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:

- A) The capacity of existing or planned community facilities,
- B) 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,
- C) Traffic on roads and highways in the vicinity,
- D) Bylaws and ordinances then in effect,
- E) 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 Vermont Planning and Development Act (24 VSA Chapter 117) and these zoning regulations (see 806.13 B).

**502.5** The application of this bylaw is subject to 24 VSA §§ 4411-4413. No land development may commence without a zoning permit issued by the Zoning Administrator.

### **Section 503: Allowable and Prohibited Uses**

**503.1** This bylaw categorizes uses as either allowable (permitted or conditional) or prohibited. This section provides guidance on categorizing new or unspecified uses, and lists prohibited uses.

**503.2** The allowable uses are listed as permitted or conditional within each zoning district (below). There are definitions for each use in Article 2.

**503.3** There are many uses which may be similar to but broader or more specific than listed allowable uses. For example, grocery stores may be treated separately from the more general retail store. Where not otherwise specified, the intent for use categories is to follow the Standard Industrial Classification (SIC) structure maintained by the US Department of Labor, available online (<https://www.osha.gov/data/sic-manual> at the time of publication).

- A) If there is any question whether a use falls into a given category, the matter should follow the permit process for a Conditional Use.
- B) The DRB shall determine whether the specific case falls under a listed allowable use and whether that use is permitted for the district and parcel in question.
- C) The Zoning Administrator shall report any such cases to the Planning Commission for consideration and clarification in the next amendment of this bylaw.

**503.4** Any use which is not specifically listed as allowable, or which the DRB determines cannot be categorized as belonging within an allowable use, is prohibited. The following are prohibited uses for which there may or may not be definitions in Article 2. These are listed both as examples and to clearly specify them as prohibited. The only way to change a prohibited use is to amend this bylaw.

- A) Airports, Flying Fields, And Airport Terminals
- B) Outdoor Gun Ranges
- C) Correctional Institutions (government or private)
- D) Refuse Systems

**503.5 Two Unit (Duplex) Dwellings**

Any pre-existing single unit dwelling may be converted to a two unit dwelling (duplex) irrespective of the density or dimensional standards of the applicable zoning district provided that the following are met:

- Minimum parking requirements for residential uses under section 405; and
- Water supply and wastewater disposal requirements.

Any lot allowed to be developed with a single unit dwelling under these regulations may be developed to the same extent with a four unit dwelling provided that the following are met:

- A) District dimensional standards applicable to single unit dwellings;
- B) Minimum parking requirements for residential uses under section 405; and
- C) Water supply and wastewater disposal requirements.

**Section 510: Village Core District**

**510.1** The Village Core District is intended to promote a vibrant mix of uses in the heart of the Danville and West Danville Villages, by 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. The goal is to encourage the preservation and full utilization of existing buildings for mixed use and higher residential densities without substantially altering the traditional scale and character of the district.

**510.2 Permitted and Conditional Uses**

Permitted Uses	Conditional Uses
Accessory Structure/Use	Bakery
Bank (no drive-through)	Bank (with drive-through)
Bed & Breakfast	Bar/Pub
Clinic	Brewery/Distillery
Dwelling, Accessory	Club, Private
Dwelling, Single Unit	Cultural Facility
Dwelling, Two Unit	Day Care Center
Dwelling, Multiunit (max: 4 dwelling units)	Dwelling, Multiunit (> 4 dwelling units)
Farming and accessory on-farm businesses	Equipment Service & Repair
Forestry	Essential Services
Funeral Home	Hotel (max: 20 rooms)
Group Home	Mixed Use
Home Child Care	Office (max: 4,000 sq. ft.)
Home Occupation	Outdoor Market
Lodging House (max: 5 boarding rooms)	Pond, Man-made
Personal Service	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 (max: 4,000 sq. ft.)
	School

**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.
Maximum Building Height:	40 feet
Multi-Unit Residential Density:	8,500 sq. ft. of lot area per dwelling unit



#### 510.4 District Standards

- A) **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 (g) below.
- B) **Maximum Building Square Footage.** Maximum square footage requirements refer to maximum gross floor area per individual use.
- C) **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.
- D) **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:
  - 1) maintain consistent setback distances and building lines along the road right-of-way,
  - 2) provide emergency vehicle access or make otherwise accessible, or
  - 3) 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.
- E) **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.
- F) **Maximum Impervious Area.** The total amount of required parking shall be determined based on the table provided in section 405 of this bylaw, as modified by section (g) 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:
  - 1) reduce the size of the building (and thus the amount of required parking),

- 2) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or
  - 3) secure an option for public, on-street, or shared parking as described in section (g) 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.
- G) **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.
- H) **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.
- I) **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 multiunit, 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.
- J) **Bicycle Parking.** Bicycle parking is encouraged but not mandatory on nonresidential, multiunit 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.
- K) **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).

- L) Minimum Principal Building Height. Principal buildings within this district shall have a minimum height of 1.5 stories.
- M) 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.
- N) 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.
- O) 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.
- P) 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.
- Q) 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. 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 form of Danville Village’s three historic residential streets – Hill Street, Peacham Road, and Brainerd Street – while allowing for conversion to multi unit dwellings and 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. A key purpose of this district is to ensure new construction will be compatible with and maintain or enhance the form of the surrounding built environment.

**511.2 Permitted and Conditional Uses**

<b>Permitted Uses</b>	<b>Conditional Uses</b>
Accessory Structure/Use Bed & Breakfast Dwelling, Accessory Dwelling, Single Unit Dwelling, Two Unit Dwelling, Multiunit (max: 4 dwelling units) Farming and accessory on-farm businesses Forestry Group Home Home Child Care Home Occupation Lodging House (max: 5 boarding rooms)	Clinic Club, Private Cultural Facility Day Care Center Dwelling, Multiunit (> 4 dwelling units) Essential Services Funeral Home Hotel (max 20 rooms) Mixed Use Office (max: 2,000 sq.ft.) Personal Services Pond, Man-made Public Facility Public Assembly Recreation Facility, Outdoor (non-motorized only) Religious Institution Residential Care Facility Restaurant School Studio

**511.3 Area and Dimensional Requirements**

Minimum Lot Size:	10,000 sq. ft. or 8,500 sq. ft. for residential lots served by town water and sewer
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.
Maximum Building Height:	35 feet
Multi-Unit Residential Density:	8,500 sq. ft. of lot area per dwelling unit

#### 511.4 District Standards

- A) **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 (g) below.
- B) **Maximum Building Square Footage.** Maximum square footage requirements refer to maximum gross floor area per individual use.
- C) **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.
- D) **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:
  - 1) maintain consistent setback distances and building lines along the road right-of-way,
  - 2) provide emergency vehicle access or make otherwise accessible; or
  - 3) 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.
- E) **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.
- F) **Maximum Impervious Area.** The total amount of required parking shall be determined based on the table provided in section 405 of this bylaw, as modified by section (g) 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:
  - 1) reduce the size of the building (and thus the amount of required parking);

- 2) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or
  - 3) secure an option for public, on-street, or shared parking as described in section (g) 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.
- G) **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.
- H) **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.
- I) **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 multiunit, 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.
- J) **Bicycle Parking.** Bicycle parking shall be encouraged but not mandatory on nonresidential, multiunit 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.

- K) 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).
- L) Minimum Principal Building Height. Principal buildings within this district shall have a minimum height of 1.5 stories.
- M) 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.
- N) 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.
- O) 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.
- P) Sidewalks and Pedestrian Paths. Sidewalks or marked pedestrian paths shall be provided on multiunit 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.
- Q) Access to Public Rights of Way. Vehicular access onto town highways must meet adopted town highway standards. 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 Villages to meet future needs for a variety of housing types 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. The village of North Danville is also classified as this type of zone.

**512.2 Permitted and Conditional Uses**

Permitted Uses	Conditional Uses
Accessory Structure/Use	Cemetery
Bed & Breakfast	Club, Private
Dwelling, Accessory	Day Care Center
Dwelling, Single Unit	Dwelling, Multiunit (>4 units)
Dwelling, Two Unit	Essential Services
Dwelling, Multiunit (max: 4 dwelling units)	Funeral Home
Farming and accessory on-farm businesses	Pond, Man-made
Forestry	Mixed Use
Group Home	Public Assembly
Home Child Care	Recreation Facility, Outdoor (non-motorized only)
Home Occupation	Religious Institution
Lodging House (max: 5 boarding rooms)	Residential Care Facility
	School

**512.3 Area and Dimensional Requirements**

Minimum Lot Size:	10,000 sq. ft. or 8,500 sq. ft. for residential lots served by town water and sewer
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
Maximum Building Height:	30 feet
Multi-Unit Residential Density:	8,500 sq. ft. of lot area per dwelling unit

**512.4 District Standards**

- A) 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.



- B) **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.
- C) **Maximum Impervious Area.** The total amount of required parking shall be determined based on the Off-Street Parking and Loading table, as modified by section (d) 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:
  - 1) reduce the size of the building (and thus the amount of required parking),
  - 2) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or
  - 3) secure an option for public, on-street, or shared parking as described in section (d) 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.
- D) **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.
- E) **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.
- F) **Location of Parking.** Parking, loading, and service areas for multiunit, 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.

- G) **Bicycle Parking.** Bicycle parking shall be encouraged but not mandatory on nonresidential, multiunit 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.
- H) **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).
- I) **Minimum Principal Building Height.** Principal buildings in this district shall have a minimum height of 1 story.
- J) **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.
- K) **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.
- L) **Sidewalks and Pedestrian Paths.** Sidewalks or marked pedestrian paths shall be provided on multiunit 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.
- M) **Access to Public Rights of Way.** Vehicular access onto town highways must meet adopted town highway standards. 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, mixed use development and community facilities that, together, establish Danville Village as a “full service” village that offers housing choice, provides for the daily needs of its residents and is in easy walking distance of adjacent residential neighborhoods.

**513.2 Permitted and Conditional Uses.**

Permitted Uses	Conditional Uses
Accessory Structure/Use	Bakery (max: 2,000 sq. ft.)
Bank (no drive-through)	Bank (with drive-through)
Bed & Breakfast	Bar/Pub
Clinic	Brewery/Distillery
Dwelling, Accessory	Club, Private
Dwelling, Single Unit	Cultural Facility
Dwelling, Two Unit	Day Care Center
Dwelling, Multiunit (max: 4 dwelling units)	Dwelling, Multiunit (> 4 dwelling units)
Farming and accessory on-farm businesses	Equipment Service & Repair (max: 3,000 sq. ft.)
Forestry	Essential Services
Funeral Home	Gasoline Station
Group Home	Grocery Store (max: 15,000 sq. ft.)
Home Child Care	Hotel (max: 20 rooms)
Home Occupation	Kennel
Lodging House (max: 5 boarding rooms)	Light Industry (max: 20,000 sq. ft.)
Office (max: 2,000 sq.ft.)	Mixed Use
Personal Service	Motor Vehicle Service & Repair
Studio	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 (max: 5,000 sq. ft.)
	School
	Transit Facility
	Veterinarian

**513.3 Area and Dimensional Requirements**

- Minimum Lot Size: 20,000 sq. ft. or 8,500 sq. ft. for residential lots served by town water and sewer
- 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 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:	15 feet
Maximum Building Height:	40 feet
Multi-Unit Residential Density:	8,500 sq. ft. of lot area per dwelling unit

### 513.4 District Standards

- A) **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.
- B) **Maximum Building Square Footage.** Maximum square footage requirements refer to maximum gross floor area per individual use.
- C) **Maximum Building Footprint.** Except as specified in subsection (d) below, the total combined footprint of all principal buildings on a single lot shall in no case exceed 5,000 square feet.
- D) **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.
- E) **Maximum Impervious Area.** The total amount of required parking shall be determined based on the table provided in section 405 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:
  - 1) reduce the size of the building (and thus the amount of required parking);
  - 2) redesign the site to eliminate unneeded impervious areas (independent of the number of parking spaces); or
  - 3) secure an option for public, on-street, or shared parking as described in subsection (f) 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.

- F) **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.
- G) **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.
- H) **Location of Parking.** Loading and service areas for multiunit, 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.
- I) **Bicycle Parking.** Bicycle parking shall be encouraged but not mandatory on nonresidential, multiunit, 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.
- J) **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).
- K) **Minimum Principal Building Height.** Principal buildings within this district shall have a minimum height of 1 story.

- L) **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.
- M) **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.
- N) **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.
- O) **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.
- P) **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. 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 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	Clinic
Dwelling, Accessory	Club, private
Dwelling, Single Unit	Community center
Dwelling, Two Unit	Motor vehicle service and repair facility
Farming and accessory on-farm businesses	Commercial use
Forestry	Dwelling, multi-unit
Group Home	Essential services
Home Child Care	Light industry
Home Occupation	Lodging house
Religious Institution	Mixed Use
Public Facility	Motel (max 25 guest rooms)Personal Service
School	Pond, man-made
	Public assembly use
	Recycling Facility
	Recreational facility, indoor
	Recreational facility, outdoor
	Recreational facility, private
	Restaurant
	Retail store (max 5,000 sqft)
	Wholesale distribution service (max 5,000 sqft)

**514.3 Minimum Area and Dimensional Requirements**

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

- Multi-Unit Residential Density: 0.5 acres of lot area per dwelling unit

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

**515.1** Medium Density Residential II (MDR II) is a district 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	Bank
Dwelling, Accessory	Clinic
Dwelling, Seasonal	Club, Private
Dwelling, Single Unit	Commercial Use
Dwelling, Two Unit	Community Center
Farming and accessory on-farm businesses	Dwelling, Multi-Unit
Forestry	Essential Services
Group Home	Light Industry
Home Child Care	Lodging House
Home Occupations	Mixed Use
Public Facility	Motel (max 50 guest rooms)
Religious Institution	Motor Vehicle Service and Repair Facility
School	Personal Service
	Pond, Man-Made
	Recreational Facility, Indoor
	Recreational Facility, Outdoor
	Recreational Facility, Private Indoor & Outdoor
	Restaurant
	Retail Store (max 5,000 sqft)
	Wholesale Distribution Service (max 5,000 sqft)

**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

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.

- Multi-Unit Residential Density: 0.75 acres of lot area per dwelling unit



**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. Note: where not clearly mapped in another district, the LDR district extends 1000' from the centerline of the nearest class 2 or 3 roads.

**516.2 Permitted and Conditional Uses**

Permitted Uses	Conditional Uses
Accessory Use	Brewery/Distillery
Dwelling, Accessory	Campground
Dwelling, Seasonal	Club, Private
Dwelling, Single Unit	Clinic
Dwelling, Two Unit	Commercial Use
Essential Services	Community Center
Farming and accessory on-farm businesses	Dwelling, Multi-Unit
Forestry	Kennel
Group Home	Light Industry
Home Child Care	Lodging House
Home Occupation	Mixed Use
Public Facility	
Religious Institution	Motel (max 60 guest rooms)
School	Motor Vehicle Sales, Service, Repair
	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
	Veterinarian
	Warehousing 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

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.

- Multi-Unit Residential Density: 1.5 acres of lot area per dwelling unit

**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. Note: where not clearly mapped in another district, the Conservation district begins 1000' from the centerline of the nearest class 2 or 3 roads.

**517.2 Permitted and Conditional Uses**

Permitted Uses	Conditional Uses
Accessory Use Dwelling, Accessory Dwelling, Seasonal Dwelling, Single Unit Dwelling, Two Unit Essential Services Farming and accessory on-farm businesses Forestry Group Home Home Child Care Home Occupations Ponds, Man-Made	Club, Private Commercial Use Community Center Junk Yard Kennel Removal of Fill, Gravel, Stone or Loam Veterinarian

**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

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 530: Design Control Overlay**

**530.1 Objective.** The purpose of these overlay zones is to preserve and enhance the historic and architectural significance of Danville, South Danville, North Danville, and West Danville. It is also the purpose of this overlay 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 regulations will contribute to an increase in population and commerce.

**530.2 Lands to Which this Section Applies.** All regulations relating to the Design Control Overlay shall be required for the properties identified below in the districts defined as Village Core, Historic Neighborhoods, Village Residential, and historic places. If any such lot is less than 75 feet in depth, any lot to the immediate rear is included in this overlay if visible from the road. The Design Control Overlay includes and encompasses all lots in:

- A) Danville:
  - 1) Facing to any extent the Town Green,
  - 2) Facing to any extent Route 2 from Mountain View Drive to Walden Hill Road,
  - 3) Facing to any extent Hill Street from Route 2 to Highland Avenue,
  - 4) Facing to any extent Brainerd Street from Peacham Road to Mountain View Drive,
  - 5) Facing to any extent Peacham Road from Route 2 to the rail trail.
- B) South Danville-Greenbanks Hollow:
  - 1) Facing to any extent Brook Road from the Covered Bridge the merger of Brown Brook into Joes Brook,
  - 2) Facing to any extent Greenbanks Hollow Road from 1471 Greenbanks Hollow Road to the Covered Bridge,
  - 3) Facing to any extent Thaddeus Stevens Road from Chet Willey Road to the Covered Bridge.
- C) South Danville-Harveys Hollow:
  - 1) Facing to any extent Brook Road from 49 Book Road to Peacham Road,
  - 2) Facing to any extent Peacham Road from 1968 Peacham Road to 2059 Peacham Road,
  - 3) Facing to any extent Harveys Hollow Road from Peacham Road to 260 Harveys Hollow Road.
- D) North Danville:
  - 1) Facing to any extent Bruce Badger Memorial Highway from the Brainerd Memorial Library (4215 Bruce Badger Memorial Highway) along Bruce Badger Memorial Highway through North Danville Road to the bridge over Houghton Brook.
- E) West Danville:
  - 1) Facing to any extent Route 2 from the eastern railroad crossing to Keiser Pond Road,
  - 2) Facing to any extent Route 15 from the intersection with Route 2 to the United Methodist Church (84 Route 15).

**530.3** Permitted and conditional uses within the Design Control Overlay are the same as the underlying districts. The Development Review Board shall weigh current and historical use of surrounding lands when determining whether to grant a new conditional use.

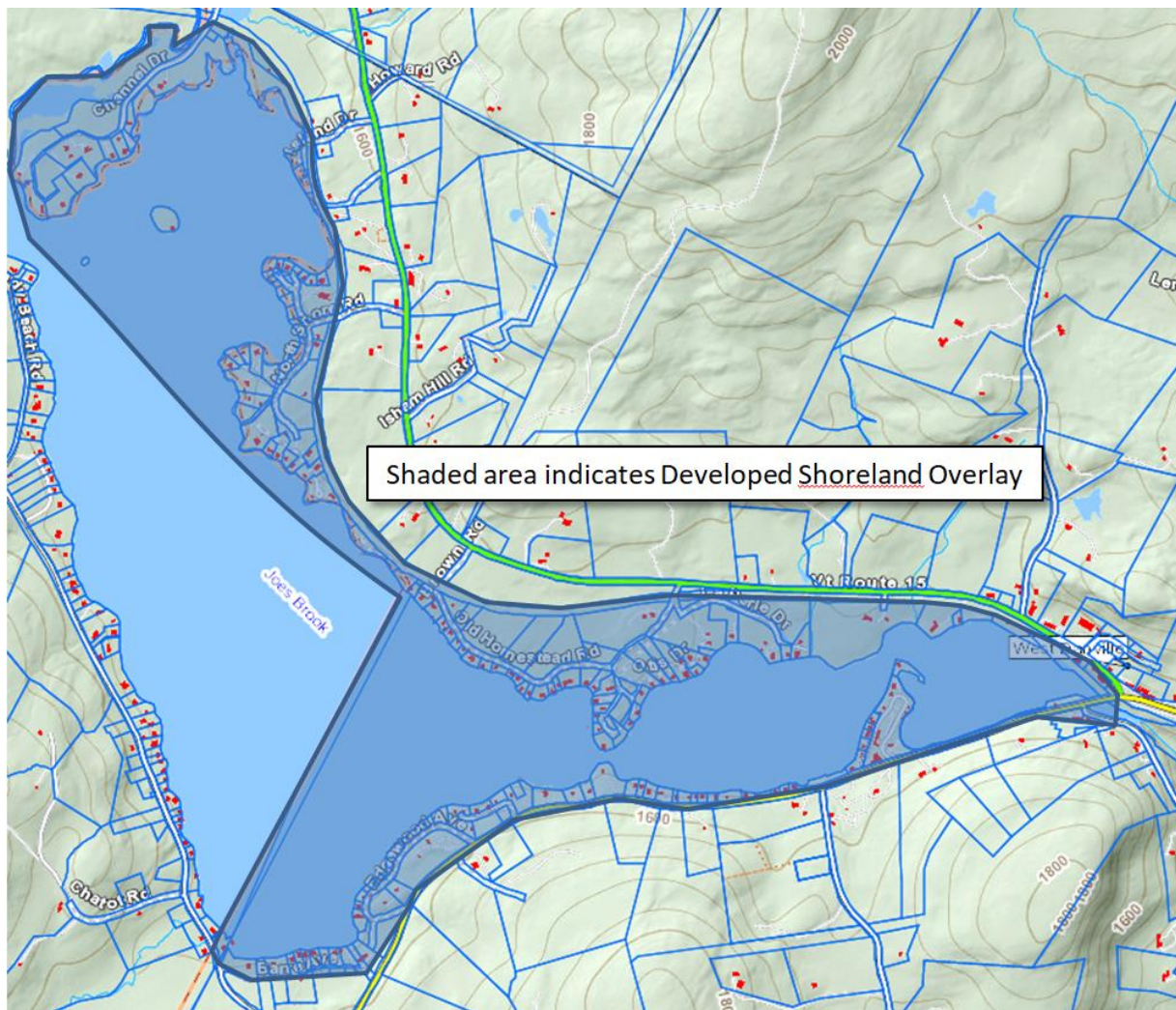
**530.4** Within any Design Control Overlay area, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without design approval of plans by the Development Review Board. This does not include routine “Maintenance” as defined within this bylaw, which does not require a permit. Replacement of roofing, siding, windows, doors, exterior walls, chimneys, foundations, porches, porch railings, decks, or stairs and steps may require approval (in Design Control Overlays) unless the replacement is similar in size, materials and architectural detail or is compatible with the architectural style and age of the structure.

**530.5** Permits for construction, reconstruction, substantial alteration, or demolition of structures within a Design Control Overlay are handled in a manner similar to Conditional Use applications. See the permitting process article.

### **Section 531: Developed Shoreland Overlay**

**531.1 Objective.** The purpose of this overlay 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. It is intended to help allow continuation of existing land use within the dense historical pattern of development.

**531.2 Lands to Which This Section Applies.** The Developed Shoreland Overlay applies to developed properties adjacent to Joe’s Pond. All property within 250 feet of the mean water level of Joe’s pond must meet the requirements of the State Shoreland Protection Act, and whichever standards are more restrictive shall apply. As a non-authoritative reference, the map below shows the overlay area at the time of this document’s writing.



**531.3** Permitted and conditional uses within the Developed Shoreland Overlay are the same as the underlying districts. The Development Review Board shall weigh impacts on the lake and current use of surrounding lands when determining whether to grant a new conditional use.

**531.4** Area and Dimensional Requirements:

Maximum height of buildings and structures:	25 feet
Maximum building footprint:	1,500 square feet
Minimum shoreline frontage (if applicable):	50 feet
Minimum setback from mean high water (if applicable):	25 feet
Maximum impervious coverage (buildings, driveways, etc.):	20%

**531.5** Waiver Considerations. To better enable property owners to minimize negative impacts on the lake, the Development Review Board may waive setbacks within the Developed Shoreland Overlay provided that:

- A) The applicant has a state Shoreland Protection Permit or a Vermont Shoreland Protection Act Project Worksheet showing that no permit is needed.
- B) The proposed development maintains the maximum possible setback distance from the mean high-water level of the lake.
- C) The applicant demonstrates the use of Best Management Practices as defined by the Watershed Management Division of the Agency of Natural Resources to mitigate impacts to the lake.
- D) Any setback reduction does not result in the height of any point of the building or structure being greater than the horizontal distance from that point to the property line.

### **Section 532: Flood Hazard Area Overlay**

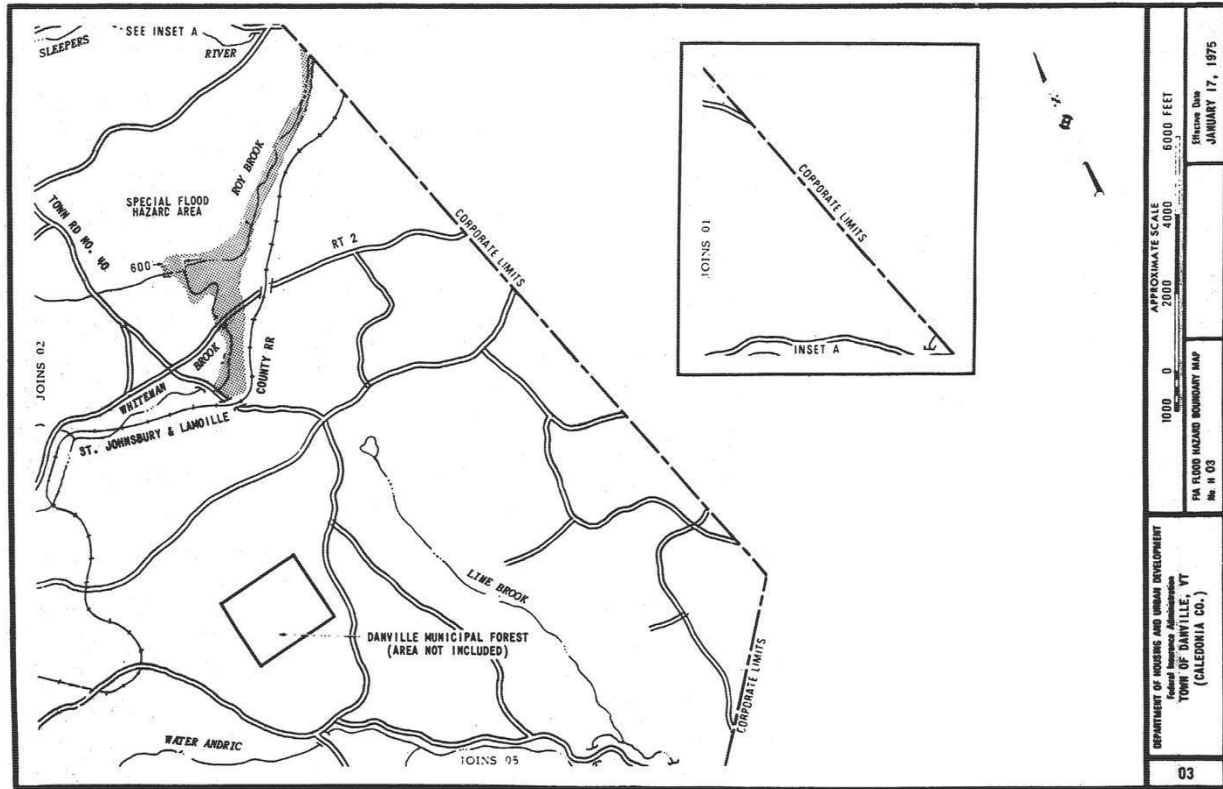
**532.1 Purpose.** The Flood Hazard Overlay District is intended to:

- A) Minimize and prevent 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;
- B) Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding;
- C) Manage special flood hazard areas in accordance with state and federal law;
- D) Make the Town of Danville, its landowners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available;
- E) Allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this overlay district;
- F) Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains;
- G) Avoid encroachments that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability;
- H) Protect infill and redevelopment from inundation hazards; and
- I) Discourage new encroachments on undeveloped property that provides for floodwater and sediment storage.

**532.2 Precedence.** The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. If there is a conflict between the provisions of this section, the most restrictive provision will apply.

**532.3 Warning.** The provisions of this section do not imply that lands outside of this overlay district will be free from flooding.

**532.4 District Boundaries.** The provisions of this section apply to all flood hazard areas in the Town of Danville identified on the most current flood insurance studies and maps published by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are adopted by reference into these regulations. The flood hazard area consists of the floodway and flood fringe (commonly referred to as the 100-year floodplain).



This map is for unofficial purposes only. All regulatory decisions must be made in reference to the flood hazard insurance rate map (FIRM) on file in the Danville town office.

**532.5 LOMAs and LOMRs.** Applicants may provide a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), which will constitute proof of the location of the flood hazard area boundary. A Letter of Map Revision based on Fill (LOMR-F) issued on or after \*date may not be used to remove lands from the jurisdiction of this section.

**532.6 Applicability.** A landowner must obtain a zoning permit for all development (as defined in subparagraph 22) located within this overlay district that is not exempted in subparagraph 8. The Zoning Administrator must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

**532.7 Allowed Uses.** The uses allowed in the base zoning district are allowed to the same extent within this overlay district provided:

- A) The proposed development is not prohibited in subparagraph 9; and
- B) The applicant demonstrates compliance with subparagraph 11 or subparagraph 12 as applicable.

**532.8 Exempt Development.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

- A) Agricultural and silvicultural practices or farm structures exempted under statute;



- B) Normal maintenance and repair that does not meet the definition of development in subparagraph 22;
- C) Improvements to existing buildings (interior or exterior) that cost less than \$700;
- D) Demolition of a structure or portion of a structure provided that there is no increase in elevation under or adjacent to the removed structure or portion of a structure (for damaged structures where owners may be using FEMA mitigation funds, FEMA may require a damaged structure to remain in place until funds are granted);
- E) Subdivision of land;
- F) Public water access and recreational trails that do not require active management or alteration of the river or stream;
- G) Planting projects to restore natural and beneficial floodplain functions that do not involve grading or construction of structures;
- H) Development subject to a Stream Alteration Permit from the Vermont Agency of Natural Resources;
- I) Development subject to a Certificate of Public Good from the Vermont Public Utilities Commission; and
- J) State owned and operated facilities or institutions.

**532.9 Prohibited Development.** The following development is prohibited within this overlay district:

- A) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) for new, replacement or substantially improved structures, or for structures that have incurred substantial damage;
- B) New dwellings (this will not be interpreted to include replacement of a pre-existing residential structure in full conformance with the standards of this section);
- C) Outdoor storage of goods, materials, equipment or vehicles;
- D) New critical facilities as defined in subparagraph 22;
- E) Expansion of existing structures within the floodway where the footprint of the structure is proposed to expand laterally into the floodway more than 500 square feet; and
- F) Any development within Zones AE and A1-A30 where FEMA has not determined floodway limits unless the applicant demonstrates that the cumulative impact of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the town by submitting technical data that conforms to standard hydraulic engineering principles prepared and certified by a qualified engineer.

**532.10 Pre-Existing Structures.** Within this overlay district, a landowner may only:

- A) Reconstruct a substantially damaged or destroyed structure in its original location if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this section; or

- B) Re-occupy a structure that has been unused or uninhabited for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section.

**532.11 Floodway Standards. Within the floodway:**

- A) New encroachments are prohibited except for the following, which must meet the requirements of subparagraph 11B below:
  - 1) Changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
  - 2) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and
  - 3) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.
- B) For new encroachments or development allowed under subparagraph 11A above that will result in an increase of grade, applicants must provide either a:
  - 1) FEMA Conditional Letter of Map Revision (CLOMR) to demonstrate that the proposed development will not have an adverse impact; or
  - 2) Hydraulic analysis performed by a registered professional engineer in accordance with standard engineering practice certifying that the proposed development will:
    - a) Not result in any increase in flood levels during the occurrence of the base flood;
    - b) Not increase base flood velocities; and
    - c) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- C) The applicant must demonstrate that any new encroachments or development allowed under subparagraph 11A above have been designed in accordance with the standards of subparagraph 12 except for the requirement for compensatory flood storage.

**532.12 Flood Fringe Standards. Within the flood fringe:**

- A) Compensatory Flood Storage. Development that displaces floodwater storage must provide compensatory storage in accordance with the following unless exempted in subparagraph 12A)3 below:
  - 1) Applicants must provide either:
    - a) Volumetric analyses and supporting data prepared and certified by a qualified engineer; or

- b) A hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.
- 2) Applicants must provide a statement from a qualified engineer certifying that the compensatory flood storage design will not materially impact adjacent properties by increasing base flood elevations or velocities.
  - 3) Upon the applicant obtaining a written statement of concurrence from the Vermont Agency of Natural Resources Regional Floodplain Manager, the Zoning Administrator or Development Review Board may waive the compensatory flood storage requirement for:
    - a) Designs that have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property;
    - b) Remediation of brownfield sites provided the applicant submits a hydraulic analysis that demonstrates that the remediation will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer;
    - c) A replacement structure provided there is no increase in the structure's footprint or an open foundation design is used; and
    - d) Streets, driveways, utilities and replacement on-site septic systems upon the applicant demonstrating that the placement of fill cannot be mitigated.

**532.13 General Standards for All Development.** Applicants must demonstrate that the proposed development will be:

- A) Reasonably safe from flooding;
- B) Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- C) Constructed with materials resistant to flood damage;
- D) Constructed by methods and practices that minimize flood damage;
- E) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding; and
- F) Adequately drained to reduce exposure to flood hazards.

**532.14 Structural Standards.** Applicants must demonstrate that:

- A) Residential. New residential structures or existing residential structures to be substantially improved or replaced, or that have incurred substantial damage will be located such that the lowest floor is at least 2 feet above base flood elevation (BFE) as documented in the proposed and as-built condition with a FEMA Elevation Certificate.

- B) Non-Residential. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage will:
  - 1) Meet the standards of subparagraph 14A above; or
  - 2) Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that 2 feet above the BFE the structure is dry floodproofed in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.
  
- C) In Zone AO. New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO will have the lowest floor, including basement, elevated above the highest adjacent grade, at least 2 feet above the depth number specified on the town's FIRM, or at least 3 feet if no depth number is specified.
  
- D) Critical Facilities. Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage will:
  - 1) Be constructed so that the lowest floor, including basement, will be elevated or dry-floodproofed at least 1 foot above the elevation of the 0.2% annual flood height (500-year floodplain), or 3 feet above BFE, whichever is higher; and
  - 2) Have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles, and the top of the access road will be no lower than 6 inches below the elevation of the 0.2% annual chance flood event.
  
- E) Historic Structures. For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building will meet the following mitigation performance standards for areas below the base flood elevation:
  - 1) Enclosures below the lowest floor must be constructed to prevent future flood damage to the foundation, utility connections, or elevated portions of the building or nearby structures; Utility connections (e.g., electricity, water, sewer, natural gas) must be protected from inundation and scour or be easily repaired;
  - 2) The building foundation must be structurally sound and reinforced to withstand a base flood event;
  - 3) The structure's historic designation must not be precluded by the repairs and improvements;
  - 4) The likelihood of flood waters entering the structure during the base flood must be reduced; and
  - 5) There must be no expansion of uses below BFE except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.

- F) Enclosed Areas Below BFE. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, will:
- 1) Be solely used for parking of vehicles, storage, or building access, and such a condition will clearly be stated on any permits;
  - 2) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect; and
  - 3) Include a signed agreement from the owner of the structure with the permit application stating that the:
    - a) Enclosed area below the BFE will not be converted to a use other than parking, storage or building access; and
    - b) Zoning Administrator will be allowed to inspect the exterior and interior of the enclosed area as necessary to ensure compliance.

**532.15 Small Accessory Structures.** Applicants will not be required to elevate an accessory structure with a footprint of 500 square feet or less to the base flood elevation provided that the structure is:

- A) Located on the building site so as to offer the minimum resistance to the flow of floodwaters; and
- B) Designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect .

**532.16 Fuel Storage Tanks.** Applicants must demonstrate that fuel storage tanks will be:

- A) Securely anchored to prevent flotation;
- B) Located on the landward or downstream side of the building;
- C) Only placed on a structure or platform that is designed to withstand anticipated flood loads and forces; and
- D) Elevated so that all inlets, fill openings, line connections and vents will be elevated at least 2 feet above BFE. If elevating the tank is not possible due to the location of the fuel line or hook-up serving an existing building:
  - 1) The tank vent pipe/valve must be located at least 2 feet above BFE; or
  - 2) The tank may be located underground provided it will be securely anchored and protected from flood forces as certified by a qualified professional.

**532.17 Utilities and Service Facilities.** For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, applicants must demonstrate that outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems) will be located on

the landward or downstream side of the building and/or behind structural elements, and will be located and constructed to minimize or eliminate flood damage.

**532.18 Water and Wastewater Facilities.** Water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

**532.19 Temporary Structures and Vehicles.** Temporary structures and vehicles must either:

- A) Be currently registered, licensed and ready for highway use, if a motor vehicle or trailer;
- B) Be located within this overlay district for less than 180 consecutive days; or
- C) Conform to all applicable provisions of this section for permanent structures.

**532.20 Subdivisions and Planned Unit Developments (PUDs).** Applicants must design any subdivision or PUD that includes land within this overlay district so that all lots have a building envelope located outside the flood hazard area and so that those envelopes will be accessible over land located outside the flood hazard area.

**532.21 Administration**

- A) **Application Requirements.** In addition to all other requirements of these regulations, an application for development within this overlay district must include:
  - 1) **Base flood elevation (BFE) for:**
    - a) Replacement, substantially improved or substantially damaged structures;
    - b) Projects requiring elevation or dry-floodproofing above BFE; and
    - c) Additions to existing historic structures.
  - 2) **Floodway data with electronic input/output files and mapping showing cross-section locations certified by a registered professional engineer for development within the floodway that includes:**
    - a) Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway; and
    - b) A floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than 1 foot at any point within the Town if FEMA has provided BFE data but not designated floodway areas.
  - 3) **A No Adverse Impact (NAI) volumetric analysis and supporting data certified by a registered professional engineer for development that requires compensatory flood storage under subparagraph 12.**
- B) **Referrals.** The Zoning Administrator must send a copy of all complete applications for development within this overlay district to the State National Flood Insurance Program

(NFIP) Coordinator at the Vermont Agency of Natural Resources. The Zoning Administrator must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.

- C) Substantial Improvement and Substantial Damage Determinations. The Zoning Administrator will make a determination of substantial improvement or substantial damage in accordance with current FEMA guidelines, which will establish the appropriate standards for repair and rebuilding under this section. The applicant may provide additional documentation including, but not limited to:
  - 1) A recent building appraisal completed by a qualified professional that documents the structure’s market value, excluding land value, prior to the damage or improvement;
  - 2) A cost estimate provided by a qualified professional that includes material and labor costs and a detailed accounting of the proposed project; or
  - 3) In the case of substantial damage, an estimate of structure damage prepared by a state or local official using FEMA’s Substantial Damage Estimator software.
- D) Certificate of Occupancy. The applicant must obtain a Certificate of Occupancy for all development subject to the provisions of this overlay district in accordance with the provisions of Section 809. The Zoning Administrator must not issue a Certificate of Occupancy for development within this overlay district until the applicant has submitted all required as-built documentation.
- E) Administrative Records. In addition to all other applicable requirements of these regulations, the Zoning Administrator must file and maintain a record of:
  - 1) FEMA Elevation Certificates with the as-built elevation of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed principal buildings; and
  - 2) All floodproofing and other certifications required under this section.
- F) Variances. The Development Review Board may grant variances within this overlay district as established in Section 305. Any variance granted for development within the flood hazard area must include the following statement, “The issuance of a variance to construct 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 in coverage.”
- G) Violations. In addition to all other applicable provisions of these regulations, the Zoning Administrator must:
  - 1) Send a copy of any notice of violation issued for development within this overlay district to the State National Flood Insurance Program Coordinator; and
  - 2) Submit a declaration of any unresolved violation to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property in accordance with federal law.

- H) Appeals. The applicant or other interested person may appeal any action or decision taken under this section in accordance with the provisions of Section 808.

**532.22** Definitions. The definitions below apply to terms used within this section. Any term not defined below will be as defined in ARTICLE 2.

- A) Base Flood means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).
- B) Base Flood Elevation (BFE) means the elevation of the water surface elevation resulting from the base flood. On the Flood Insurance Rate Maps, 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 average depth of the base flood, usually in feet, above the ground surface.
- C) Basement means any area of the building having its floor elevation sub-grade (below ground level) on all sides.
- D) Compensatory Storage means a volume not previously used for flood storage that must be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, that would be displaced by the proposed project. Such compensatory volume must:
  - 1) Have an unrestricted hydraulic connection to the same waterway or water body; and
  - 2) Be provided within the same reach of the river, stream, or creek.
- E) Critical Facilities mean facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.
- F) Development means 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.
- G) Encroachment means activities or construction including fill, substantial improvements, structures and other development that may cause an increase in flood levels.
- H) Fill means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.
- I) Flood means:
  - 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - a) The overflow of inland or tidal waters,
    - b) The unusual and rapid accumulation or runoff of surface waters from any source, and



- c) 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; or
  - 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining:
    - a) Caused by waves or currents of water exceeding anticipated cyclical levels, or
    - b) 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.
- J) Flood Fringe means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a 1% chance of being equaled or exceeded in any given year).
- K) Flood Hazard means those hazards related to damage from flood-related inundation or erosion.
- L) Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. The hazard boundaries are available in paper, PDF, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).
- M) Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- N) Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source (see definition of “flood”).
- O) Floodproofing means 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.
- P) Floodway means 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. Please note that flood hazard areas and floodways may be shown on a separate map panels.
- Q) Grading means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the

portion of the site within the hazard area, the new material will be considered “fill” and will not be considered grading.

- R) Historic Structure means any structure that is:
- 1) 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;
  - 2) 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;
  - 3) Individually listed on the Vermont State Register of Historic Places; or
  - 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a) By an approved state program as determined by the Secretary of the Interior; or
    - b) Directly by the Secretary of the Interior in states without approved programs.
- S) Letter of Map Change (LOMC) means a letter issued by FEMA officially removing a structure or lot from the flood hazard area 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. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).
- T) Lowest Floor means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement 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.
- U) National Flood Insurance Program means the National Flood Insurance Program under 42 U.S.C. Chapter 50 and implementing federal regulations in 44 C.F.R. Parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to landowners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.
- V) Natural and Beneficial Floodplain Functions mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary

beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

- W) New Construction means structures for which the “start of construction” commenced on or after June 7, 2004 and includes any subsequent improvements to such structures.
- X) Person means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
- Y) Public Water Access means a public access to a water of the state and, except for toilet facilities, will not include structures as defined in this section.
- Z) Redevelopment means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.
- AA) Replacement Structure means a new building placed in the same footprint as the pre-existing building and does not include a change in use.
- BB) Special Flood Hazard Area means the land in the floodplain subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current FIS and on the FIRM. Maps of this area are available for viewing in the town office or online from the FEMA Map Service Center ([msc.fema.gov](https://msc.fema.gov)). FEMA has not determined base flood elevations 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. Where floodways have been determined they may be shown on separate map panels from the FIRM.
- CC) Start of Construction means the date the town issued a permit authorizing development, 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 any of the following:
  - 1) The first placement of permanent construction of a structure on a site, which includes the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, but does not include:
    - a) Land preparation, such as clearing, grading and filling
    - b) Installation of streets and/or walkways;
    - c) Excavation for a basement, footing, piers, or foundations or the erection of temporary forms; or
    - d) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
  - 2) The placement of a manufactured home on a foundation.

- 3) 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.
- DD) Storage means the aggregation of materials, items, or objects whether natural or human-made:
- 1) That is kept as a stockpile, collection, or inventory;
  - 2) Where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose;
  - 3) Whether set upon the land or within a container, structure, or facility; and
  - 4) That would not otherwise comply with the provisions of this section.
- EE) Structure means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.
- FF) Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- GG) Substantial Improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure on or after \*\*date, the cost of which over 3 years, or over the period of a common plan of development, cumulatively equals or exceeds 50% 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:
- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been previously identified by the code enforcement official and which are the minimum necessary to assure safe living conditions or
  - 2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”
- HH) Violation means the failure of a structure or other development to be fully compliant with the provisions of this section. 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.

## **ARTICLE 6: NON-CONFORMING USES, 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:

- A) Shall not be expanded, enlarged, or extended (except as specifically provided), nor shall any,
- B) external evidence of such use be increased by any means whatsoever,
- C) Shall not be changed to another non-conforming use,
- D) 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,
- E) 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.

**602.3** 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 603: Non-Conforming Structures**

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

- A) A non-conforming structure (outside of Flood Hazard Areas) may be continued indefinitely and may be expanded without limitation provided the expansion is in accordance with any applicable requirements of this bylaw.
- B) Does not increase the degree of non-conformance and meets the requirements regarding expansion of a non-conforming use.
- C) 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 604: Non-Conforming Lots**

**604.1** 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.

**604.2** Because they are smaller than usual, such lots may need different setbacks in different zoning districts. The following are the minimum setbacks for such lots regardless of zone. Note that these setbacks supersede normal zoning district setbacks, but not setbacks for special conditions such as shoreland protection (not to be confused with the Developed Shoreland Overlay) or flood hazard areas, etc.

Minimum setback from road:	25 feet
Minimum setback from adjacent property lines (by lot size):	
Under 1.5 acres	15 feet
Others (1.5 acres or more)	35 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** A subdivision which adjusts a boundary line between two lots and results in lots that conform to district standards, or reduces the nonconformity of the existing lots, shall be considered a Permitted adjustment. The Zoning Administrator shall issue the permit without requiring the Development Review Board hearing unless there are other considerations.

**701.2a** Any other subdivision which results in lots that conform to district standards, or reduces the nonconformity of existing lots, shall be considered a Permitted subdivision. The Zoning Administrator shall issue the permit without requiring a Development Review Board hearing unless there are other considerations.

**701.3** Applications for all subdivisions of land other than Permitted boundary line adjustments or subdivisions shall be subject to Site Plan Review by the Development Review Board after public notice and hearing. In accordance with 24 VSA §4464(a)(1), the warning period for the public hearing shall not be less than 15 days.

**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** Subdivisions may only create lots that meet zoning district area requirements except when combining an already nonconforming lot or in creating nonconforming lots in a cluster to preserve agricultural/silvicultural land (see Rural Residential Clustering).

**701.6** A subdivision may create an undersized parcel, 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.

**701.7** 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 is submitted to the Zoning Administrator to be filed in the Town's land records.

## **Section 702: Rural Residential Clustering**

**702.1** To continue Danville’s historic pattern of clustering development between farms and woods, large plots in Low Density Residential and Conservation districts may be subdivided to create areas of denser than usual lots that preserve one or more large lots suitable for agricultural, silvicultural, or recreational purposes.

**702.2** Lots created using this exception cannot result in subdivisions that make the original lot(s) denser than one parcel per 10 acres.

**702.3** Any lots created in this manner shall not be smaller than 1 acre. Denser lots should be clustered together where reasonable with shared driveways or private roads, as opposed to being placed linearly along existing roads.

**702.4** Subdivisions created using this exception should result in relatively large parcels, 10 acres or more, aligned with existing natural and manmade terrain features that are appropriate for use for agriculture, silviculture, or recreation. These large parcels cannot be further subdivided.

**702.5** Building envelopes on new lots should be sited away from the most productive agricultural or silvicultural soils, or in such a manner that minimizes fragmentation of the original tract. Driveways and private rights of way should be located nearest the new lot(s) to minimize fragmentation of the original tract. The Development Review Board may require a shared driveway or private right of way to minimize fragmentation of agricultural or silvicultural use on the original lot.

### **702.6 Examples:**

- A) A landowner may subdivide a 300-acre lot into one 250-acre farm, one 30-acre woodlot, and ten 2-acre building lots. This results in a density of 1 parcel per 25 acres which is less than one parcel per 10 acres.
- B) A landowner may subdivide a 100-acre lot into one 80-acre farm and four 5-acre building lots. This results in a density of 1 parcel per 20 acres which is less than one parcel per 10 acres.
- C) A landowner may not subdivide a 20-acre lot into one 11-acre farm and nine 1-acre building lots. That would result in a density of 1 parcel per 2 acres which is more than one parcel per 10 acres.



## **ARTICLE 8: PERMITTING PROCESS**

### **Section 801: Overview**

**801.1** Except for activities exempt from permitting (below), no-one may commence land development as defined in 24 VSA §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.

**801.2** Permit applicants should review the Permit Guide, available through the Zoning Administrator, for a non-authoritative illustration of the steps required for permit applicants to include guidance on federal, state, and any other local requirements. That document cannot be authoritative but is intended to be a resource to help applicants through the development and permitting process as efficiently and painlessly as possible.

### **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 VSA §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 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 VSA §4413(d),
- C) Power generation and transmission facilities, which are regulated under 30 VSA §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Town Plan.
- D) Hunting, fishing, and trapping as specified under 24 VSA §2295 on private or public land. This does not include facilities supporting such activities, such as indoor firing ranges or rod and gun clubs.

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

**803.1** In general, the Zoning Administrator and Development Review Board (DRB) shall defer to and accept permits, products, and recommendations from state agencies unless this bylaw explicitly states otherwise.

#### **803.2 Examples**

- A) If an applicant has received a state Shoreland Protection Permit from the Agency of Natural Resources and applies for a variance to implement a project, the DRB shall grant the variance unless the project specifically violates one of the variance provisions.

- B) Even if an applicant has received a state Shoreland Protection Permit from the Agency of Natural resources if he or she applies for a variance to build a 200' high tower with a 50' setback within the Develop Shoreland Overlay district the DRB does not have to grant to variance.

#### **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 materials 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.

**804.2** Applications for a Permitted or Conditional 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 or 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) names and addresses of abutting property owners,
- F) existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands,
- G) the location of existing and proposed water and wastewater systems,
- H) proposed erosion and sedimentation control measures to be undertaken,
- I) snow and waste removal,
- J) VTrans highway access permit if the project requires site plan review, and
- K) other such information the Zoning Administrator requires to determine conformance with these regulations.

**804.3** Applications for projects within a Design Control Overlay shall include project plans, including:

- A) exterior design, including elevation drawings, with dimensions to scale;
- B) exterior materials to be used, including changes from existing materials;
- C) landscaping;
- D) the relationship between the widths to height on the front elevation of the building;
- E) the relationship of width to height of windows and doors;
- F) proposed architectural details (such as cornices, windows, chimneys, etc.);
- G) the proposed roof shape.

**804.4** 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 27 VSA §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,
- C) names of roads abutting the property,
- D) location and size of existing improvements identified as "existing",
- E) location and size of proposed improvements identified as "proposed",
- F) setback dimensions of proposed and existing structures,
- G) location of any existing and proposed driveways and culverts,
- H) location of any existing and proposed wells and/or septic systems.
- I) location of any existing waterways, wetlands, and flood plains; and
- J) where a subdivision involves steep terrain, flood plains or wetlands, a topographic survey may be required.

**804.5** Applications for a Sign Permit shall include the following minimum sign information:

- A) site plan showing the location of all signs on the lot and relation to nearby buildings, structures, and roads,
- B) 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,
- C) name, address, and telephone number of persons erecting the sign if different than the applicant; and
- D) written consent of the owner of the building and land upon which the sign will be located if such owner is not the applicant.

**804.6** 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.

### **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 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. 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 VSA §§ 4448-4449, 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.

**805.5** Upon receipt of a complete application for a substantial improvement or new construction in the Special Flood Hazard Area (SFHA), the Zoning Administrator 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 VSA §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 transmitted to the Agency, whichever is sooner.

**805.6** If the applicant is seeking a permit for the alteration or relocation of a watercourse, the Zoning Administrator 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 transmitted to the Vermont Agency of Natural Resources, whichever is sooner. The Development Review Board should consider comments from the NFIP Coordinator at ANR.

### **Section 806: Development Review Board Hearing and Review**

**806.1** No zoning permit shall be issued by the Zoning Administrator for any use or structure other than single or two-unit dwellings (commonly referred to as a duplex), 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 is also required, a Site Plan Review may be conducted concurrently with conditional use review.

**806.2** All applications or appeals that come before the Development Review Board will be conducted and concluded in a public hearing .

**806.3** Notice of any public hearing must be given not less than 15 days prior to the date of the public hearing. Warning of the above-mentioned 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.

A hearing on a development application or appeal must take place within 120 days of receiving a complete application.

**806.4** In any public hearing, the Secretary or Clerk of the Development Review Board shall keep a record of the name 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.

**806.5** 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,

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

**806.6** In reviewing site plans, the Development Review Board 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,  
exterior lighting,
- E) size, location, and design of signs,
- F) erosion and sedimentation control,
- G) snow removal,
- H) 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 this 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 (note that in accordance with 24 VSA §4414(3)(D) a multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected),
- 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 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 VSA and this zoning bylaw.

**806.10** The Development Review Board shall render a decision as to the acceptability of construction or alteration plans within Design Control Overlays on the compatibility of the plans with other properties within or adjacent to the same Design Control Overlay district, after giving consideration to the following factors:

- A) exterior design,
- B) exterior materials,

- C) landscaping,
- D) the relationship between the widths to height on the front elevation of the building is compatible with existing buildings,
- E) the relationship of width to height of windows and doors is compatible with existing buildings,
- F) the materials to be used are compatible with the materials used in the district,
- G) proposed architectural details (such as cornices, windows, chimneys, etc.) are compatible with those existing in the district, and
- H) the proposed roof shape is compatible with existing roof shapes in the district.

**806.11** When considering a proposal to demolish a structure within the Design Control Overlay zones, the Development Review Board shall consider the following standards:

The Development Review Board must find either:

- A) The structure has deteriorated to the degree that its rehabilitation and reuse is not feasible. It is the burden of the applicant to demonstrate that no feasible alternative to demolition, including rehabilitation, preservation, or relocation, exist, or
  - 1) 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.
  - 5) 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.
  - 6) The development proposed to replace the demolished structure shall not have an adverse impact on the architectural and historical context of the overlay district.

- B) If the Development Review Board finds that the proposed demolition does not meet the standards, 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.
- C) 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. If the applicant cannot demonstrate that a reasonable effort to find alternatives to demolition has been made, the demolition shall be denied.

**806.12** 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.

**806.13** Conditions of Approval. The Development Review Board:

- A) May attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
  - 1) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
  - 2) Specific mitigation measures such as screening or buffering;
  - 3) Required improvements to public facilities or infrastructure to serve the proposed development;
  - 4) Scheduling or phasing of development;
  - 5) Inspection or monitoring
- B) Unless necessary to comply with a non-discretionary standard of these regulations, may not condition approval of an application for residential development or for the housing portion of a mixed-use development to:
  - 1) Require a larger lot size than the minimum required in the applicable zoning district;
  - 2) Require more parking spaces than the minimum required under these regulations;
  - 3) Limit building size to less than allowed in the applicable district including reducing the building footprint or height;
  - 4) Limit the residential density below that allowed in the applicable district; or
  - 5) Otherwise disallow development that abides by the applicable standards of these regulations.
- C) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board approval will be considered part



of any subsequent zoning permit issued by the Zoning Administrator for the approved development.

**806.14** 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.

**806.15** Any action or decision of the Development Review Board must be agreed upon by a majority of the appointed members.

**806.16** In accordance with 24 VSA §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 46th day.

**806.17** 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.

**806.18** 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.

**806.19** The Zoning Administrator shall send all decisions 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 copies of the decision to every person appearing who participated at the hearing and file copies of the decision 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.

**807.2** Permits for uses and subdivisions (not signs) shall require posting of a notice of permit, on a form prescribed by the Town of Danville. The Zoning Administrator or the applicant 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. If the Zoning Administrator or applicant does not post the notice of permit within 3 days, the time limit for appeals shall be extended by the length of the delay in posting.

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

- A) 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, mailboxes, etc.
- B) post a copy of the permit in the Town of Danville town offices for a period of 15 days from the date of issuance.

**807.4** No zoning permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

**807.5** Zoning permits shall remain in effect for two years from the date of issuance. The start of construction must occur within this two-year period and construction must be complete within five years or reapplication shall be required to continue development.

**807.6.** 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.

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

- A) All permits issued in areas covered by this bylaw,
- B) 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,
- C) All flood proofing and other certifications required under this regulation; and,
- D) All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions, and conditions.

### **Section 808: Appeals**

**808.1** Interested Persons are defined under 24 VSA §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 area 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 interests 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 combination of at least 20 voters, residents or land 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.

**808.2** Any Interested Person may appeal a decision or act of the Zoning Administrator 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 as to why such relief is believed proper under the circumstances including any new facts or concerns.

**808.3** The Development Review Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 VSA §4468. The Development Review Board shall give public notice of the hearing and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

**808.4** 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.

**808.5** 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 VSA §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.

**808.6** 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 Town of Danville. 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.

**808.7** Appeals to Environmental Court:

- A) In accordance with 24 VSA §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 subsection (b) 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.

**Section 809: Certificate of Occupancy**

**809.1** No use of any land or structure may commence until the Zoning Administrator has issued a Certificate of Occupancy in accordance with 24 VSA §4449. Previous versions of this bylaw called for a Certificate of Compliance which is the same as a Certificate of Occupancy. Note that signs and subdivisions do not require a Certificate of Occupancy.

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

**809.3** When submitting an application for a Certificate of Occupancy, the applicant shall also submit a copy of the septic permit, certificates as required by 30 VSA §51 (residential building energy standards) or § 53 (commercial building energy standards), and elevation and other floodproofing certificates (or letters determining that such permits are not required) as applicable.

**809.4** The Zoning Administrator shall not issue a Certificate of Occupancy until all necessary approvals and permits required by these regulations have been obtained for the project and the project has been fully completed in conformance with all such approvals and permits.

**809.5** Within 30 days of receipt of the application for a Certificate of Occupancy, the Zoning Administrator or their delegate shall 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 Occupancy within 30 days of the submission of an application, the Certificate of Occupancy shall be deemed issued on the 31st day.

**809.6** If an applicant does not submit an application for a Certificate of Occupancy within 30 days of completing a project, the applicant is in violation of this bylaw, and after suitable reminders and warnings may be subject to penalties in accordance with this bylaw.

## **ARTICLE 9: SIGNS**

### **Section 901: Overview**

**901.1** 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.

**901.2** No sign, whether temporary or permanent, shall be erected, installed, or altered unless in conformance with all applicable provisions of this bylaw. Signs do not require a permit unless the express terms of this bylaw state that a permit is required. 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.

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

### **Section 902: Signs That Do Not Require a Permit**

**902.1** 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:

- A) Signs erected, maintained, or administered by the Town or the State of Vermont under Title 10, VSA, Chapter 21.
- B) Unlighted signs not exceeding 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.
- C) 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.
- D) Temporary signs advertising the sale of property on which the sign is located, not exceeding 6 square feet in area (per side excluding frame and mounting hardware). Signs must be removed with completion of sale.
- E) 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 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.
- F) 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.
- G) 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-premises 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.

- H) Temporary agricultural based signs advertising the sale of seasonal produce or products not exceeding 10 square feet in area.
- I) 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.
- J) State or National flags.
- K) 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.
- L) Political signage following established State of Vermont regulations.
- M) Temporary sign not exceeding 32 square feet in area which provides information to the public regarding construction projects. The sign shall be located on the property where the work is being performed and shall be removed upon completion of work.

### **Section 903: Signs That Require a Permit**

**903.1** The following standards will apply to all signs that require a permit:

- A) Signs shall be located on the parcel or lot where the advertised business, product or activity is located or sold.
- 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 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.

**903.2** Permanent permitted sign limitations per property (excluding window treatments):

District	Maximum # Signs	Maximum Sq Footage	Maximum Height from Grade (feet)
Village Core	2	64	16
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
Overlays	See District	See District	See District