



MANCHESTER VILLAGE LAND USE & DEVELOPMENT REGULATIONS

These regulations constitute the combined zoning, design, subdivision, flood hazard, and river corridor regulations of the Village of Manchester, Vermont.

Adopted XXXX XX, 202X

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Section 1 Legal Basis

1.1 Title

These regulations shall be known and cited as the Manchester Land Use and Development Regulations.

1.2 Authority

These regulations are enacted in accordance with the Vermont Municipal and Regional Planning and Development Act, 24 VSA Chapter 117, which shall be referred to in these regulations as the Act.

1.3 Purpose

These regulations are intended to:

- (1) Protect public health, safety and welfare;
- (2) Protect the value of property;
- (3) Preserve the village's historic development pattern and character;
- (4) Preserve the village's quality of life and enhance the sense of community;
- (5) Provide for moderate and orderly growth;
- (6) Encourage appropriate and coordinated development of all lands in the Village of Manchester;
- (7) Allow for compatible growth and development in physically suitable locations that are consistent with traditional settlement patterns;
- (8) Provide methods for the prevention, minimization and future elimination of such land development problems as may presently exist or which may be foreseen;
- (9) Ensure that public facilities are available and will have a sufficient capacity to serve any proposed development;
- (10) Ensure that the rate of growth and development does not exceed the village's ability to provide facilities and services, nor place undue burden on taxpayers;
- (11) Prevent the pollution of air, streams, ponds and lakes, assure the adequacy of drainage facilities, safeguard the water tables;
- (12) Encourage the wise use and management of natural resources throughout the village to preserve the integrity, stability, and natural beauty of the community and the functionality and value of land resources;
- (13) Promote energy conservation and the sustainable use of energy resources;
- (14) Encourage the use of renewable energy resources; and
- (15) Implement the goals and policies set forth in the Village of Manchester *Plan of Development* and the Act.

1.4 Applicability

All land development in the Village of Manchester shall conform to these regulations. Any land development not specifically authorized under these regulations is prohibited unless specifically exempted in Section 3.2 of these regulations.

1.5 Limitations

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- (1) State- and community-owned and operated institutions and facilities;
- (2) Public and private schools and other educational institutions certified by the Vermont Agency of Education;
- (3) Churches and other places of worship, convents, and parish houses;
- (4) Public and private hospitals;
- (5) Emergency shelters;
- (6) Regional solid waste management facilities certified under 10 V.S.A. chapter 159;
- (7) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Except for state-owned and operated institutions and facilities, each of the land uses listed above may be regulated for compliance with flood hazard area or river corridor standards as established in these regulations. These regulations shall not have the effect of interfering with the intended functional use.

1.6 Effective Date

Upon adoption by the Village of Manchester, these regulations and any subsequent amendments will take effect in accordance with the procedures established in the Act.

1.7 Relationship to Previously Adopted Regulations

To the extent that these regulations and any subsequent amendments are the same in substance as the previously adopted provisions they replace, they will be considered continuations of the prior regulations and not as new enactments unless specifically stated otherwise.

1.8 Relationship with Other Laws or Regulations

- (1) If any provision of these regulations is more restrictive than any other law or regulation, the provision of these regulations will apply and take precedence.

- (2) If any provision of another law or regulation is more restrictive than these regulations, the provision of these regulations will be superseded and the more restrictive provision will apply.
- (3) If any applicable provision of these regulations is in conflict or more restrictive than another applicable provision, the more restrictive provision will apply.
- (4) The provisions regulating development within the Flood Hazard Overlay (See Section 11) will take precedence over any other provision of these regulations.

1.9 Severability

If a court of competent jurisdiction invalidates any provision of these regulations, that decision will not affect the validity, application, or enforcement of the remaining provisions.

1.10 Disclaimer of Liability

These regulations do not create any liability on the part of the Village of Manchester, its officials, agents, employees, or representatives for alleged damages that result from reliance on these regulations, or any lawful administrative action or decision taken under these regulations.

Section 2 Adoption Procedures

2.1 Amendment Preparation

Any amendment to these regulations, including any proposed provision, amended provision, proposed district boundary, or repeal of any provision, shall be prepared by or at the direction of the Planning Commission and shall have the purpose of implementing the Village of Manchester *Plan of Development* as the same may be amended from time to time or as otherwise authorized by statute. An amendment of these regulations may be prepared by the Planning Commission, or any other person or body pursuant to Section 2.2 below.

2.2 Amendment by Others

Proposed amendments prepared by a person or body other than the Planning Commission shall be submitted in writing along with any supporting documents to the Planning Commission. The Planning Commission may then proceed under this section as if the amendment had been prepared by the commission.

2.3 Amendment by Petition

If a proposed amendment is supported by a petition signed by not less than 5% of the voters of the Village of Manchester, the Planning Commission shall correct any technical deficiency and shall, without otherwise substantively changing the meaning or intent of the amendment, promptly proceed in accordance with this section as if it had been prepared by the Planning Commission.

2.4 Planning Commission Report

When considering an amendment to these regulations, the Planning Commission shall prepare and approve a written report on the proposal. The report shall provide a brief explanation of the proposed amendment and shall include a statement of purpose as required for notice under 24 VSA §4441, and shall explain how the proposal:

- (1) Conforms with or furthers the goals and policies contained in the *Village Plan of Development*, including the effect of the proposal on the availability of safe and affordable housing;
- (2) Is compatible with the proposed future land uses and densities of the *Village Plan of Development*; and
- (3) Carries out, as applicable, any specific proposals for any planned community facilities.

2.5 Public Hearing by Planning Commission

The Planning Commission shall hold at least one public hearing within the municipality after public notice on any amendment proposed by the Planning Commission or by petition.

2.6 Notice to Municipalities and Agencies

At least 15 days prior to the first public hearing, a copy of the proposed amendment and any written report shall be delivered physically or electronically with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:

- (1) The chairperson of the Planning Commission of the Town of Manchester, or in the absence of any Planning Commission, the clerk of the Town of Manchester;
- (2) The executive director of the Bennington County Regional Commission; and
- (3) The commissioner of the Department of Housing and Community Development within the Vermont Agency of Commerce and Community Development.

Any of these bodies may submit comments on the proposed amendment to the commission or may be heard in any proceeding with respect to the adoption of the proposed amendment.

2.7 Public Hearing Notice

Where a public hearing is called concerning an amendment to these regulations, the Planning Commission shall publish and post either the full text of the proposed material or a notice including:

- (1) A statement of purpose;
- (2) The geographic areas affected;
- (3) A table of contents or list of section headings; and
- (4) An indication that a copy of the full text may be examined at the village offices.

No defect in the form or substance of any public hearing notice shall invalidate an amendment to these regulations. However, the action shall be invalidated if the notice is materially misleading in content or fails to include one of the elements required by this section or if the defect was the result of a deliberate or intentional act.

2.8 Submission to Trustees

After holding a public hearing, the Planning Commission may then make revisions before submitting the proposed amendment and the written report to the Village Trustees. If a proposed amendment is supported by a petition as outlined in Section 2.3 above, the Planning Commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the Village Trustees, together with any recommendation or opinion it considers appropriate. Simultaneously with the submission, the Planning Commission shall file with the village clerk a copy of the proposed amendment and the written report for public review.

2.9 Public Hearing by Trustees

Not less than 15 nor more than 120 days after a proposed amendment or bylaw is submitted to the Village Trustees, the trustees shall hold the first of one or more public hearings, after public notice, on the proposed amendment and shall make copies of the proposal and any written

report of the Planning Commission available to the public upon request. Notwithstanding the above, failure to hold a public hearing within 120 days shall not invalidate the adoption of the amendment or the validity of any repeal.

2.10 Changes by Trustees

The Village Trustees may change the proposed amendment but shall not do so less than 14 days prior to the final public hearing. If the Village Trustees at any time make substantial changes in the concept, meaning, or extent of the proposed amendment, the trustees shall warn a new public hearing or hearings pursuant to Section 2.9. If any part of the proposal is changed, the Village Trustees, at least ten days prior to the hearing, shall file a copy of the changed proposal with the village clerk and with the Planning Commission. The Planning Commission shall amend the report pursuant to Section 2.4 to reflect the changes made by the Village Trustees and shall submit that amended report at or prior to the public hearing.

2.11 Routine Adoption

Except as provided in Sections 2.12 and 2.13 below, an amendment shall be adopted by a majority of the members of the Village Trustees at a meeting that is held after the final public hearing and shall be effective 21 days after the vote.

2.12 Popular Vote

Notwithstanding Section 2.11 above, a vote by the Village Trustees on an amendment shall not take effect if 5% of village voters petition for a meeting of the municipality to consider the amendment, and the petition is filed within 20 days of the Village Trustees vote. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the amendment by Australian ballot. The majority of votes for or against the amendment shall prevail.

2.13 Time Limit for Adoption

If the proposed amendment is not approved or rejected within one year of the date of the final public hearing of the Planning Commission, it shall be considered disapproved unless 5% of village voters petition for a meeting of the municipality to consider the amendment and the petition is filed within 60 days of the end of that year. In that case, such a meeting shall be duly warned for the purpose of acting upon the amendment by Australian ballot. A majority of votes for or against the amendment shall prevail.

2.14 Adoption Report

Upon adoption or amendment of a bylaw, the Planning Commission shall prepare an adoption report in form and content provided by the Vermont Department of Housing and Community Development that:

- (1) confirms that zoning districts' GIS data has been submitted to the department and that the data complies with the Vermont Zoning GIS Data Standard adopted pursuant to 10 V.S.A. § 123;
- (2) confirms that the complete bylaw has been uploaded to the Municipal Plan and Bylaw Database;
- (3) demonstrates conformity with sections 24 V.S.A. 4412, 4413, and 4414; and
- (4) provides information on statutory compliance for the Municipal Planning Data Center and the prospective development of a statewide zoning atlas.

Section 3 Administrative Mechanisms

3.1 Permit Required

All land development in the Village of Manchester requires a permit issued by the administrative officer. Land development includes any of the following:

- (1) The construction, reconstruction, conversion, structural alteration, installation, relocation, enlargement, or demolition of any building or structure, including the installation of retaining or landscape walls, fencing, fuel tanks, HVAC equipment, or other exterior features on a lot.
- (2) Any change in the color or material makeup of the exterior of a building or structure.
- (3) Any change in use of any structure or land, or extension of use of any structure or land.
- (4) The division of a parcel into two or more parcels or the adjustment of any parcel boundary.
- (5) Removal of live trees over 6" in diameter at breast height located forward of the building line of the principal building within any front yard, within 150' of a street right-of-way, or within 50 feet of the top-of-bank of any stream.
- (6) On a vacant lot, removal of more than 20% of trees over 6" diameter at breast height, unless exempted as accepted silvicultural practice per Section 3.2.16.
- (7) Any mining, excavation, or filling of land.

Land development within the Flood Hazard Overlay (FHO) is further defined in Section 11.

3.2 Exemptions

The forms of land development enumerated in Section 3.2 are exempt from the requirement for a permit, but otherwise must comply with the provisions herein described for the particular exempt form of development.

3.2.1 ADA Compliant Structures

Unless located within the flood or fluvial erosion hazard areas, ADA-compliant wheelchair ramps, uncovered entry stairs, or walkways on a one- or two-unit residential lot that do not:

- (1) Exceed 6 feet in width;
- (2) Extend into or obstruct a public right-of-way;
- (3) Interfere with corner visibility or sight distance for vehicular traffic; and
- (4) Result in flooding or ponding of water on abutting property or public rights-of-way.

3.2.2 Agriculture

Farming activity subject to required agricultural practices (RAP) rules as determined by the Vermont Agency of Agriculture, Food and Markets. The administrative officer may require the farmer or landowner to submit a written determination from the secretary of the agency as to

whether the subject land use activity constitutes a farm subject to required agricultural practice rules.

A permit to build a farm structure is not required in accordance with the following:

- (1) An application for a permit is submitted to the administrative officer demonstrating that the proposed structure qualifies as an exempt farm structure. Payment of the associated permit application fee is not required.
- (2) The administrative officer may require a written determination from the secretary of the Vermont Agency of Agriculture, Food and Markets as to whether the proposed structure qualifies as an exempt farm structure.
- (3) Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the administrative officer with a written waiver from the secretary of the Vermont Agency of Agriculture, Food and Markets. Farm structures are not required to meet bulk or height requirements for the zoning district in which they are located.
- (4) Upon concluding that the proposed land development qualifies as an exempt farm structure, the administrative officer will issue the applicant written notice that they may build and use the structure for farming purposes in accordance with the state's required agricultural practices without a zoning permit, but that they must obtain a permit before using the structure for any other purpose.

3.2.3 Certificate of Public Good

Land development associated with utility, energy, or telecommunications infrastructure that receives a Certificate of Public Good from the Vermont Public Utility Commission.

3.2.4 Customary Home Occupation

Use of a dwelling for a customary home occupation that will:

- (1) Not employ anyone who does not reside in the dwelling;
- (2) Not utilize more than 50% of the area of the dwelling unit;
- (3) Be carried out fully within an enclosed structure and has no exterior manifestations; and
- (4) Not generate traffic beyond typical residential use.

Home occupations that do not conform to these standards must obtain a permit in accordance with Section 8.6 and any other applicable provisions of these regulations.

3.2.5 Dispatch Antenna

An antenna mounted on an existing non-historic structure used for single-use local business radio dispatch purposes or for police, fire, ambulance, or similar emergency dispatch purposes.

3.2.6 Emergency Repair

Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements.

Landowners must obtain a zoning permit for repair, reconstruction, or demolition beyond the minimum necessary to stabilize and secure the structure.

3.2.7 Family Childcare Home

A state licensed or registered childcare facility within the home of the childcare provider serving no more than six full-time, and no more than four part-time, children.

3.2.8 Fuel Tank

Unless located within the flood hazard or river corridor overlays, a fuel tank on a one- or two-unit residential lot that:

- (1) Holds not more than 500 gallons;
- (2) Is not located in front of the primary residential structure and meets side and rear setback requirements for the zoning district; and
- (3) Is sited, installed, and secured in accordance with state and federal regulations.

3.2.8 Group Home

Use of a one-unit dwelling as a group home that will not serve more than 8 residents who have a disability and is operated under state licensing or registration.

Operators of group homes must obtain a permit for construction of other associated land development to the same extent as would be required if the property was occupied by any household.

The number of group homes on a lot shall not exceed the number of single unit dwellings allowed on the lot by the residential density limits of the underlying zoning district.

3.2.9 Hunting and Fishing

Use of public or private land for hunting, fishing, or trapping in accordance with state regulations. Any structure with a permanent foundation associated with such use will still require a zoning permit.

3.2.10 Landscape Work

Landscaping, grading, and excavating associated with:

- (1) Normal maintenance and repair of roads, driveways, parking areas, or stormwater facilities;
- (2) Maintenance and upkeep of existing landscaping features such as lawns, planting beds, hedgerows, patios, fences, or walls; and

- (3) Yard improvements on one- or two-unit residential lots that do not result in more than 50 cubic yards of clean material being removed from or brought into the site (typically 3 to 4 dump truck loads) within any calendar year.

3.2.11 Mechanical Equipment

Unless located in the in the flood hazard or river corridor overlay, any ground-mounted HVAC system, back-up generator, or similar mechanical equipment on a one- or two-unit residential lot that:

- (1) Has a footprint that does not exceed 16 square feet;
- (2) Meets applicable setback requirements for the zoning district;
- (3) Is screened from view from the public street;
- (4) Does not cause noise that exceeds 60 dB at the property line; and
- (5) Is sited, installed and secured in accordance with state and federal requirements.

3.2.12 Passive Recreation

Use of public or private land for noncommercial passive outdoor recreation or gardening. Any structure with a permanent foundation associated with such use will still require a permit.

3.2.13 Property Maintenance

Normal maintenance and repair of an existing structure that does not change the:

- (1) Structure's exterior features or materials;
- (2) Structure's exterior dimensions or use;
- (3) Amount of floor area associated with an existing non-residential use;
- (4) The number of bedrooms in the structure; or
- (5) The number of tenant spaces or dwelling units in the structure.

3.2.14 Public Art

Unless located within the flood hazard or river corridor overlay, public art that does not:

- (1) Extend into or obstruct a public right-of-way;
- (2) Interfere with corner visibility or sight distance for vehicular traffic;
- (3) Result in flooding or ponding of water on abutting property or public rights-of-way; and
- (4) Pose a safety hazard.

3.2.15 Service Maintenance

Normal maintenance and repair of power, water, wastewater, telecommunications, or HVAC infrastructure on a lot.

3.2.16 Silviculture

Accepted silvicultural practices as defined by the State of Vermont Agency of Natural Resources Department of Forests, Parks and Recreation. The administrative officer may require a written

determination from the commissioner of the department as to whether the subject land use activity constitutes accepted silvicultural practices.

3.2.17 Solar Device

A roof mounted solar energy generating device without a certificate of public good (see Section 3.2.3) that:

- (1) Will be installed on a sloped roof and project not more than 2 feet above its surface; or
- (2) Will be installed on a flat roof (any roof with a slope of 5% or less).

3.3 Change of Use

3.3.1 Change from One Use Category to Another

A zoning permit is required, and any development approvals as applicable, for a change of use if the two uses do not fall under the same category as listed in Table 5-2 (Use Table).

3.3.2 Change within a Use Category

A zoning permit or development approval is not required for a change of use if both uses fall under the same category as listed in Table 5-2 (Use Table), unless the two uses have different parking requirements as listed in the Parking Table (Table 8-1). If the proposed use requires more parking than the previously approved use, a zoning permit will be required. If no permit is required, other land development associated with the change of use may require a permit (e.g., exterior design or landscaping changes on the site).

3.4 Expansion of Use

3.4.1 Nonresidential Uses.

A zoning permit, and any development approvals as applicable, is required to expand a nonresidential use to occupy additional space in a building or on a lot.

3.4.2 Residential Uses

- (1) No zoning permit is required to expand a residential use to occupy existing space in the building provided the number of dwelling units or bedrooms will not change (e.g., converting an unfinished basement or attic to habitable space).
- (2) A zoning permit, and any development approvals as applicable, is required to change the number of dwelling units or bedrooms.

3.5 Discontinued Uses

3.5.1 Nonresidential Uses

A zoning permit, and any development approvals as applicable, is required to use property previously used for a nonresidential purpose for the same or another nonresidential purpose if the prior nonresidential purpose has been discontinued for more than 18 months except:

- (1) If the discontinuance of a nonresidential use was the result of damage to the structure in which it is housed, the use may be re-established once the structure has been repaired or rebuilt.
- (2) The administrative officer may extend the period of discontinuance for a conforming use to a total of not more than 2 years if the owner demonstrates that they are actively marketing the property or business for sale or lease. If the use is nonconforming, see Section 3.8.

3.5.2 Residential Uses

A zoning permit is not required to resume the use of a vacant residential structure or unit provided there is no change in the total number of dwelling units or bedrooms in the structure or on the lot.

3.6 Abandoned Land Development

If the land development authorized by a zoning permit is abandoned without being completed, any partially completed structures must be demolished or secured, all structural materials must be removed from the site, the site must be restored to a natural grade, and groundcover must be re-established to prevent erosion prior to or within 6 months after the zoning permit expires.

3.7 Damaged or Destroyed Structures

3.7.1 Action Required Immediately

A landowner must act promptly to stabilize and secure a structure that was damaged or destroyed by any cause as necessary to protect public health and safety.

3.7.2 Action Required within 6 Months.

Within 6 months of a structure being damaged or destroyed by any cause, a landowner must either:

- (1) Stabilize and secure the structure as necessary to protect the structure from the elements and to protect public health and safety, if the structure will be reconstructed;
or
- (2) If the structure is not a contributing historic structure, demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion.
- (3) If the structure is a contributing historic structure, the landowner must comply with the design review standards outlined in Section 7 for repair or demolition.

3.7.3 Extension

The administrative officer may grant one or more extensions to the 6-month deadline for a total of not more than 36 months from the date the structure was damaged or destroyed upon the landowner demonstrating that:

- (1) The structure does not pose a hazard to public health or safety; and
- (2) The landowner has been unable to meet the deadline due to factors beyond their control.

3.7.4 Zoning Permit Required

- (1) Landowners must obtain a zoning permit to reconstruct a damaged or destroyed structure, but they do not have to pay the associated application fee if a complete application for reconstruction is filed within 12 months of the structure being damaged or destroyed.
- (2) For nonconforming structures see Section 3.8.1.
- (3) For structures in the Flood Hazard Overlay, see Section 10.

3.7.5 Redevelopment Projects

As part of any redevelopment project requiring approval from the Development Review Board, a landowner must rehabilitate, stabilize, remove or demolish any damaged or destroyed structures located on the subject property.

3.8 Nonconformities

3.8.1 Nonconforming Structures

A nonconforming structure that lawfully existed when the Village of Manchester adopted or amended these regulations may continue to exist unchanged indefinitely.

- (1) A zoning permit, and any applicable development approvals, is required to use a nonconforming structure for any land use allowed in the zoning district.
- (2) The administrative officer may issue a zoning permit for land development that would change the exterior dimensions of a nonconforming residential structure provided that the proposed development:
 - (a) Will not result in any portion of the nonconforming structure encroaching further beyond the existing nonconforming building line or height;
 - (b) Will not result in a change in exterior dimensions that increases building mass within the encroachment area;
 - (c) Will not convert a nonconforming porch, deck or similar feature to enclosed or conditioned building space;
 - (d) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and
 - (e) Would not otherwise require approval from the Development Review Board.

- (3) The Development Review Board may approve a change in the exterior dimensions of a nonconforming nonresidential structure or a residential structure that does not meet the criteria for administrative approval outlined in 3.8.1(2) under the review procedure for a waiver (Section 4.6) and upon the applicant demonstrating that the proposed development will meet the criteria for a waiver as indicated in Figure 4-1.
- (4) Except within the special flood hazard area (see Section 10), a landowner may obtain a zoning permit to repair or reconstruct a nonconforming structure that has been unintentionally damaged or destroyed by any cause provided that:
 - (a) The owner submits a complete zoning permit application or a request for an extension within 12 months of the damage or destruction occurring. The Development Review Board may grant an extension upon the applicant demonstrating that factors beyond their control have created an unanticipated delay (e.g., insurance claim or litigation).
 - (b) The repair or reconstruction does not change the exterior dimensions of the structure in a manner that would result in the repaired or reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height.

3.8.2 Nonconforming Uses

A nonconforming use that lawfully existed when the Village of Manchester adopted or amended these regulations may continue to exist in its current location and configuration unchanged indefinitely.

- (1) A nonconforming use may not be moved from one location to another where it would also be a nonconforming use.
- (2) A nonconforming use that is abandoned, discontinued or replaced with another use for more than 18 months cannot be resumed.
- (3) The administrative officer may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to fully occupy space within the associated structure as that structure existed when the use became nonconforming. The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use.
- (4) The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature and more compatible with the character of the area than the existing nonconforming use.

3.8.3 Nonconforming Lots

A nonconforming lot that lawfully existed when the Village of Manchester adopted or amended these regulations may continue to exist unchanged indefinitely.

- (1) If a nonconforming lot comes into common ownership with one or more contiguous lots, the Village of Manchester will not deem the lot merged with the contiguous lot(s) for the purposes of these regulations (a property owner may choose to merge contiguous lots in accordance with Section 4.5).
- (2) A landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of these regulations provided that the lot:
 - (a) Is legally subdivided and able to be conveyed separate from any other lot;
 - (b) Existed as of the effective date of these regulations;
 - (c) Is at least 1/8 acre (5,445 square feet) in area; and
 - (d) Is not less than 40 feet wide or deep.
- (3) A landowner with a lot that does not meet the minimum lot frontage for the zoning district:
 - (a) May develop that lot in accordance with all other applicable provisions of these regulations provided that the lot has access to a road over a permanent easement or right-of-way at least 20 feet in width.
 - (b) Must not subdivide that lot unless the lot has access to a road over a permanent easement or right-of-way at least 50 feet in width.

3.8.4 Creation of Nonconformity

The Village of Manchester prohibits any land development that would create a nonconformity except as specifically authorized by the following:

- (1) The transfer or taking by eminent domain of land for a public purpose (e.g., road widening) may create nonconformity.
- (2) When land is transferred or taken by eminent domain for a public purpose, the Development Review Board may approve as a conditional use the relocation of affected structures or uses on the parcel or to an adjacent parcel in a manner that would create a nonconformity upon the applicant demonstrating that the relocated structures or uses:
 - (a) Will be in reasonable proximity to any associated unaffected buildings or uses; and
 - (b) Conform to the applicable provisions of these regulations to the maximum extent feasible given site-specific conditions.

3.9 Zoning Permits

3.9.1 Application

An application for a zoning permit may be obtained from the village offices or the village website and shall be submitted to the administrative officer along with any fees, maps, plans, or other documents needed to demonstrate conformance with these regulations.

3.9.2 Pre-Application Conference

A prospective applicant may request a pre-application conference with the administrative officer or Design Advisory Committee prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant but will not be deemed binding in the preparation or review of any subsequent application for development approval.

3.9.3 Assistance

The administrative officer will assist prospective applicants by:

- (1) Determining whether a project will require one or more types of review under these regulations.
- (2) Providing applicants with any necessary form to apply for the required types of review.
- (3) Notifying applicants of the applicable fees or other charges relevant to the application or proposed development.
- (4) Providing applicants information about state energy standards for residential or commercial buildings, as applicable.

3.9.4 Determination of Completeness

The administrative officer will:

- (1) Determine whether an application is complete promptly after the applicant submits it.
- (2) If the application is incomplete, inform the applicant in person or in writing of what additional information is required.
- (3) Take no action until all relevant permit fees are paid to the Village of Manchester and until the application is deemed complete.

3.9.5 Application Requirements

- (1) The administrative officer may waive an application requirement upon concluding the information is not necessary to determine compliance with these regulations. The Design Advisory Committee or Development Review Board may determine that a waived application requirement is necessary to determine compliance with these regulations during the development review process and require an applicant to provide the information.
- (2) The administrative officer, Design Advisory Committee, or Development Review Board may determine that additional information is necessary to determine compliance with these regulations during the development review process and require an applicant to provide it.

- (3) The administrative officer must keep written documentation of any application requirement waived or additional material requested and submit that information to the Design Advisory Committee or Development Review Board with the application as applicable.

3.9.6 Time to Act

Once determining that an application for a zoning permit is complete, the administrative officer must act within 30 days to approve, deny, or refer it to the Development Review Board, except that the time period within which the administrative officer must act will not commence for a zoning permit application that requires:

- (1) One or more types of review under these regulations until the reviews are complete for the proposed land use or development.
- (2) Notification to a state agency until the agency comments or the comment period elapses, whichever occurs first.

3.9.7 Deemed Approval

If the administrative officer fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referral to the Development Review Board, a permit shall be deemed issued on the 31st day.

3.9.8 Referral to State

The administrative officer will inform any person applying for a zoning permit that the person should contact the Vermont Agency of Natural Resources Permit Assistance Specialist to ensure timely action on any related state permits. It remains the applicant's obligation to identify, apply for, and obtain any relevant state permits.

3.9.9 Permit Takes Effect

A zoning permit takes effect on the 16th day after the administrative officer issues it, provided that no appeal is filed during the previous 15 days or that the applicant has not requested a delay. If an interested person files an appeal, the zoning permit will not take effect until the appeal is decided.

3.9.10 Delay in Effect

- (1) Upon request in writing by the applicant, the administrative officer may delay the effective date of a permit and any associated development approvals for no more than 18 months unless the Development Review Board approves a longer delay due to factors beyond the applicant's control.
- (2) For projects that also require Act 250 review, and where an applicant either demonstrates good faith efforts to acquire that permit in a timely manner, or, where an applicant ends up in extended or contested proceedings through no cause or fault of

their own, then the timeframe for the village permit will be deemed to commence with the issuance of the Act 250 permit, or in the case of contested proceedings, the timeframe shall commence at the conclusion of such proceedings.

It is not the intent of this section to allow a permittee to have an indefinite or infinite amount of time to proceed with the approved land use or development.

3.9.11 Permit Expiration

A zoning permit shall expire after two years, except:

- (1) A permit issued only for change of use shall expire after one year of the date of issuance.
- (2) A permit issued for a boundary line adjustment or subdivision shall expire after 180 days from the date of issuance unless a final plat is recorded in the land records of the Town of Manchester within 180 days. If an applicant lawfully recorded an approved subdivision plat in the Town of Manchester's land records, that plat will remain valid and will not expire irrespective of any change in these regulations.
- (3) The Development Review Board or administrative officer may extend a permit expiration date beyond the two-year timeframe for site- or project-specific reasons.

If the land development permitted by any zoning permit has not been completed, or if the land use permitted has not been commenced by the permit expiration date, then the permit shall expire without further action by the village. If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

3.9.12 Extensions of Permits

Upon request by a permittee and payment of any required fees, the administrative officer may grant only one extension of up to two years for any permit where neither these regulations nor external circumstances have changed in ways that would have caused a material change in the outcome of the original application.

- (1) For boundary line adjustments and subdivision permits with 180 day validity, one 90-day extension may be granted.
- (2) For administrative permits, any further extensions will require reapplication with payment of the basic administrative permit fee.
- (3) For permits issued in conformance with Development Review Board approvals, any further extensions shall require application to the Development Review Board with payment of the required basic hearing fee for review of the project for conformance with the regulations in effect at that time. Unless otherwise limited by the Development

Review Board for good cause, any extensions granted by the Development Review Board will then start the extension process anew.

3.9.13 Zoning Permits Issued Prior to Amendment or Adoption of these Regulations.

If the administrative officer lawfully issued a zoning permit before the Village of Manchester adopted or amended these regulations, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the land development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations as in effect at the time of the new application.

3.9.14 Amending Permits or Approvals

- (1) An applicant may submit a written request for the administrative officer to amend a zoning permit, and any associated development approval, prior to the permit's expiration. The applicant must demonstrate that the proposed changes to the land development:
 - (a) Are minor modifications that conform to all applicable provisions of these regulations, including the special flood hazard area provisions in Section 10;
 - (b) Are not material or substantial changes that would have affected the decision on the original application;
 - (c) Do not change the type, character or intensity of the approved land development or use to a greater extent than specified below:
 - (i) Any proposed modification must not result in an increased requirement for parking or loading spaces.
 - (ii) Any proposed increase in building footprint must not exceed 10% or 500 square feet, whichever is less.
 - (iii) Any proposed substitution of plant materials must not change the overall landscape design concept.
 - (iv) Any proposed change in architectural materials on a contributing historic structure must meet the U.S. Department of Interior's *Guidelines for Rehabilitating Historic Buildings*.
- (2) The scope of the review will be limited to those aspects of the land development affected by the proposed changes.
- (3) The administrative officer may decline to amend a permit, and any associated development approval, and refer the request to the Development Review Board.
- (4) The approval of an amendment will not affect the expiration date of the original permit or any associated development approvals.
- (5) The Development Review Board may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a

new application and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated requirements.

3.9.15 Revoking Permits or Approvals

The administrative officer may take appropriate action to revoke a zoning permit, and any associated development approvals, in accordance with state law if an applicant omitted or misrepresented a material fact on an application or at a hearing.

3.9.16 Transfer of Permit

Zoning permits and any associated development approvals remain in effect as specified in these regulations irrespective of any change in ownership of the subject property. All subsequent landowners are subject to the requirements and conditions of any zoning permit and associated development approvals.

3.9.17 Inspecting Land Development During Construction

The administrative officer and Development Review Board may inspect any land development during construction as necessary to ensure compliance with these regulations and any permit or approval conditions.

3.10 Site Development Plan

All applicants for a zoning permit must submit a site development plan. The site development plan must conform to the specifications and include all required elements listed below, unless a specific requirement is waived in accordance with Section 3.9.5, or the proposed development is for a one- two-unit residential use. For one- two-unit residential use, the site plan need only provide dimensions of proposed development and adequately demonstrate compliance with applicable provisions of these regulations and any previous development approvals or permits for the site, as determined by the administrative officer.

3.10.1 Required Elements

- (1) Location Map. The map must clearly identify the location of the proposed land development and be scaled to show the area within 1/2 mile of the boundaries of the project site.
- (2) Scale and Sheet Size. The applicant must submit an overall site development plan that shows the full extent of the parcel(s) subject to proposed development on a sheet that does not exceed 24 x 36 inches. If the scale of the overall site development plan is greater than 1 inch = 20 feet, the applicant must submit additional detailed plans of the portion(s) of the site subject to proposed development at a scale of 1 inch = 20 feet or less.
- (3) Copies and Format. The applicant must submit a full-size original and an 11" x 17" copy of the site development plan. Unless it is hand drawn, an electronic copy of the site

development plan as Adobe PDF file must be submitted via email to the administrative officer.

- (4) Title Block. Each plan sheet must have a title block that at a minimum includes:
 - (a) Project name;
 - (b) Plan title and sheet number;
 - (c) Initial date the plan was prepared and the date of any subsequent revisions;
 - (d) Project site address and Tax Map IDs;
 - (e) Name of the landowner and the applicant, if different; and
 - (f) Name and title of the person who prepared the plan.
- (5) North Arrow. Each plan and map must have a north arrow and should be oriented with north being the top of the page, whenever feasible.
- (6) Zoning Information. The plan must include a chart (either as a separate page or included on the same sheet as the overall site plan) identifying the applicable zoning districts and each district's requirements for and calculations of existing and proposed:
 - (a) Lot size, frontage, and coverage;
 - (b) Front, side, rear and any water resources setbacks;
 - (c) Residential density;
 - (d) Building footprint, coverage and height; and
 - (e) Number of required parking spaces.
- (7) Area and Dimensions. The site development plan must clearly show via tables or charts all relevant site statistics, including but not limited to:
 - (a) Total project acreage;
 - (b) Undevelopable land calculations;
 - (c) Total greenspace;
 - (d) Proposed parking;
 - (e) Building coverage percentage;
 - (f) Building heights; and
 - (g) Gross square footage and active floor area of buildings.
- (8) Topography. The site development plan must show existing and proposed contours at a 2-foot interval for those portions of the site subject to proposed development and at not more than a 10-foot interval for the remainder of the site. For large sites, the two-foot contours may be shown in a detail rather than overall site development plan.
- (9) Existing Features. The site development plan must show all existing built and natural components of the site including, but not limited to, streams, wetlands, tree lines and specimen trees, structures, water supply and wastewater infrastructure, walls and fences, utilities, roads and drives, and parking areas.
- (10) Proposed Development. The site development plan must show all improvements (both on- and off-site) associated with the proposed development including, but not limited

to, structures, roads and drives, parking areas, utilities, landscaping, signs, tanks, water supply and wastewater infrastructure, stormwater facilities and outdoor lighting. To demonstrate conformance with these regulations, applicants may need to provide the following specialized plans:

- (a) Utility Plan that shows the location of water and wastewater improvements, and gas, electric, telephone, cable, and other utilities.
 - (b) Grading and Erosion Control Plan that shows how runoff will be managed and sediment trapped to avoid off-site impacts (see Section 8.9).
 - (c) Stormwater Management Plan that provides detail on the collection, retention, infiltration and treatment of stormwater (see Section 8.15).
 - (d) Road and Utility Profile that depicts existing and proposed grades for the installation of roads, drives, and utilities.
 - (e) Specifications that show detailed drawings and notes on specific components of the plans as necessary.
 - (f) Landscaping Plan that shows the location of existing and proposed vegetation, including a description that includes the name, size and height at planting and when mature, and quantity of each species to be planted.
 - (g) Lighting Plan that shows the location of exterior lights including cut sheets for each fixture that includes the initial light output in lumens.
 - (h) Architectural Elevations that are renderings of the project's physical appearance as seen from specified viewpoints that include information about building massing, fenestration, height, colors, materials, and other features.
- (11) Development Envelopes and Designated Open Space. The site development plan must show and describe all existing and proposed development envelopes and designated open space.
- (12) Rights-of-Way and Easements. The site development plan must show and describe all existing and proposed rights-of-way and easements that traverse or border the proposed development.

3.10.2 Additional Requirements

An applicant for site plan approval may be required to provide written commitments for any required municipal or public services, including where applicable:

- (1) Water service;
- (2) Sewer service;
- (3) Educational service;
- (4) Police service;
- (5) Fire service; and
- (6) Rescue service.

3.11 Fees and Filing Requirements

3.11.1 Permit Fees

- (1) The Village Trustees will establish fees for administering these regulations. These fees may include the cost of posting and publishing notices, holding public hearings, preparing and recording permit documents, and conducting periodic inspections during construction.
- (2) The administrative officer must not deem an application complete until the applicable fees are paid in full.
- (3) If a completed project reveals aspects of development or use that would have required a higher fee than paid at the time of application, the difference must be paid to the village prior to the issuance of a certificate of use per Section 3.12.

3.11.2 Impact Fees

The Village of Manchester may require applicants to pay impact fees in accordance with any duly adopted impact fee ordinance.

3.11.3 Technical or Legal Review

The administrative officer or Development Review Board may hire qualified professionals to provide an independent technical or legal review of an application when deemed necessary to ensure compliance with these regulations, the cost of which will be paid by the applicant.

3.11.4 Performance Bonds or Sureties

The administrative officer or Development Review Board may require an applicant to provide a performance bond or similar surety as a condition of approval to insure the completion of required improvements.

For performance bonds, the applicant will provide a quote prepared by a qualified professional for the full project cost or for the particular improvements being insured. The administrative officer or Development Review Board will base the amount of any bond or surety on that quote.

The Village of Manchester will only release the bond or surety after certification by the applicant and determination by the administrative officer that the required improvements have been satisfactorily completed.

3.11.5 Inspection Costs

To ensure compliance with these regulations and when deemed necessary, the administrative officer or Development Review Board may condition approval upon monitoring and inspection by a qualified professional during construction or once the use has commenced, the cost of which will be paid by the applicant.

3.11.6 As-Built Drawings

The administrative officer or Development Review Board may require an applicant to submit as-built drawings as a condition of approval.

The Village of Manchester will require as-built drawings for any infrastructure to be built within public rights-of-way or to be turned over to the Village or the Town of Manchester.

The administrative officer may require an applicant to submit as-built drawings when approved plans are amended pursuant to Section 3.9.14 or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

3.11.7 Other Permits, Approvals and Certifications

The administrative officer or Development Review Board may condition approval upon the applicant filing other permits, approvals or certifications required by the Village of Manchester or other regulatory entities prior to the issuance of a zoning permit, the start of construction, or the issuance of a certificate of use.

3.12 Certificates of Use

3.12.1 Required

An applicant must request a certificate of use from the administrative officer before occupying or commencing the use of any land development.

3.12.2 Application

The administrative officer will provide applicants with the necessary form to apply for a certificate of use.

3.12.3 Time to Act

The administrative officer must act on a complete application for a certificate of use within 30 days. The administrative officer may:

- (1) Require the applicant to submit documentation from a qualified professional certifying that the land development as constructed conforms to the approved plans;
- (2) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance; and
- (3) Require the applicant to perform corrective actions to bring the land development into conformance.

3.12.4 Deemed Approval

If the administrative officer does not act on a complete application for a certificate of use within 30 days, the applicant may file an appeal to the Development Review Board to allege that the administrative officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

3.12.5 Criteria

Before receiving a final certificate of use, the applicant must demonstrate to the administrative officer that:

- (1) The land development is complete and conforms to the requirements of the zoning permit, and any associated development approvals, the filed plans, and the applicable provisions of these regulations;
- (2) All commonly owned or shared improvements and infrastructure connections are complete and conform to any applicable municipal specifications, the requirements of the zoning permit, and any associated development approvals, the filed plans, and the applicable provisions of these regulations;
- (3) All enhanced 9-1-1 addresses are prominently posted on the property visible from the road;
- (4) The applicant has recorded all required documents with the Town of Manchester including, but not limited to, building energy standards certificate, as-built drawings, floodplain elevation certificate, flood proofing certificate, wastewater and potable water supply permit, access permit, or stormwater permit; and
- (5) The applicant has paid all required fees.

3.12.6 Temporary Certificate

The administrative officer may issue a temporary certificate of use that conditions use or occupancy on full completion of all required improvements by expiration of the permit as follows:

- (1) The administrative officer may require the applicant to submit a performance bond in accordance with Section 3.11.4 to insure full completion of the outstanding work.
- (2) The administrative officer will require the applicant to submit a performance bond in accordance with Section 3.11.4 if any commonly owned or shared improvements or infrastructure connections remain incomplete.
- (3) The applicant must apply for a final certificate of use prior to the expiration of the permit.

3.12.7 Decisions

The administrative officer must approve or deny applications for a certificate of use in writing. When denying an application, the administrative officer must:

- (1) State the reasons for the denial;
- (2) Inform the applicant that they may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
- (3) Refer the applicant to Section 4.11, which explains the appeal process.

3.12.8 Denials

If the administrative officer denies an application for a certificate of use:

- (1) The administrative officer must commence appropriate enforcement action under Section 3.13 if they determine a violation of these regulations exists.
- (2) The applicant may reapply after remedying any conditions identified as the reason for the denial.

3.13 Violations and Penalties

3.13.1 Civil Offense

A violation of these regulations shall constitute a civil offense enforced in accordance with the provisions of 24 VSA § 1974(a) or 24 VSA § 4451.

3.13.2 Notice of Violation

The administrative officer may pursue an enforcement action for any violation of these regulations by issuing a notice of violation. No enforcement action may be brought unless the alleged offender has had at least seven days warning notice by certified mail.

The seven-day notice shall state that a violation exists, that the alleged offender has an opportunity to correct the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

The notice of violation shall also state the regulation or permit condition alleged to have been violated, the facts giving rise to said violation, that appeal to the Development Review Board may be made within 15 days of the date of the notice, and that failure to appeal within 15 days will render the notice of violation the final decision on the violation addressed in the notice.

An action may be brought without the seven-day notice and opportunity to correct if the alleged offender repeats the violation of these regulations after the seven-day notice period and within the next succeeding 12 months.

3.13.3 Penalties

After the required seven-day notice, each day that the violation continues shall be considered a separate violation. Any person who violates a provision of these regulations shall be fined not more than \$200.00 for each offense.

In default of payment of the fine, the offender shall pay double the amount of the fine. All fines collected for the violation of bylaws shall be paid over to the Village of Manchester.

Section 4 Review Procedures

4.1 Administrative Review

4.1.1 Applicability

The administrative officer may render an administrative decision on applications for:

- (1) One- and two-unit residential uses, including dwellings and accessory structures;
- (2) Accessory dwelling units according to Section 8.2;
- (3) Changes of use in existing buildings where no new impacts as compared with existing uses may reasonably be anticipated;
- (4) Amendments to administrative permits where conformance with these regulations is found; and
- (5) Minor amendments to approvals issued by the Development Review Board, where no material changes or impacts are expected, and where conformance with these regulations is found.

4.1.2 Authority for Referral

The authority to render an administrative decision does not mean that the administrative officer is required to do so. The administrative officer may refer any application to the Development Review Board where board review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board review.

4.1.3 Design Advisory Committee Referral

The administrative officer must refer any application for proposed land development that meets the criteria of Section 4.1.1 to the Design Advisory Committee for design review in accordance with Section 7 before acting on a complete application.

4.1.4 Development Review Board Referral

Once the administrative officer determines that an application is complete, and if the application does not meet the criteria for administrative review in Section 4.1.1, they must warn a public hearing on the application by the Development Review Board at its next available regularly scheduled meeting following the warning period required by statute.

4.2 Site Plan Review

4.2.1 Applicability

All land development other than that listed in Section 4.1.1 above requires site plan approval by the Development Review Board before the administrative officer may issue a zoning permit.

4.2.2 Purpose

The purpose of site plan review is to ensure that:

- (1) The physical aspects of proposed land development comply with all applicable provisions of these regulations and are consistent with the goals of the *Village Plan of Development*.
- (2) Proposed land development is designed to be visually compatible with its setting.
- (3) Proposed land development is appropriately sited and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible.
- (4) Streets, access, driveways, parking facilities, utilities and other infrastructure, both on-site and off-site, are adequate and available to support the proposed land development.
- (5) Proposed land development is energy efficient.
- (6) Proposed land development avoids, mitigates, or minimizes adverse environmental effects to the greatest extent feasible.

4.2.3 Application Requirements

All applications for site plan review must include the following:

- (1) A completed zoning permit application form,
- (2) Payment of the applicable fee to the Village of Manchester.
- (3) A digital copy and one full-sized and one reduced (11" x 17") hardcopy of a site development plan in accordance with Section 3.10, and
- (4) A narrative description of the proposed land use and development describing how the project complies with the standards and provisions of these regulations.

4.2.4 Review Procedures

The Development Review Board will review site plans as follows:

- (1) The Development Review Board must hold a public hearing and issue a decision on a site plan application in accordance with Sections 4.8, 4.9, and 4.10.
- (2) To approve a site plan application, the Development Review Board must conclude that it meets the applicable criteria specified in Section 3.10 and all relevant zoning district and development standards of these regulations.
- (3) The Development Review Board may approve a site plan application with conditions as necessary to ensure compliance with these regulations.

In the case of administrative review, the administrative officer will review a site plan as follows:

- (1) To approve a site plan application, the administrative officer must conclude that the proposed land development meets all the applicable criteria specified in Section 3.10 and all relevant zoning district and development standards of these regulations.
- (2) The administrative officer may approve a site plan application with conditions as necessary to ensure compliance with these regulations.

4.2.5 Project Phasing

A development project shall not cause undue impacts on the community with respect to the performance standards listed in Section 8. Accordingly, the Development Review Board may impose conditions to limit the impact of projects and require the time phasing of projects in total or in part, to mitigate undue impact as determined by the board.

4.3 Conditional Use Review

4.3.1 Applicability

The commencement or expansion of a conditional use as identified in Figure 5-2 (Use Table) requires approval from the Development Review Board before the administrative officer may issue a zoning permit.

4.3.2 Application Requirements

Applicants must submit a narrative description of the proposed use that includes expected traffic generation, expected use of town services, and a site development plan if new construction or other exterior alterations are proposed for the site.

4.3.3 Review Criteria

A conditional use may be approved by the Development Review Board only after a public hearing and upon a conclusion by the board that the use shall not cause an undue adverse effect upon any of the following:

- (1) The capacity of existing or planned community facilities;
- (2) The 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 *Village Plan of Development*;
- (3) Traffic on roads and highways in the vicinity;
- (4) Other provisions of ordinances, regulations, and bylaws of the village applicable thereto; and
- (5) The utilization of renewable energy resources.

The Development Review Board may impose conditions of approval to ensure that the use will not cause undue adverse effects and otherwise conforms to the provisions of these regulations.

4.4 Design Review

4.4.1 Applicability

The Village of Manchester is divided into three design control overlay districts as established in Section 5.1 of these regulations. All land development in the village that involves exterior construction, modification or demolition of a building, fence or wall, or modifications to the landscaping, exterior lighting, or on-site parking requires design review by the Design Advisory

Committee before the administrative officer may issue a zoning permit or the Development Review Board may grant a development approval, as applicable.

4.4.2 Application Requirements

In addition to the site development plan requirements found in Section 3.10, applicants must submit illustrations in sufficient detail to show the proposed construction or alteration, and a clear description of all proposed materials and colors in the form of specifications or material samples. It is the applicant's responsibility to provide the information necessary to demonstrate conformance with the standards of these regulations.

4.4.3 Review Procedures

The Design Advisory Committee will review applications as follows:

- (1) The Design Advisory Committee must review applications at an open meeting in compliance with Vermont's open meeting law. Accordingly, the meeting agenda must be posted at least 48 hours in advance on the village website, at the village office, and at least two other designated public places. A meeting of the Design Advisory Committee is not a public hearing that must be noticed and conducted in accordance with Section 4.9.
- (2) The Design Advisory Committee must allow the applicant and interested parties to comment on the application at the meeting.
- (3) The Design Advisory Committee may conduct a site visit to assess whether review criteria are met by the proposal.
- (4) The Design Advisory Committee must make any recommendations to the administrative officer or Development Review Board in writing. For land development subject to administrative approval under these regulations, the administrative officer must include any recommendations made by the Design Advisory Committee as conditions of approval on the zoning permit.
- (5) If the Design Advisory Committee concludes that the application fails to comply with the standards of established in Section 7 of these regulations, the committee must provide the applicant with a copy of its written conclusions prior to any subsequent public hearing on the application before the Development Review Board.

4.4.4 Design Criteria

Before granting design plan approval, the Development Review Board or administrative officer, with assistance from the Design Advisory Committee, shall conclude that the proposed development conforms substantially to the relevant goals and policies described in the *Village Plan of Development* and the design standards that are specified in Section 7 for the underlying design review district.

4.5 Subdivision Review

4.5.1 Applicability

A landowner:

- (1) Must not subdivide land or alter property boundaries without first recording an approved subdivision plat in the Town of Manchester's land records in full conformance with these regulations.
- (2) May file boundary surveys or corrective deeds in the town's land records to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries without obtaining subdivision approval under these regulations.
- (3) In the case of corrective boundary surveys, must provide copies of the recorded survey to the administrative officer and the Town of Manchester assessor.

4.5.2 Application Requirements

In addition to relevant fees, subdivision applicants shall submit:

- (1) A completed application for a zoning permit;
- (2) A narrative describing all aspects of the proposal; and
- (3) A digital copy and one full-sized and one reduced (11" x 17") hardcopy of a stamped survey prepared by a licensed surveyor or engineer in accordance with Section 3.10 showing the proposed lot lines, existing and proposed infrastructure, natural features of the land, and proposed building sites, except in the case of a proposed lot merger per §5.5.4(2) below.
- (4) All applications shall include supporting documentation demonstrating conformance with applicable provisions and standards of these regulations. Detailed engineering drawings may be required to satisfy the design and development standards in compliance with these regulations. Proposed lot lines shall be shown on plans; however, internal metes and bounds need not be shown or described until preliminary review is concluded.

4.5.3 Classification

Subdivisions involving four or fewer lots shall be classified as minor subdivisions. Subdivisions involving five or more lots shall be classified as major subdivisions. Planned Unit Developments and Planned Residential Developments shall be classified as major subdivisions. Lot line adjustments between two or more lots that do not result in an increase in the number of lots shall be classified as Boundary Line Adjustments and may receive administrative approval by the administrative officer.

4.5.4 Boundary Line Adjustment

- (1) The administrative officer may approve the realignment, relocation or elimination of a boundary line between adjoining lots provided that the proposed change:
 - (a) Will not result in an increase in the number of lots.
 - (b) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity).
 - (c) Will not increase the degree of nonconformity of a pre-existing nonconforming lot or structure.
 - (d) Will not violate any conditions of a prior permit or approval.
- (2) The administrative officer may waive the requirement for a survey plat if the proposed boundary line adjustment involves only dissolving interior lot lines and a survey plat depicting the exterior boundaries is already recorded in the land records of the Town of Manchester. In such a case, draft deed language describing the lot merger and referencing the recorded plat shall be submitted with the application.
- (3) The administrative officer may refer boundary line adjustment applications to the Development Review Board for review as a minor subdivision.

4.5.5 Preliminary Plat Review

Within 30 days of receipt of a complete application, minor subdivisions shall receive preliminary review by the administrative officer for conformance with the subdivision criteria in Section 9 and other applicable provisions of these regulations. This review may be in the form of a verbal meeting with the applicant, or a written analysis of compliance prepared for the applicant and the Development Review Board prior to a scheduled hearing.

Within 30 days of a complete application, major subdivisions involving five or more lots shall receive preliminary review by the Development Review Board for conformance with the subdivision criteria in Section 9 and other applicable provisions of these regulations.

4.5.6 Final Plat Submission

Once preliminary review has been conducted and the applicant has addressed any concerns raised by the review, the applicant shall submit a digital copy and one full-sized and one reduced (11" x 17") hardcopy of the proposed final plat, a narrative demonstrating conformance with the subdivision standards outlined in these regulations, and any additional supporting documentation demonstrating conformance with the standards enumerated in Section 9 and other applicable provisions of these regulations.

The final plat submission shall include a draft of all restrictions or covenants of all types which will run with the land. All proposed deeds conveying property or easements to the Village or Town of Manchester shall also accompany the final plat application. In addition, when applicable, the final plat shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the village or town. The Development Review

Board may require the submission of such other legal documentation as it deems necessary in the administration of these regulations.

4.5.7 Public Hearing

Once the final plat submission is deemed complete by the administrative officer, the Development Review Board must hold a public hearing and act on the subdivision application in accordance with Section 4.9. If the proposed subdivision is within 500 feet of a municipal boundary, notice of the hearing must also be sent to the Manchester Town Clerk.

4.5.8 Decision

Upon review of the application for conformance with Section 9 and any other applicable provisions of these regulations, the Development Review Board must issue a decision on the final plat application according to Section 4.10.

4.5.9 Recording of Plat

- (1) Pursuant to 24 VSA § 4463, an approved, signed Mylar plat must be filed or recorded with the Manchester Town Clerk within 180 days of subdivision approval by the Development Review Board, or the approval expires without further action by the Village of Manchester.
- (2) Upon written request, the administrative officer may grant an extension up to an additional 90 days, if other final municipal or state permits are still pending.
- (3) Prior to the submission of the final Mylar plat to the town clerk, the subdivider shall obtain the endorsement of the chair of the Development Review Board, or of the administrative officer in the case of a boundary line adjustment, on the Mylar.
- (4) A certificate of compliance, certifying the plat conforms to the approval, must be issued by the administrative officer prior to recording the Mylar plat.
- (5) A digital copy and one full-sized paper copy of the final plat shall be submitted to the administrative officer, and one reduced (11" x17") copy must be provided to the Town of Manchester Assessor.
- (6) Once a plat is properly filed or recorded, the subdivision approval does not expire.

4.5.10 Revisions

- (1) No changes, erasures, modifications, or revisions shall be made on any subdivision plat after the final approval, unless said plat is first resubmitted to the Development Review Board and the board approves the modifications.
- (2) No changes, erasures, modifications, or revisions shall be made on any boundary line adjustment plat after approval, unless said plat is first resubmitted to the administrative officer for approval of the modifications.
- (3) In the event a final plat is recorded without complying with the requirement of 4.5.10(1) or (2), the plat shall be considered null and void.

4.5.11 Public Acceptance

Final approval by the Development Review Board shall not be deemed to constitute or be evidence of an acceptance by the Village or Town of Manchester of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Village Trustees or the Town Selectboard as applicable.

4.6 Waivers

4.6.1 Authority

The Development Review Board:

- (1) May grant waivers that authorize an adjustment to a dimensional standard of these regulations.
- (2) May grant a waiver to adjust the boundary of the required water resources setback provided that the total area of undeveloped water-adjacent land does not change.
- (3) Must not approve waivers for land development within the Flood Hazard Overlay (FHO) District.
- (4) Must not approve a waiver to allow a prohibited use or the subdivision of a lot that does not conform to the applicable provisions of these regulations.
- (5) Must not approve a waiver allowing an increase in residential density of greater than 10% except as otherwise allowed by these regulations.

4.6.2 Application Requirements

The applicant must submit a complete zoning permit application and a written request for a waiver to the administrative officer that includes the following:

- (1) A brief description of the subject property and proposed land development.
- (2) A reference to the dimensional or density standard of these regulations from which the applicant is requesting a waiver.
- (3) The specific modification that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver (see Figure 4-1).

4.6.3 Public Hearing

The Development Review Board must hold a public hearing and act on the waiver request in accordance with Sections 4.9 and 4.10. 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.

4.6.4 Review Criteria

To approve a waiver, the Development Review Board must conclude that the applicable criteria specified in Figure 4-1 have been met.

Figure 4-1. Waiver and Variance Review Criteria				
CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
1. The proposed land development will not alter the essential character of the area or district in which the property is located.	X	X	X	X
2. The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.	X	-	-	-
3. The proposed land development will not be detrimental to public health, safety or welfare.	X	-	-	-
4. The proposed land development is beneficial or necessary for the continued reasonable use of the property.	X	-	-	-
5. The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.	X	-	-	-
6. The applicant has not created the unnecessary hardship.	-	X	X	X
7. The applicant is proposing the least deviation possible from these regulations that will afford relief.	X	X	X	X

Table 4-1. Waiver and Variance Criteria, continued.				
CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
8. 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.	-	X	-	X
9. The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program.	-	-	-	X
10. It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.	-	-	X	-
11. The proposed land development will not reduce access to renewable energy resources on adjacent property.	-	-	X	-
KEY:	X Applicable	- Not Applicable		

4.7 Variances

4.7.1 Authority

The Development Review Board:

- (1) May approve variances that authorize more substantial adjustments to the standards of these regulations under the specific circumstances described in Section 4.7.
- (2) 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.

4.7.2 Application Requirements

The applicant must submit a complete zoning permit application and a written request for a variance to the administrative officer that includes the following:

- (1) A brief description of the subject property and proposed land development.
- (2) A reference to specific provision(s) of these regulations from which the applicant is requesting a variance.
- (3) The specific modification(s) that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance (see Figure 4-1).

4.7.3 Public Hearing

The Development Review Board must hold a public hearing and act on the variance request in accordance with Sections 4.9 and 4.10. 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 secretary of the Vermont Agency of Transportation.

4.7.4 Review Criteria

To approve a variance, the Development Review Board must conclude that all of the applicable criteria for a variance specified in Figure 4-1 have been met.

4.7.5 Flood Hazard

Variances for development within the Flood Hazard Overlay (FHO) District may be granted by the Development Review Board only in accordance with Section 10 and the applicable criteria indicated in Figure 4-1.

4.7.6 Renewable Energy Variance

In the case of a renewable energy project that does not receive a certificate of public good from the Vermont Public Utility Commission, the Development Review Board may approve a variance for a renewable energy structure according to the applicable criteria indicated in Figure 4-1.

4.8 Consolidated Review

4.8.1 Applicability.

When a full application is received for a project requiring multiple review procedures, the administrative officer shall schedule consolidated review, unless the applicant requests in writing that separate reviews be conducted.

4.8.2 Application Requirements

Application requirements for consolidated review shall include all application requirements for each individual type of review relevant to the proposed land use and development.

4.8.3 Review Procedures

- (1) Design Review shall be conducted concurrently with Site Plan, Conditional Use, and Subdivision Review, with the Design Advisory Committee making its recommendation in writing to the Development Review Board prior to the hearing. Conditional Use Review shall be understood to include Site Plan Review.
- (2) The Development Review Board must hold a public hearing and act on an application for consolidated review in accordance with Section 4.9. In addition, the hearing notice must:
 - (a) Include a statement that the hearing will be a consolidated review of the proposed land development; and
 - (b) List each type of review the Development Review Board will conduct.
- (3) All hearing and decision requirements and deadlines applicable to each review process will apply.

4.9 Hearing Procedures

4.9.1 Notice of Hearing

The administrative officer must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision applications. The administrative officer must notify the public at least 7 days before a hearing for any other Development Review Board actions under these regulations. The notice of hearing must include the following:

- (1) The date, place and purpose of the hearing in a newspaper of general circulation in Manchester.
- (2) The date, place and purpose of the hearing at the village offices and at least one other public place within the Village of Manchester.
- (3) Provision to the applicant of a notice of public hearing with the date, place and purpose of the hearing to be posted on the subject property within public view. It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the notice after the close of public hearing.

- (4) Notification to the owners of all properties adjoining the subject property (including those across the road) in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that they must participate in the hearing to have the right to any subsequent appeal.

A defect in the form or substance of the public notice requirements will not invalidate any action or decision under these regulations when a reasonable effort has been made to provide adequate posting and notice.

4.9.2 Site Visits

The Development Review Board may require an applicant to grant the board access to a site prior to deciding on an application when deemed necessary to ensure compliance with these regulations. If a quorum of Development Review Board members will be present, a site visit must be warned in accordance with Vermont's open meeting law: notice must be posted at least 48 hours in advance on the village website, at the village office, and in at least two other designated public places in the village.

4.9.3 Conducting a Hearing

- (1) The Development Review Board must hold a public hearing within 60 days of the administrative officer determining that an application is complete unless otherwise specified in these regulations or the applicant agrees to a later hearing date.
- (2) The Development Review Board must conduct public hearings, hear testimony, and take evidence according to its adopted rules of procedures.
- (3) All hearings must be open to the public as follows:
 - (a) Any individual or group may appear and participate in a public hearing in person or by authorized representative or counsel or may submit written testimony in advance of the hearing.
 - (b) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceedings.
- (4) The applicant or an authorized representative must be present at any public hearing or meeting when the Development Review Board is considering their application.
 - (a) The Development Review Board will continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
 - (b) In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
- (5) Development Review Board members must not communicate directly or indirectly with any applicant, interested person, or their representative regarding a matter that is under consideration except during a properly noticed hearing.

4.9.4 Recessing a Hearing

- (1) The Development Review Board may recess a hearing pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
- (2) If the Development Review Board recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

4.10 Decisions

4.10.1 Deliberations

The Development Review Board may deliberate and make a decision on the application either in open public session or in a closed deliberative session.

4.10.2 Time to Act

Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions, or deny the application.

4.10.3 Deemed Approval

If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal with the Environmental Division of the Vermont Superior Court to recognize the board's failure to act resulted in a "deemed approval" of the application.

4.10.4 Findings and Conclusions

The written decision must include a statement of the facts upon which the Development Review Board based its decision and a statement of conclusions relating to the applicable review criteria and standards of these regulations.

4.10.5 Conditions of Approval

The Development Review Board:

- (1) May attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
 - (a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
 - (b) Required improvements to public facilities or infrastructure to serve the proposed development;
 - (c) Schedule or phasing of development;
 - (d) Inspection or monitoring; and
 - (e) Performance bonds in accordance with Section 3.11.4.
- (2) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board's approval will be considered

part of any subsequent zoning permit issued by the administrative officer for the approved land development.

4.10.6 Submittal of Revised Plans

If the Development Review Board attaches conditions on an approval that require amendments to a site or subdivision plan, the applicant must submit an amended site or subdivision plan that satisfies those conditions prior to administrative officer issuing a certificate of use. The Development Review Board may require a revised site plan prior to the issuance of a zoning permit for an approved site plan.

4.10.7 Notification and Filing

The Development Review Board must:

- (1) Send a copy of the decision to the applicant and any interested party that testified at the hearing by certified mail;
- (2) Send a copy of the decision to all others who participated in the hearing; and
- (3) File a copy of the decision with the administrative officer who shall concurrently issue a permit or denial or permit pursuant to the decision.

4.10.8 Effect and Expiration

If the approved land development or use is:

- (1) Not substantially completed or commenced before the zoning permit expires as established in Section 3.9.11, the development approval will expire with the zoning permit.
- (2) Substantially completed or commenced before the zoning permit expires as established in Section 3.9.11, the development approval will remain in effect unless the use is abandoned or discontinued as established in Section 3.5. Development Review Board approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

4.11 Appeals

4.11.1 Who May Appeal

An interested person may appeal an action taken or decision made as specified in Section 4.11. For the purposes of these regulations, an interested person is:

- (1) An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of their property, or that the action taken, or decision made is not in accordance with these regulations.
- (2) The Village or Town of Manchester.
- (3) A person owning or occupying property in the immediate neighborhood of proposed land development who can demonstrate:

- (a) A physical or environmental impact on their interests;
 - (b) That the action taken, or decision made is not in accord with the policies, purposes, or terms of these regulations or the *Village Plan of Development*, as most recently adopted; and
 - (c) That they participated in any Development Review Board hearing conducted prior to the action or decision made.
- (4) Any combination of at least 20 voters or landowners in the Village of Manchester who by signed petition allege that the action taken, or decision made is not in accord with the policies, purposes, or terms of these regulations or *Village Plan of Development*.
- (5) The Vermont Agency of Commerce and Community Development.

4.11.2 Appeals of Administrative Officer Decisions

- (1) An interested person may appeal any action or decision of the administrative officer to the Development Review Board by submitting a notice of appeal and any applicable fees with the Village of Manchester Clerk within 15 days of the date of the administrative officer's action or decision.
- (2) The Village Clerk will forward the notice of appeal to the chair of the Development Review Board.
- (3) A notice of appeal must be in writing and must include all of the following information:
 - (a) The name and address of the appellant (the person filing the appeal).
 - (b) A copy of the administrative officer's decision or description of the action (if appealing zoning permit, also include a copy of the permit application);
 - (c) A brief description of the subject property;
 - (d) A reference to any sections of these regulations that the appellant alleges the administrative officer has not properly followed or applied; and
 - (e) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.
- (1) If an appeal is filed by a group of persons pursuant to 4.11.1(4), then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.
- (2) The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Development Review Board does not grant the stay.
- (3) Upon receipt of a complete notice of appeal, the Development Review Board must:
 - (a) Hold a public hearing and act on the appeal in accordance with Section 4.10.
 - (b) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Development Review Board determines that it decided the issues in an earlier appeal.

- (4) An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the administrative officer.
- (5) If no interested person appeals the administrative officer's action or decision to the Development Review Board within 15 days, the action or decision will not be able to be contested later.

4.11.3 Appeals of Development Review Board Decisions

- (1) Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.
- (2) The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The administrative officer must provide a prospective appellant with the interested person list upon request.
- (3) If the administrative officer has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved.
- (4) An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute.
- (5) If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it later.

Section 5 Zoning Districts

5.1 Establishment of Districts

5.1.1 Basic Districts

The Village of Manchester is divided into the following basic zoning districts, to be designated by the abbreviations set forth below.

- (1) Mixed-Use 1 (MU1)
- (2) Mixed-Use 2 (MU2)
- (3) Multi-Unit Residential 1 (MUR1)
- (4) Multi-Unit Residential 2 (MUR2)
- (5) Village Residential 1 (VR1)
- (6) Village Residential 2 (VR2)
- (7) Rural (R)
- (8) Village Open Space (VOS)

5.1.2 Overlay Zoning Districts

The following overlay zoning districts are established as described herein:

- (1) Community Housing Overlay (CHO)
- (2) General Design Review Overlay (DRO)
- (3) Village Corridor Design Review Overlay (VCO)
- (4) Historic Core Design Review Overlay (HCO)
- (5) Flood Hazard Overlay (FHO)
- (6) River Corridor Overlay (RCO)

5.1.3 Official Zoning Maps

- (1) The Village of Manchester Official Zoning Map delineates the boundaries of the eight basic zoning districts.
- (2) The Village of Manchester Official Design Review Districts Map delineates the boundaries of the three design review overlay districts.
- (3) Boundaries of the Community Housing Overlay (CHO) are based on mapped water and wastewater service lines for the Town of Manchester.
- (4) Boundaries of the Flood Hazard Overlay (FHO) are based on FEMA National Flood Insurance Program map data.
- (5) Boundaries of the River Corridor Overlay (RCO) are based on criteria developed by the Vermont Agency of Natural Resources (ANR) and available online from the Vermont Center for Geographic Information (VCGI) and can be viewed via the ANR online Natural Resources Atlas depicting river corridors.

- (6) Maps delineating the boundaries of the various base and overlay zoning districts established in this section are incorporated by reference and adopted as part of these regulations.
- (7) The Official Zoning Map, the Official Design Review Districts Map, and the Official Community Housing Overlay Map are on file in the village office.
- (8) Unofficial versions of the zoning maps are available from the village website or village offices and are for convenience only.

5.1.4 Interpretation of Boundaries

- (1) The Official Zoning Map must be used for all measurements and interpretations of the basic district boundaries.
- (2) The Official Design Review Districts Map must be used for interpretations of the boundaries of the three design review overlay districts.
- (3) The Official Community Housing Overlay Map must be used for interpretations of the boundaries of the CHO.
- (4) FEMA National Flood Hazard Layer map data must be used for all measurements and interpretations of the FHO boundaries.
- (5) Measurements and interpretations of the RCO boundaries must use data as provided by the Vermont Center for Geographic Information (VCGI) or as depicted on the ANR Natural Resources Atlas.
- (6) If a specific distance or measurement is not shown on the map, the administrative officer will interpret any Official Zoning Map boundaries indicated as approximately following:
 - (a) Streets, railroad lines, power lines or rights-of-way to follow the centerlines of such streets, railroad lines, power lines or rights-of-way.
 - (b) Lot lines or municipal boundaries to follow such lines or boundaries.
 - (c) Rivers, streams or water bodies to follow the centerlines of such rivers, streams or water bodies.
- (7) The administrative officer will interpret the features listed above to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that a boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line prior to adjustment or subdivision.

5.2 Mixed-Use 1 District (MU1)

5.2.1 Purpose

The Village of Manchester intends for the Mixed-Use 1 District to provide concentrated retail, service, office, housing, and other compatible mixed uses in the historic commercial center of the village. Proposed land development must conform to design and historic preservation standards to maintain neighborhood commercial scale, pedestrian accessibility, architectural character, and the traditional built pattern.

Consistent with the *Village Plan of Development*, the purposes of the MU1 district are to:

- (1) Promote sound economic development of the village.
- (2) Ensure land use and new development is compatible with the present scale and character of the village.
- (3) Protect historic buildings and uses within the village.
- (4) Ensure new development provides for good access management and is pedestrian oriented.
- (5) Direct business use and development to areas most suitable for nonresidential development in the village.

5.2.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the MU1 district. New principal buildings must be constructed with a functional second story.

5.2.3 Density Standards

Table 5-1 establishes allowed residential density for the MU1 district.

5.2.4 Allowed Uses

Table 5-2 establishes allowed uses for the MU1 district.

5.2.5 Prohibited Uses

Drive-through services are prohibited in the MU1.

5.2.6 Character Examples



5.3 Mixed-Use 2 District (MU2)

5.3.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Mixed Use 2 District to accommodate economic growth and provide for essential retail services to the community in a manner that minimizes adverse traffic and character impacts of such growth on the remainder of the village. The MU2 district is distinct from MU1 in its allowance of heavy commercial uses, larger footprints, and structures with non-historic or modern architectural character.

5.3.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the MU2 district. New principal buildings must be constructed with a functional second story.

5.3.3 Density Standards

Table 5-1 establishes allowed residential density for the MU2 district.

5.3.4 Allowed Uses

Table 5-2 establishes allowed uses for the MU2 district. Drive-through services shall require conditional use approval and shall not deliver exiting vehicles directly onto Main Street.

5.3.5 Character Examples



5.4 Village Residential 1 District (VR1)

5.4.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Village Residential 1 District to provide for compact one-, two-, and multiunit residential development adjacent to institutional and commercial services that reflects the historic village character.

5.4.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the VR1 district. New principal buildings must be constructed with a functional second story.

5.4.3 Density Standards

Table 5-1 establishes allowed residential density for the VR1 district.

5.4.4 Allowed Uses

Table 5-2 establishes allowed uses for the VR1 district.

5.4.5 Character Examples



5.5 Village Residential 2 District (VR2)

5.5.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Village Residential 2 District to provide for compact one- and two-unit residential development adjacent to institutional and commercial services that maintains a relationship with historic village character.

5.5.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the VR2 district. New principal buildings must be constructed with a functional second story.

5.5.3 Density Standards

Table 5-1 establishes allowed residential density for the VR2 district.

5.5.4 Allowed Uses

Table 5-2 establishes allowed uses for the VR2 district.

5.5.5 Character Examples



5.6 Multi-Unit Residential 1 District (MUR1)

5.6.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Multi-Unit Residential 1 District to provide for high-density residential development in proximity to essential services that is affordable to the residents and potential members of the workforce of the community. The purpose of the district is to ensure multiunit residential development results in design that is compatible with village character, provides for open spaces and recreation, and results in economical provision of streets and utilities.

5.6.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the MUR1 district. New principal buildings must be constructed with a functional second story.

5.6.3 Density Standards

Table 5-1 establishes allowed residential density for the MUR1 district.

5.6.4 Allowed Uses

Table 5-2 establishes allowed uses for the MUR1 district.

5.6.5 Character Examples



5.7 Multi-Unit Residential 2 District (MUR2)

5.7.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Multi-Unit Residential 2 District to provide for high-density residential development in relative proximity to the center of the village. The purpose of the district is to ensure multiunit residential development results in design that is compatible with village character, provides for open spaces and recreation, and results in economical provision of streets and utilities.

5.7.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the MUR2 district. New principal buildings must be constructed with a functional second story.

5.7.3 Density Standards

Table 5-1 establishes allowed residential density for the MUR2 district.

5.7.4 Allowed Uses

Table 5-2 establishes allowed uses for the MUR2 district.

5.7.5 Character Examples



5.8 Rural District (R)

5.8.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Rural District to provide for medium- and low-density residential development and other compatible uses in a manner that preserves the natural and scenic qualities of the village and minimizes the need for municipal services.

5.8.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for the R district.

5.8.3 Density Standards

Table 5-1 establishes allowed residential density for the R district.

5.8.4 Allowed Uses

Table 5-2 establishes allowed uses for the R district.

5.8.5 Character Examples



5.9 Village Open Space District (VOS)

5.9.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Village Open Space (VOS) district to preserve lands for their natural resource and passive recreational values.

5.9.2 Dimensional Standards

Table 5-1 establishes the dimensional standards for this district.

5.9.3 Density Standards

Table 5-1 establishes the dimensional standards for this district.

5.9.4 Allowed Uses

Table 5-2 establishes allowed uses for the VOS district.

5.9.4 Prohibited Uses

Residential uses and motorized recreational uses are prohibited in the FC district.

5.9.5 Character Examples



Figure 5-1: Dimensional Standards								
	Mixed-Use 1	Mixed-Use 2	Village Residential 1	Village Residential 2	Multi-Unit Residential 1	Multi-Unit Residential 2	Rural	Village Open Space
Minimum Lot Area	20,000 SF	40,000 SF	15,000 SF	30,000 SF	1 acres	2 acres	3 acres	10 acres
Maximum Lot Coverage	80%	70%	50%	30%	70%	50%	20%	5%
Maximum Residential Density	4 DU / acre	5 DU / acre	4 DU / acre	2 DU / acre	10 DU / acre	4 DU / acre	0.5 DU / acre	NA
Affordable Housing Density Bonus	40%	40%	40%	40%	40%	40%	40%	NA
Minimum Frontage	100'	200'	100'	125'	100'	100'	200'	200'
Minimum Front Setback (ROW > 50')	10'	30'	10'	30'	30'	50'	50'	50'
Minimum Front Setback (ROW < 50')	NA	NA	25'	40'	NA	NA	70'	70'
Maximum Front Setback	50'	75'	50'	NA	NA	NA	NA	NA
Minimum Side Setback	10'	30'	10'	30'	15'	30'	30'	50'
Minimum Rear Setback	25'	60'	25'	40'	40'	40'	40'	50'
Minimum Water Resources Setback	30'	30'	30'	30'	45'	45'	75'	75'
Maximum Building Height	40'	40'	30'	30'	40'	30'	30'	25'
Minimum Stories	1.5	1.5	1.5	1.5	NA	NA	NA	NA
Maximum Building Footprint	10,000 SF	37,500 SF	6,500 SF	9,500 SF	20,000 SF	7,000 SF	9,500 SF	5,000 SF
DU = Dwelling Unit NA = Not Applicable ROW = Right-of-way SF = Square Feet								
<i>Note: Orvis manufacturing building footprint is 37,500 SF, Shaw's is 35,000 SF, Equinox Hotel is comprised of attached masses from 5,000 to 17,500 SF. totaling over 42,275 SF. plus the detached spa building at 14,850 SF. Condos at Equinox hotel are roughly ~10,000 SF. Largest house maybe 3,600 SF. Arkell Pavilion 7,000 SF. Hildene Goat Barn is 5,175 SF. Founders' Hall is a little more than 15,000 SF. (All are rough approximations.)</i>								
<i>Note: Density bonus for affordable housing developments may be rounded up to the nearest whole. Density of The Fields: ~5.4 units per acre (25/4.6); Density of The Meadows: ~3 units per acre (27/8.9); Density of Equinox Village: ~5.6 units per acre (56/10) 14,850 SF; Density of EOB (not including Locust Lane): ~ 2.4 units per acre (108/45.7).</i>								

5.10 Building Height

Except as allowed for affordable housing in the Community Housing Overlay (CHO) pursuant to Section 6, no building shall exceed the height limit applicable to the underlying zoning district, but this limit shall not apply to spires and cupolas occupying in the aggregate not more than 10% of the roof area of such building and not used for any human occupancy, nor to chimneys, farm silos or flagpoles.

Figure 5-2: Use Standards								
	Mixed-Use 1	Mixed-Use 2	Village Residential 1	Village Residential 2	Multiunit Residential 1	Multiunit Residential 2	Rural	Village Open Space
Residential Uses								
One-unit Dwelling	P	X	P	P	X	X	P	X
Two-unit Dwelling	P	X	P	P	X	P	P	X
Multiple-unit Dwelling	P	P	P	C	P	P	C	X
Accessory Dwelling Unit	P	X	P	P	X	X	P	X
Customary Home Occupation	P	X	P	P	X	P	P	X
Family Childcare Home	P	X	P	P	X	C	P	X
Residential Care Home	P	X	P	P	X	P	P	X
Lodging Uses								
B&B	P	X	C	C	X	X	C	X
Inn	P	X	X	X	X	X	C	X
Hotel	P	X	X	X	X	X	X	X
Motel	X	X	X	X	X	X	C	X
Resort	P	X	X	X	X	X	C	X
Community Uses								
School	P	C	X	X	C	X	C	X
Childcare Facility	P	P	C	C	P	X	C	X
Assisted Living Facility	P	X	X	X	P	X	C	X
Medical Clinic	P	P	X	X	C	X	X	X
Emergency Shelter	P	P	X	X	C	X	X	X
Religious Institution	P	X	C	C	C	X	C	X
Library	P	X	X	X	X	X	X	X
Government Office	P	C	X	X	C	X	X	X
Utility Facility	X	C	X	X	C	X	P	X
Museum, Art Gallery, or Studio	P	C	C	C	C	X	C	C
Performance Hall	P	C	X	X	X	X	X	C
Event Facility	P	C	X	X	X	X	C	C
Indoor Recreation Facility	P	C	X	X	C	X	C	X
Public Garden	P	P	P	P	P	X	P	P
Playground	P	X	C	C	P	X	C	C
Outdoor Sports Fields or Facilities	C	X	X	X	C	X	C	C
Country/Golf Club	X	X	X	X	X	X	C	C
Cemetery	X	X	X	X	X	X	C	C

C = Permitted P = Permitted X = Prohibited

Continued on next page

Figure 5-2: Use Standards, continued

	Mixed-Use 1	Mixed-Use 2	Village Residential 1	Village Residential 2	Multiunit Residential 1	Multiunit Residential 2	Rural	Village Open Space
Commercial Uses								
Retail Sales	P	P	X	X	X	X	X	X
Grocery Store	C	P	X	X	X	X	X	X
Specialty Food Store	P	P	X	X	X	X	X	X
Pharmacy	P	P	X	X	X	X	X	X
Professional Office	P	X	C	C	X	X	X	X
Personal Service	P	X	C	C	C	C	C	X
Bank	P	C	X	X	X	X	X	X
Restaurant	P	C	X	X	X	X	X	X
Mobile Food Unit	P	P	X	X	C	X	X	C
Tavern	P	C	X	X	X	X	X	X
Catering or Commercial Kitchen	P	P	X	X	X	X	C	X
Natural Resource-Based Uses								
Agriculture	X	X	X	X	X	X	P	P
On-Farm Accessory Buildings	X	X	X	X	X	X	P	P
Farm Stand	C	C	X	X	C	X	P	P
Nursery	X	X	X	X	X	X	P	X
Passive Outdoor Recreation	X	X	X	X	X	X	P	P
Silviculture	X	X	X	X	X	X	P	P
Primitive Camp	X	X	X	X	X	X	X	C
C = Permitted P = Permitted X = Prohibited								

Section 6 Community Housing Overlay

6.1 Purpose

Consistent with the requirements of Act 47 (also known as the HOME Act of 2023), the Village of Manchester intends for the Community Housing Overlay (CHO) to ensure that regulations in areas that are served by both municipal water and sewer meet statutory requirements. The benefits of the CHO include simplifying the process for residential development, and especially affordable housing development, in the central part of the village.

6.2 Applicability

The CHO includes all areas within the Village of Manchester that receive *both* public water and sewer services. The overlay allows for certain types of residential development as permitted uses that may be only conditional uses in the underlying zoning district. In such a case, the CHO standards supersede the standards of the underlying zoning district.

6.3 Standards for the CHO

Within the CHO:

- (1) Three- and 4-unit dwellings must be allowed as permitted uses.
- (2) Five or more dwelling units per acre must be allowed.
- (3) Residential density requirements for multiunit dwellings cannot be more restrictive than those for single-unit development.
- (4) No more than one parking space per dwelling unit shall be required.
- (5) Affordable housing development may exceed the maximum residential density of the underlying zoning district by 40% (rounded up to the nearest whole unit) and may include an additional floor beyond what would be allowed by the height limit of the underlying zoning district.

6.4 Character Examples



Section 7 Design Review Overlay Districts

7.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the design review overlay districts to ensure new development, alterations, or repairs undertaken within the village will preserve historic and scenic structures and streetscapes throughout the village.

7.2 Applicability

All lands within the Village of Manchester fall within the General Design Review Overlay (GRO), all lands within 300 feet of a through street fall within the Village Corridor Overlay (VCO), and all contiguous land parcels that contain structures listed on the National Register of Historic Places for the Village of Manchester Historic District and the Equinox House Historic District fall within the Historic Core Overlay (HCO). The three overlays are nested and require more stringent design standards in the historic village core and along through streets than in the areas outside of the core or out of view from village streets.

7.3 General Design Review Overlay (GRO)

7.3.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the General Design Review Overlay (GRO) to ensure new development, alterations, or repairs undertaken within the village will protect and not detract from the historic and scenic character of the village and are compatible with the development of adjacent lots.

7.3.2 Applicability

The GRO consists of all lands within the Village of Manchester and the standards of this district shall apply on all lands in the village. For lands that also fall in the HCO and VCO, the more restrictive design standards shall apply.

7.3.2 Design Standards for the GRO

- (1) New structures in the GRO need not convey a late 19th or early 20th Century appearance. However, if viewed from the street or neighboring properties, they must be compatible with neighboring buildings and land development patterns and reflect local character in form, scale, massing, and siting on the lot.
- (2) Architectural design must be of a form and scale that maintains and enhances those qualities noted in the purpose of the underlying basic zoning district.
- (3) New construction that is fully screened from public view shall be allowed architectural freedom provided it complies with the dimensional standards of the underlying basic zoning district.
- (4) Large reflective or illuminated surfaces shall be screened to adequately preserve the concept of a village nestled in a green, undisturbed background.

- (5) Site design must preserve the landscape in its natural state to the greatest extent feasible by minimizing tree and soil removal and alteration of existing grades.
- (6) Landscaping plans must complement the scale and style of structures on the site and plant species must be appropriate in relation to existing plantings in the area. Invasive exotic plant species shall not be allowed.
- (7) Generally, decks and terraces must not be located on the front or public facing side of a residential structure.
- (8) New parking areas must be located to the rear of primary structures wherever possible and otherwise screened from view of the sidewalk or street.
- (9) New walkways and driveways must be compatible with the materials, scale, and configuration of the primary structure on the site.
- (10) Generators, transformers, fuel tanks, meters, pipes, renewable energy generating devices, air conditioners, heat pumps, or other mechanical or communication related devices must be located in rear yards or along non-character defining elevations and otherwise screened from view of the street.
- (11) Electric, telephone, and other utility lines must be installed underground wherever feasible given site conditions. Any above-ground utility lines must be screened to minimize their visual impact on the site and from neighboring properties.

7.4 Village Corridor Overlay (VCO)

7.4.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Village Corridor Overlay to ensure land development undertaken along public and through streets in the village will protect and reflect the historic and scenic character of the village by maintaining the primarily late 19th and early 20th Century appearance.

7.4.2 Applicability

The VCO includes all lands within 300 feet of the centerline of all through public streets in the Village of Manchester. Where the VCO overlaps with the GRO and the HCO, the more restrictive design standards shall apply.

7.4.3 Repairs in the VCO

- (1) Maintenance and repairs of contributing historic structures in the VCO shall comply with the maintenance and repairs standards established for the HCO. Replacement in kind of an entire feature may be approved by the Development Review Board where restoration of the deteriorated or damaged feature is not economical or practical.
- (2) Maintenance and repairs on non-contributing structures in the VCO may involve replacement of damaged features with synthetic materials as approved by the

Development Review Board upon a conclusion that the replacement features do not detract from the historic features or character of the site.

7.4.4 Additions in the VCO

- (1) Additions to structures within the VCO shall be in keeping and compatible with the existing structure.
- (2) Additions to contributing historic structures within the VCO shall be compatible but differentiated from the original historic structure, or they shall duplicate and mimic historic features.
- (3) Additions shall have gabled roofs. Hip roofs may be approved by the Development Review Board, but shed or flat roofs should only be used when they cannot be viewed from the street.
- (4) The size, location, and number of dormers on additions shall compliment and reflect the overall architectural style and cohesiveness of the addition and the structure as a whole.
- (5) Painted wooden clapboards or shingles, corner and sill boards, cornices and crown moldings are the preferred siding materials for additions unless other materials are approved by the Development Review Board upon concluding that they appropriately reflect the historic character of the area or original structure.

7.4.5 New Structures in the VCO

- (1) New structures must be of consistent design that is compatible with late 19th early 20th Century historic architecture of the village.
- (2) New principal structures must be sited with their fronts parallel to the street, centered between lot lines, and set back a distance equivalent to the setback of adjacent principal structures.
- (3) New principal structures shall vary from 1 ½ to 4 stories pursuant to the underlying zoning district. New single-story principal structures are prohibited.
- (4) Painted wooden clapboards or shingles, corner and sill boards, cornices and crown moldings are the preferred siding materials for new structures unless other materials are approved by the Development Review Board upon concluding that they appropriately reflect the historic character of the area.
- (5) The body and trim of structures must be white, unless otherwise approved by the Development Review Board upon concluding that another color is appropriate to the historic character of the area.
- (6) Accent colors can be used on separate features such as shutters, doors, and sash as approved by the Development Review Board.

- (7) A singular primary entrance to a new principal structure shall be located on a prominent front façade and be of a style and scale that identifies it as the formal entrance to the structure.
- (8) Porches that compliment and reflect the architectural style of a new structure may run across a building front, wrap around the sides and rear, and may be one or two stories. Exposed cement block or concrete piers are prohibited in the VCO.
- (9) Wood is the preferred material for a porch, although brick or stone piers may be approved upon a determination by the Development Review Board that the material reflects and compliments the architectural style of the building.
- (10) Wood tongue and groove flooring is preferred although other manufactured flooring materials may be approved by the Development Review Board upon a conclusion that they appropriately complement and reflect the architectural style of the building.
- (11) New structures in the VCO should have gabled roofs pitched at a minimum of 7 over 12. Hip roofs may be approved by the Development Review Board, but shed or flat roofs should only be used when they cannot be viewed from the street.
- (12) Slate roofing shingles are preferred although the Development Review Board may approve manufactured shingles resembling slate, dark colored asphalt shingles, or standing seam metal roofing upon a finding that the roofing is compatible with the historic character of the area.
- (13) The size, location, and number of dormers on new structures shall complement and reflect the overall architectural style and cohesiveness of the structure.
- (14) New freestanding accessory structures must be located to the rear of principal structures so as not to detract from the historic streetscape pattern.
- (15) Garage doors on new structures must not be frontward facing.

7.4.6 Window Features in the VCO

- (1) The fenestration pattern (the arrangement of windows and door openings) of the front elevation of a new or renovated building must be appropriate in relation to the fenestration pattern of the front elevation of existing adjacent buildings, and results in a compatible rhythm of alternating solids and openings (wall to windows/doors) along the street.
- (2) New windows shall generally be comprised of clear glass panes. Windows with mirrored or severely tinted glass panes are prohibited in the VCO.
- (3) Stained glass windows are appropriate on institutional structures such as churches or school buildings. Limited use of stained glass or colored glass panes in lentils or door lights reflecting Victorian or craftsman styles may also be appropriate on new residential structures.

- (4) The frames of new storm windows on existing or new structures should align with the frames of the underlying windows.
- (5) Generally, the combined width of two fixed shutters flanking a window should be equal to the window width.
- (6) Wooden shutters are preferred although the Development Review Board may approve aluminum, fiberglass, vinyl, or other materials upon concluding that they adequately simulate wood in appearance.
- (7) Solar walls, picture windows, or other expanses of glass are not permitted on facades visible from the street or sidewalks in the VCO.
- (8) Skylights shall only be permitted when they are inconspicuous and cannot be viewed from the public street or sidewalk.

7.4.7 Site Features in the VCO

- (1) Any new fence or wall of any height located between principal structures and the public street in the VCO is prohibited.
- (2) Fence rails, pickets, slats, panels or mesh shall be attached to the center or outside surfaces of fence posts to present the finished surface to neighboring properties or the public street or sidewalk.
- (3) Wood fencing is preferred, although brick or stone piers may be approved upon a determination by the Development Review Board that the material reflects and complements the historic character of the area.
- (4) Exposed concrete blocks or piers on fences or walls shall be prohibited in the VCO.

7.4.8 Demolition in the VCO

- (1) Existing additions that contribute to the overall historic character of a contributing historic structure must be retained.
- (2) A severely damaged or deteriorated contributing historic structure shall not be demolished without the approval of the Development Review Board upon concluding that the structure cannot be practically or economically (compared to replacement costs) restored.
- (3) Certification by an engineer, architect, or other professional with historic preservation expertise, that the structure cannot be practically or economically (compared to replacement costs) restored shall be required for any application to demolish a contributing historic structure. However, such certification is not binding upon the Development Review Board.

7.5 Historic Core Overlay (HCO)

7.5.1 Purpose

Consistent with the *Village Plan of Development*, the Village of Manchester intends for the Historic Core Overlay (HCO) to ensure land development undertaken within the historic core of the village will preserve the contributing historic structures and sites that reflect the primarily late 19th and early 20th Century character.

Accordingly, applicants must demonstrate that any proposed land development involving a contributing historic structure will implement the practices recommended by the U.S. Department of Interior's Technical Preservation Services in the *Guidelines for Rehabilitating Historic Buildings*. Standards for land development in the HCO are as established in Section 7.5. Further detailed recommendations on appropriate rehabilitation practices are available from the U.S. Department of Interior's website.

7.5.2 Applicability

The HCO is comprised of those contiguous lots within the Village of Manchester that contain structures listed on the National Register of Historic Places for the Village of Manchester Historic District and the Equinox House Historic District.

7.5.3 Repairs in the HCO

- (1) Deteriorated or damaged architectural features on a contributing historic structure must be replaced to match the original in design, size, shape, material, dimension, pattern, texture, color, and detail (replacement in kind). Synthetic materials may be approved by the Development Review Board where it is found that original material is unobtainable.
- (2) Where possible, replacement of only the deteriorated or damaged portion or detail of a historic feature on a contributing historic structure must be made.
- (3) The body and trim of a repaired structure must be white, unless otherwise approved by the Development Review Board upon concluding that another color is historically appropriate for the structure.
- (4) Accent colors can be used on repaired features such as shutters, doors, and sash as approved by the Development Review Board.
- (5) Damaged, deteriorated, or missing exterior lighting fixtures must be replaced with new fixtures that are similar in appearance, material, detail, and scale, or that are of compatible appearance, material, detail, and scale with the historic character of the site.
- (6) Damaged or deteriorated landscaping features such as stone walls, fences, gates, and arbors shall be repaired with materials that reflect the original materials of these features on the historic site.

7.5.4 Additions in the HCO

- (1) Additions to contributing historic structures must be compatible with the historic structure in massing, height, form, scale, proportions, roof shape, and fenestration.
- (2) Additions must be designed and constructed in such a manner that if removed in the future, the essential form and integrity of the original contributing historic structure would be unimpaired.
- (3) Additions to contributing historic structures must be added on non-character defining elevations and not diminish or conceal or otherwise visually overpower the contributing historic structure or detract from its historic setting.
- (4) Additions shall have gabled roofs. Hip roofs may be approved by the Development Review Board, but shed or flat roofs may only be used when they cannot be viewed from the street or when they match a flat roof of original historic structure.

7.5.5 New Structures in the HCO

- (1) New structures must be of consistent design that is compatible with late 19th early 20th Century historic architecture of the village.
- (2) New structures shall be constructed only in locations that do not diminish, conceal, or detract from the character of historic features on the site.
- (3) The siting of new structures must conform to the orientation pattern characteristic to the subject historic site. Accordingly, new principal structures must be sited with their fronts parallel to the street, centered between lot lines, and set back a distance equivalent to the setback of adjacent principal structures.
- (4) New freestanding accessory structures must be located to the rear of principal structures so as not to detract from the historic streetscape pattern.
- (5) The footprint of a new principal structure on a lot must be comparable to those on adjoining lots fronting on the same street.
- (6) New structures must be compatible with historic structures on the site in terms of scale, massing, height, form, proportion, fenestration, roof shape, materials, and finishes.
- (7) Although compatible, new structures must be differentiated from contributing historic structures on the site. It is inappropriate to duplicate or create a false historic appearance.
- (8) Painted wooden clapboards or shingles, corner and sill boards, cornices and crown moldings are the preferred siding materials for new structures unless other materials are approved by the Development Review Board upon concluding that they appropriately reflect the historic character of the site.
- (9) Slate roofing shingles are preferred although the Development Review Board may approve manufactured shingles resembling slate, dark colored asphalt shingles, or

standing seam metal roofing upon a finding that the roofing is compatible with the historic character of the site.

- (10) The size, location, and number of dormers shall complement and reflect the overall architectural style and cohesiveness of the structure.
- (11) New entrances, porches, or decks must be introduced only on non-character defining elevations.

7.5.6 New Features in the HCO

- (1) New fabric awnings over windows, entrances or porch openings may be approved by the Development Reviewed board upon a conclusion that they are historically appropriate and will not damage or obscure historic features.
- (2) New storm windows and doors must not damage or obscure historic features and must be of a finish color that matches existing or approved sash color.
- (3) New non-historic roof features (such as skylights, vents, and antennae) must be introduced only on non-character defining roofs.
- (4) New wall features, including doors, windows, ventilators, and electrical and mechanical features, must be installed only on non-character defining elevations and otherwise be installed so they do not diminish the original character of the historic structure or damage historic wall materials.
- (5) New exterior lighting compatible with the scale and character of the historic structure and site may be approved by the Development Review Board upon a conclusion that it is necessary for security or safety, or to highlight a public historic building.
- (6) New walkways and driveways must be compatible with the materials, scale, and configuration of the historic structure and site.

7.5.7 Demolition in the HCO

- (1) Existing additions that contribute to the overall historic character of a contributing historic structure must be retained.
- (2) A severely damaged or deteriorated contributing historic structure shall not be demolished without the approval of the Development Review Board upon concluding that the structure cannot be practically or economically (compared to replacement costs) restored.
- (3) Certification by an engineer, architect, or other professional with historic preservation expertise, that the structure cannot be practically or economically (compared to replacement costs) restored shall be required for any application to demolish a contributing historic structure. However, such certification is not binding upon the Development Review Board.

Section 8 Use & Development Standards

8.1 Access & Driveway Standards

- (1) Land development may be permitted only on lots with frontage of at least 50 ft. on a public street, or, with the approval of the Development Review Board, access to a public street by a permanent easement or right-of-way, not less than 20 feet wide for one-unit or two-unit, or not less than 50 feet wide for more than two, but less than five dwelling units.
- (2) Driveways shall enter streets perpendicularly and be located to provide the maximum site distance possible.
- (3) The location of the entire driveway shall follow the natural contours of the land and shall not exceed 8% grade.
- (4) Any cut or fill necessary to achieve the required grade shall not differ from the natural grade of the original site by more than 4 feet.
- (5) Access drives for three or more addressed structures shall be assigned a street name by the Village Board of Trustees in accordance with Vermont E911 addressing standards.
- (6) Access for four or less dwelling units shall enter the street at the site of an existing access point, if possible. If it is not possible to combine access points, any new access point shall be located at least 50 feet from any other access point, and at least 150 feet from any street intersection.
- (7) Access driveways for four or less residential lots or dwelling units shall comply with *State of Vermont B-71A Standards for Residential Drives*.
- (8) Access driveways for commercial lots or more than four residential units shall comply with *State of Vermont B-71B Standards for Commercial Drives*.
- (9) Access driveways for five or more residential lots or dwelling units must comply with *State of Vermont A-76 Standards for Town and Development Roads*. However, the design and construction of such private drives to state standards does not obligate the Village of Manchester Board of Trustees to accept such streets as public streets.
- (10) There shall be no more than one access point or driveway per lot, except that the Development Review Board may approve one additional driveway access for lots with street frontage in excess of 200 ft. where all other applicable design criteria of Section 8.1 are met.
- (11) Driveways shall be located not less than 150 ft. from street intersections except in those cases where the entire lot frontage is within 150' of the intersection.

8.2 Accessory Dwelling Units

Pursuant to 24 VSA §4412, an accessory dwelling unit shall constitute a permitted use concurrent with the one-unit residential use of a lot. Accordingly, one accessory dwelling unit

within or appurtenant to a one-unit dwelling on an owner-occupied lot shall be approved provided there is compliance with the following:

- (1) The property has sufficient water and wastewater capacity, as demonstrated by any required, relevant permits (*i.e.*, municipal water and sewer allocations, or a state water and wastewater permit);
- (2) The unit does not exceed 30% of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater; and
- (3) Applicable setbacks and lot coverage requirements are met.

8.3 Accessory On-farm Business

An accessory on-farm business shall be allowed on a farm as a permitted use subject to the following:

- (1) The business must be operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.
- (2) The farm must meet the threshold criteria for the applicability of the Required Agricultural Practice rules as determined by the Agency of Agriculture, Food and Markets.
- (3) An accessory on-farm business may take place inside new or existing structures or on land.
- (4) Activities of an accessory on-farm business may be subject to site plan review at the discretion of the administrative officer.

8.4 Childcare Facilities

8.4.1 Purpose

Section 8.4 recognizes community needs for appropriate childcare facilities in a variety of settings, by making provision for such facilities throughout the village, pursuant to 24 VSA §4412. These regulations are not intended to replace or supersede any applicable state regulations or licensing requirements.

8.4.2 Family Childcare Home

A family childcare home refers to a small, home-based childcare facility for up to six full-time and up to four part-time children in the primary caregiver's home. A family childcare home shall be considered to constitute a one-unit residential use of property. These facilities shall not require a permit and may be located in any zoning district in which one-or two-unit residential use is allowed.

8.4.3 Other Childcare Facilities

A childcare facility that is not located in the primary caregiver's home for up to six full-time and up to four part-time children shall require a permit issued by the administrative officer.

A childcare facility serving more than six full-time and four part-time children shall require site plan approval from the Development Review Board.

8.5 Circulation Standards

Applicants for site plan approval must demonstrate that proposed vehicular and pedestrian circulation is designed to:

- (1) Limit the number and minimize the width of access points to the street.
- (2) Provide for on-site safe vehicular, bicycle, and pedestrian traffic.
- (3) Provide connections to off-site bicycle and pedestrian amenities.
- (4) Minimize the visual impact of parking by avoiding large expanses of pavement, and screening surface parking with berms, fencing or landscaping.
- (5) Ensure that the site is in keeping with a pedestrian scaled streetscape.

8.6 Customary Home Occupations

Pursuant to 24 VSA §4412(4), a customary home occupation within a dwelling unit shall be considered a permitted use concurrent with residential use of property. To qualify as a customary home occupation the business activity must meet the following criteria:

- (1) It is carried on by a resident of the dwelling unit;
- (2) It is clearly incidental and secondary to the primary use of the dwelling unit for residential purposes by occupying or using less than 50% of the livable floor space within the home.
- (3) No more than two persons who are not residents of the dwelling unit are employed on the premises by the customary home occupation at any point in time;
- (4) No offensive noise, vibrations, smoke, dust, odors, heat, light, or glare are produced;
- (5) There are no retail sales unless the items sold are the product of the business owner's own labor, or are antiques; and
- (6) The customary home occupation does not otherwise affect the residential character of the neighborhood.

However, a customary home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants and tea rooms, garages or shops for repair of motor vehicles, and other trades and businesses of a similar nature.

8.7 Fences, Walls and Berms

- A. **Setbacks.** Fences, walls, and berms may be located within district setbacks except that fences that enclose tennis courts must comply with all setback requirements for the district in which they are located.
- B. **Height.** The maximum height of fences, non-retaining walls, and berms will be as follows unless otherwise approved by the Development Review Board to provide adequate screening or security:
- (1) 4 feet for a fence or non-retaining wall if located between the street and the principal building frontline.
 - (2) 3 feet for a berm if located between the street and the principal building frontline.
 - (3) 8 feet for a fence or non-retaining wall if located to the rear or side of the principal building frontline.
 - (4) 5 feet for a berm if located to the rear or side of the principal building frontline, unless part of an approved pool or pond plan, pursuant to Section 8.14.
 - (5) 10 feet for a fence enclosing a tennis court, in a rear or side yard.
 - (6) A fence, wall, or berm must not obscure vision above a height of 3 feet at an intersection.
- C. **Materials.** Unless otherwise approved by the Development Review Board, a fence or wall:
- (1) Must be constructed of permanent material such as wood, chain link, stone, rock, concrete, brick, decorative wrought iron or other materials of similar durability;
 - (2) Must be constructed so that any support posts are to the inside and the “finished” or “good” side faces out; and
 - (3) Must not be constructed of barbed wire, razor wire, or similar materials capable of inflicting significant physical injury.
- D. **Retaining Walls.** Retaining walls must be located and designed as follows:
- (1) No individual retaining wall may exceed 15 feet in height except that pre-existing retaining walls more than 15 feet in height may be repaired and reconstructed to their pre-existing height.
 - (2) All retaining walls more than 4 feet in height must be designed by a qualified professional, and must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall shall require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.
 - (3) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.

- (4) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 8 feet.

8.8 Front Yard Standards

- (1) A continuous strip not less than 10 feet in width shall be suitably landscaped and maintained in good appearance between the traveled way and the balance of the lot in all districts. The required strip may be traversed only by driveways, utility lines serving the lot, and pedestrian walks.
- (2) No more than 30% of the area of the required front yard shall be used for driveways and the balance shall be suitably landscaped and maintained in good appearance.
- (3) No portion of the required front yard shall be used for storage or for any purpose except as above provided for driveways, utility lines, or pedestrian walks.
- (4) A continuous landscaped strip of not less than 10 feet in width shall be maintained between the traveled way and the interior of all lots having street frontage within the MU1 and MU2 districts.

8.9 Grading, Excavation and Fill

- (1) Any cut or fill necessary to achieve the required grade shall not differ from the natural grade of the original site by more than 4 feet.
- (2) Except as otherwise provided in this subsection, there shall be no removal from the premises in any district of earth, sand, gravel, clay, or stone, except by approval of the Development Review Board in the case of surplus material resulting from permitted construction or landscaping operations being executed on the premises.
- (3) The Development Review Board, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay or stone, under the following conditions:
 - (a) The applicant shall submit a plan showing existing grades in the area from which the material is to be removed, together with the finished grades at the conclusion of the operation.
 - (b) The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, except in ledge rock.
 - (c) No removal shall take place within 20 feet of a property line, except where the grade from a property line rises toward the lot where removal is to take place. Material lying above grade at property line may be removed.
 - (d) At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than 4 inches of topsoil, and seeded with a suitable cover crop, except where ledge rock is exposed.

8.10 Residential Care Facilities

- (1) A state licensed or registered residential care home (also known as a group home) serving not more than eight persons who have a disability shall be considered a one-unit residential use of property requiring an administrative permit.
- (2) A state licensed or registered residential care home serving more than eight persons who have a disability, a nursing home, or a residential treatment facility shall be considered an assisted living facility subject to the corresponding use allowances and site development standards.
- (3) A proposed assisted living facility shall require site plan approval from the Development Review Board prior to a permit issued by the administrative officer. It shall also require design review prior to permitting if any exterior changes to the site are planned.

8.11 Landscape Planting Standards

Required front yard, parking lot, screening and other site plan landscaping shall comply with the standards of Section 8.11.

- (1) Non-native invasive plant species as listed by ANR are prohibited and shall not be included in any landscaping plan.
- (2) Removal of existing invasive plants (Norway maple Japanese knotweed honeysuckle) is encouraged and does not require approval or permitting.
- (3) At planting, conifers shall be at least five (5) feet tall.
- (4) At planting, deciduous trees shall be at least 2.5 inches diameter at breast height (DBH).
- (5) Maintenance of landscaping and screening shall be the responsibility of the property owner. Dead, dying or diseased plants shall be promptly removed and replaced within one planting season, consistent with good landscape planting practice.
- (6) The applicant shall post a surety or performance bond, in a form acceptable to the Village Trustees, in the amount of twenty-five (25) percent of the total cost of all landscaping. Said bond shall be posted for a period expiring two years after planting of the landscaping. If the property owner fails to replace dead, dying, or diseased plants during the two years after planting, this bond shall be used by the village to cover the cost of replacement plantings. At the end of the two-year period, any amount remaining of the bond may be claimed by the applicant.
- (7) *De minimus* replacement of plantings in kind does not require a permit.

8.12 Outdoor Lighting

8.12.1 Purpose

The purpose of these outdoor lighting standards is to ensure safety and security while protecting against excessive glare, light trespass, and unnecessary energy use. Specifically, these outdoor lighting standards are intended to:

- (1) Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.
- (2) Protect drivers, bicyclists, and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.
- (3) Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained, or shielded light sources.
- (4) Promote energy conservation and efficient lighting design and operation.
- (5) Protect and retain the unique historic character of the village.

8.12.2 Applicability

All public and private outdoor lighting installed in the Village of Manchester shall be subject to these outdoor lighting standards. All proposed lighting plans shall contain information sufficient to demonstrate energy efficiency and conformity with these standards. Fixtures with an aggregated rated lamp lumen output per fixture that does not exceed 1000 lumens (a 60-watt incandescent lamp) are exempt from the requirements of Section 8.12.

8.12.3 Standards

- (1) Lighting fixtures installed or aimed to project output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway, walkway, or bicycle way, are prohibited.
- (2) Fixtures shall be of a type and design appropriate to the lighting application and in conformance with the design standards of Section 7.
- (3) Luminaries shall be equipped or modified to incorporate light directive devices such as shields, visors, skirts, or hoods to prevent offending light distribution or to reduce direct or reflected glare.
- (4) All lighting shall be aimed, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, and to create a nuisance by projecting or reflecting objectionable light onto a neighboring use of property.
- (5) Flood and spot luminaries, where specifically approved by the Development Review Board or administrative officer, shall be installed so that they do not project their output onto adjacent or neighboring property or uses, skyward, or onto a public road.
- (6) Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire, and shall be mounted at a height equal to, or less than, the value $3' + (D/3)$, where D is the distance in feet to the nearest property boundary.
- (7) Color temperature of any LED lamp shall not exceed 4000 Kelvin.
- (8) The height of any luminaire shall not exceed 15 feet.

- (9) Under-canopy lighting, for such applications as hotel porta cocheres, theater marquees, or covered porches shall be accomplished using flat-lens full cut-off fixtures, aimed straight down, and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles.
- (10) Directional fixtures, for such applications as façade, fountain, or architectural or landscape feature illumination, shall be aimed so as not to project their output beyond the objects intended to be illuminated.

8.12.4 Hours of Illumination

Unless otherwise permitted by the Development Review Board, or the administrative officer, for safety or security purposes, lighting for commercial, recreational, or institutional applications shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to extinguish such light sources after 10:00 P.M. to mitigate nuisance glare and sky-lighting consequences. Except as provided for flags and signs below, all outdoor lighting shall be extinguished between the hours of 10:00 P.M. and dawn.

Exceptions to the 10:00 p.m. limit are the following landmarks:

- (1) Burr and Burton Academy tower
- (2) First Congregational Church
- (3) Bennington County Court House
- (4) Equinox Hotel
- (5) Mark Skinner Library building

8.12.5 Flag Lighting

The United States and the Vermont state flag may be illuminated from dusk until dawn. Flag lighting sources shall not exceed 5000 lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

8.12.6 Sign Lighting

Sign lighting shall not exceed 1000 lumens per sign face, and the source of the illumination shall be shielded, and directed solely at the sign to eliminate glare to the traveling public, nuisance light on neighboring properties, and skyglare.

All sign lighting shall be extinguished by 10 p.m. or within one hour after the close of business.

8.12.7 Temporary Lighting

- (1) An applicant for temporary lighting shall submit a detailed description of the proposed lighting to the administrative officer, who shall consider the request in accordance with the standards set forth in Section 8.12 and may refer the application to the Development Review Board.

- (2) Temporary residential lighting for a specific, limited, holiday or seasonal period shall be allowed, without a permit, provided such lighting is consistent with the standards established in Section 8.12.
- (3) Temporary outdoor lighting for nonresidential uses may be permitted by the Development Review Board or the administrative officer, for a specified time period, if it is determined that:
 - (a) The lighting complies with the standards of Section 8.12.
 - (b) Public or private benefits will result from the temporary lighting.
 - (c) No nuisance or safety problems will result from the temporary lighting.

8.13 Parking and Loading Areas

8.13.1 Purpose

The provisions of Section 8.13 are intended to:

- (1) Ensure that land development provides adequate parking and loading areas to avoid congestion on surrounding streets.
- (2) Minimize the consumption of land for parking and loading.
- (3) Protect the character of village streetscapes and property frontages.
- (4) Provide bicycle and pedestrian linkages and amenities.

8.13.2 Applicability

Parking facilities shall be provided to serve any building erected, moved, altered, enlarged, extended, or any use changed, and all premises otherwise subject to a zoning permit. Such facilities shall be sufficient to accommodate the motor vehicles of occupants, employees, customers, and other persons normally visiting such building or premises. Parking facilities must also provide for bicycle parking and safely accommodate pedestrians on the site.

8.13.3 Required Parking

- (1) Unless otherwise specifically approved by the Development Review Board, required parking facilities shall contain not less than the minimum number of spaces as indicated in Table 8-1.
- (2) Required parking facilities shall be located on the same lot as the building or use which they serve, except that upon approval of the Development Review Board, required parking facilities may be located elsewhere (including across a municipal boundary).
- (3) For mixed uses, the Development Review Board may approve less than the aggregate number of spaces for each use where peak usage hours are determined to be different for the separate uses.
- (4) Twenty-five percent of any public parking, including on-street or off-street public parking, falling within 400 feet of the site may be counted toward required parking.

Table 8-1. Minimum Parking Requirements		
Use	Base Number of Spaces	Additional Spaces Required*
Residential in sewer and water service areas	1/DU	NA
Residential outside sewer and water service area	1.5/DU	NA
ADU	1/ADU	NA
Residential Care Facility	1 per 4 beds	1 per employee on day shift
Office	2 per office unit	NA
Bank	1 per 500 sq. ft.	1 per employee
Retail	1 per 250 sq. ft.	NA
Restaurant	1 per 4 seats	1 per employee on largest shift
Personal Service, Veterinary or Medical Clinic	2 per service provider	NA
B&B or Inn	1 per guest room	2 for resident operator
Hotel or Motel	1 per guest room	1 per employee on night shift
School	1 per 15 students	NA
Library	1 per 750 sq. ft.	*
Museum	1 per 1500 sq. ft.	*
Places of Public Assembly	1 per 4 seats	NA
*If use includes public meeting rooms, add 1 space per 4 seats.		

8.13.4 Surfacing, Marking and Dimensional Standards

- (1) Parking facilities shall have adequate all-weather surfacing, capable of allowing free and safe movement of all vehicles customarily using the facilities.
- (2) Parking spaces shall be clearly demarcated with stripping, tire stops, or other means as approved by the Development Review Board. The required dimensional standards for spaces and circulation aisles are provided in Table 8-2.

- (3) The repainting of an existing parking lot, as part of on-going maintenance, shall not be considered a new layout, and shall require no new permitting or review.

Table 8-2: Parking Lot Dimensional Standards				
Angle	0°	45°	60°	90°
Stall length	24'	25'	22'	18.5'
Stall width	12'	13'	10'	9'
Aisle Width				
1-way	12'	12'	16'	26'
2-way	24'	26'	26'	26'
Entry/exit Drive Width				
1-way	14'			
2-way	24'			

8.13.6 Bicycle Parking

- (1) All new uses in the Village of Manchester shall provide for bicycle parking.
- (2) At least one bicycle parking space and an additional one space for every 25 automobile parking spaces must be provided.
- (3) Bicycle parking must be located within 175 feet of a building entrance on a firm, flat surface (for clarification, a grass or gravel surface is acceptable).
- (4) Additional bicycle parking can substitute for automobile parking on a basis of one automobile parking space per six bicycle parking spaces.
- (5) If bicycle parking is located under a roof or within a structure, it can substitute for automobile parking on a basis of one automobile space per three bicycle parking spaces.

8.13.7 Landscape and Lighting Standards

- (1) Landscaping and lighting plans for parking lots shall be required in conformance with the landscaping standards of Section 8.11 and the lighting standards of Section 8.12.
- (2) Parking lots must be surrounded by a landscaped strip of not less than 10 feet in width adjacent to all streets, except at access points.
- (3) Parking areas shall be screened from adjacent streets and adjoining uses. Vegetation used for this purpose may include both conifers for winter screening and deciduous plants to provide summer shade and to create an overhead canopy. Screening may also include features such as berms, low walls or fences, where such features are incorporated into an overall landscape design plan. Screening may also be achieved by locating smaller buildings between the parking area and the road.

- (4) It is not expected that screening will create an impenetrable visual barrier. Rather, the objectives of the screening are to create a pleasant visual edge for the streetscape and to prevent unobstructed views of the parking areas while allowing visual perception of the commercial beyond.
- (5) To avoid large expanses of unbroken pavement, landscaped islands shall be distributed throughout a parking lot. The aggregate area of landscaped islands shall not be less than 5% of the total area of parking spaces (this excludes the area of access aisles) for lots with more than 20 and up to 40 spaces, 10% for lots with 41 to 80 spaces, and 15% for lots with more than 80 spaces.
- (6) Each landscaped island shall be large enough to ensure the healthy growth of at least one deciduous tree plus smaller plantings and ground cover.
- (7) Single-loaded parking areas with up to 10 spaces and double-loaded parking areas with up to 20 spaces may be landscaped solely along the perimeter of the parking area provided that the planting area is not less than 4 feet in any dimension. All other parking areas must incorporate perimeter landscaping as well as landscaped planting islands within the parking area according to the standards established above.

8.13.8 Required Loading Areas

For commercial and institutional uses, space shall be provided for loading and unloading trucks at the rate of one space not less than 400 sq. ft. for each 15,000 sq. ft. of floor area of the building or structures served. All loading activities shall occur on-site, and out of the street right-of-way. Loading areas shall be located to the rear of the structures served and away from adjacent residential use wherever possible.

8.13.9 Snow Removal and Storage

Areas shall be provided for storage of snow removed from parking and loading areas. Such areas shall be designed so that run-off is collected and dispersed within the lot on which the parking is located. At no time shall such drainage cause ponding or flooding off-site. Snow storage shall not block sight distance or line of vision from adjacent driveways or streets.

8.14 Pools and Ponds

- (1) A swimming pool or pond with a surface area less than 40,000 square feet may be approved as a permitted use by the Development Review Board after a public hearing, provided the front, side, and rear setbacks applicable to the district in which the pond or pool is located are satisfied.
- (2) A pool or pond with a surface area of more than 40,000 square feet may be approved as a conditional use by the Development Review Board after a public hearing, provided the pool or pond is at least 50 feet from any lot line.

- (3) An application for a swimming pool or pond shall require plans and specifications that depict the following, and any other information deemed necessary by the Development Review Board to determine conformance with these standards and any other applicable standards of these regulations:
 - (a) Map of entire property, showing location of the pool or pond with respect to present structures, roads, and boundaries.
 - (b) The nearest building(s) on adjoining lands.
 - (c) Natural and proposed drainage, and contours.
 - (d) Specifications for any earthen berm.
 - (e) An estimate of the surface area of the pool or pond, and volume of water to be contained.
 - (f) Certification by a licensed engineer that the design meets the structural standards to impound the water.

8.15 Stormwater Management

8.15.1 Purpose

Section 8.15 is intended to:

- (1) Minimize and control the quantity and quality of stormwater run-off.
- (2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible.
- (3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation.
- (4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by land development.
- (5) Protect surface waters and other natural resources from degradation as a result of inadequate or untreated stormwater runoff.
- (6) Minimize hazards from flooding and streambank erosion.
- (7) Prevent damage to, and reduce public expenditures associated with, maintaining municipal infrastructure resulting from inadequate stormwater controls.

8.15.2 Applicability

All proposed land development must implement appropriate measures to reduce and manage stormwater to prevent runoff from adversely impacting nearby properties, public infrastructure, or downslope water bodies. The provisions of Section 8.15 apply to any land development except land development that obtains a state stormwater permit. A project with a state stormwater permit will be assumed to have met the requirements of Section 8.15. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the administrative officer prior to the start of construction.

8.15.3 Design and Engineering Requirements

- (1) Applicants proposing land development that will not increase the amount of impervious cover must demonstrate that the existing stormwater system on site is functional and adequately prevents erosion and stormwater runoff onto adjacent property or public rights of way.
- (2) Applicants proposing land development that will increase the amount of impervious surface on a lot must demonstrate that appropriate low-impact site design approaches and green stormwater infrastructure best management practices (BMP) will be implemented.

8.15.4 Best Management Practices

Land development that will increase the amount of impervious surface on a lot must be designed so that stormwater run-off will be routed through one or more appropriate green stormwater infrastructure best management practices (BMP) in accordance with the following:

- (1) BMP must be sized and designed to capture 90% of the annual storm events, or the first inch of rainfall.
- (2) Stormwater from on-site impervious roofs, roads, driveways, parking areas, sidewalks and walkways must be guided to vegetated areas, retention areas, or other pervious surfaces to promote on-site water retention and filtration.
- (3) Applicants must demonstrate that the proposed width of all roads and driveways is the narrowest possible necessary to provide safe access and circulation in accordance with the provisions of these regulations.

8.15.5 Post-Construction Soil Depth and Quality

All disturbed areas on a site not covered by impervious surfaces, incorporated into a structural stormwater treatment practice, or engineered as structural fill or slope once development is complete, must conform to the following:

- (1) The duff layer and topsoil in areas to be disturbed during construction must be removed and stockpiled on-site in a designated, controlled area that is not adjacent to surface waters, wetlands, floodplains, or river corridors. The duff layer and topsoil must be re-applied to the disturbed areas once construction activities are complete.
- (2) At project completion, the soil in disturbed areas must:
 - (a) Have a pH from 6.0 to 8.0 or matching the pH of the undisturbed soil on the site.
 - (b) Include a topsoil layer with a minimum organic matter content of 10% dry weight in planting beds and 5% organic matter content in turf areas;
 - (c) Include a topsoil layer with a minimum depth of 8 inches except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.

- (d) Have had the subsoils below the topsoil layer scarified at least 4 inches with some incorporation of the upper material to avoid stratified layers, where feasible.
- (e) If the stockpiled duff layer and topsoil is not sufficient to amend the graded areas, the applicant must import and establish a minimum 8-inch topsoil layer with subsoils below scarified to at least 4 inches to allow for some incorporation of the topsoil layer.
- (f) The resulting soil must be capable of supporting healthy vegetation. If the disturbed areas are to be landscaped in accordance with an approved site plan, the resulting soil must be capable of supporting the plants that will be installed.

8.16 Trash, Recycling, and Composting Storage

All proposed land development subject to site plan review must provide suitable facilities for the storage of trash, composting and recycling as follows:

- (1) Trash, composting and recycling storage areas must be located within the building or inside an enclosure located to the side or rear of the building and outside required setbacks.
- (2) All outdoor trash, composting, and recycling storage and containers must be located on a hard surface (i.e., asphalt or concrete).
- (3) Enclosures must be at least 5 feet in height and must obscure all materials and containers stored inside.
- (4) Enclosures must be constructed of durable materials that are compatible in design with the buildings and uses they are intended to serve.
- (5) Trash, composting, and recycling storage areas must provide adequate space for the maintenance and servicing of containers.
- (6) Any doors or gates to trash storage and recycling areas must remain closed and latched except when being accessed for deposit, maintenance or pick-up.
- (7) Trash, composting, and recycling storage areas must be accessible and convenient for building residents or tenants and for hauling services.

8.17 Water Resources Setbacks

- (1) No structure shall be placed, and no land shall be excavated, filled, or graded in any zoning district within the minimum required water resources setback from the normal bank of any stream or watercourse, or from the shoreline of any natural pond, lake, wetland, or water body, except with the approval of the Development Review Board pursuant to Section 4.6.
- (2) Prior to granting a waiver to the minimum required water resources setback, the Development Review Board shall have found that the proposed construction, earth excavation, filling or grading will not contribute to any impeded drainage, flood hazard, erosion, silting, or other adverse effect on the natural conditions, or on fish or wildlife

habitat, nor interfere with the present or planned storm water drainage system of the Village of Manchester.

- (3) The water resources setback shall be comprised of three zones of equal width as follows:
 - (a) A waterside zone comprising the first third adjacent to the surface water, in which indigenous woody vegetation shall be maintained.
 - (b) A middle zone comprising the next third, in which natural woody landscaping may be interspersed with some clearing (up to 30% of the ground area of the middle zone) for access, stormwater management, and passive recreational uses.
 - (c) An outer zone comprising the final third, in which manicured landscaping features may be maintained and temporary structures may be erected.

8.18 Water Supply and Wastewater Treatment

All proposed development requiring a zoning permit under these regulations must conform to applicable Town of Manchester water and sewer ordinances and specifications, or in the case where municipal sewer or water is not available, to state regulations regarding the provision of potable water and treatment and disposal of wastewater.

Section 9 Subdivision and Planned Development

9.1 Subdivision Standards

9.1.1 Purpose

The purpose of the subdivision standards of Section 9.1 are to:

- (1) Implement the land use policies expressed in the *Village Plan of Development*.
- (2) Ensure efficient, planned, and orderly provision of municipal facilities.
- (3) Promote retention of existing village settlement patterns.
- (4) Guide development away from unsuitable areas, such as steep slopes, poor soils, and floodplains.
- (5) Protect the historic and scenic streetscapes throughout the Village of Manchester.

9.1.2 Applicability

- (1) All subdivision of land within the Village of Manchester must conform to the standards of Section 9. Subdivisions shall include the division of a lot into two or more lots, boundary line adjustments, Planned Unit Developments, and Planned Residential Developments.
- (2) The Development Review Board may require that an applicant provide a cluster design in the form of a PRD or PUD for some or all of a development site in order to protect wetlands, wildlife habitat, significant scenic or historic resources, stream corridors, ponds or other unique resources on or adjacent to the site.

9.1.3 Suitability of the Land

- (1) **No Adverse Impacts.** The land to be subdivided must be suitable for use without endangering public health or safety, and adversely impacting the environment, neighboring properties or the character of the area.
- (2) **Undevelopable Lands.** Land subject to periodic flooding, poor drainage, inadequate capability to support development, or other hazardous conditions must not be subdivided unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.
- (3) **Soil Preservation.** During any clearing, grading, or construction within the subdivision the applicant must demonstrate the following standards will be met:
 - (a) Any topsoil removed during the course of construction on the site will be stockpiled.
 - (b) Stockpiled topsoil will be redistributed to provide even cover on all disturbed areas to be seeded or planted.
 - (c) Reasonable efforts will be made to repair any soil compaction prior to seeding or planting by tilling, subsoiling, and plug aerating, or adding organic amendments.

- (d) No sand, gravel or other earth resources shall be removed from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

9.1.4 Capacity of Community Facilities

The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on community services, facilities, and utilities, including:

- (1) Local schools.
- (2) Police, fire protection and ambulance services.
- (3) Road infrastructure and maintenance.
- (4) Water supply, sewage disposal and stormwater systems and infrastructure.
- (5) Solid waste disposal services and facilities.

9.1.5 Settlement Pattern

The applicant must demonstrate that the proposed subdivision will:

- (1) Be compatible with and enhance the character of the area.
- (2) Not contribute to a pattern of strip development.
- (3) Not substantially impair or diminish the use, value and enjoyment of other property in the area for the uses already established.
- (4) Not impair or impede the lawful development of property within the area for the uses permitted in the applicable zoning district.

9.1.6 Design and Configuration of Lots

A. Lot Arrangement

The applicant must design the subdivision:

- (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
- (2) To connect and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features.
- (3) To prevent foreseeable difficulties in obtaining zoning permits to build on all lots not intended for conservation purposes in accordance with the standards of these regulations.

- (4) To avoid foreseeable difficulties in providing access to buildings on lots not intended for conservation purposes from an existing or planned road.
- (5) To provide for shared access to lots within the subdivision to minimize new curb cuts along arterial streets or state highways.
- (6) To allow further subdivision on any remaining undivided land, lots with further subdivision potential, or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
- (7) To ensure positive drainage away from building sites and a coordinated stormwater drainage plan that meets the standards of Section 8.15.

B. Lot Dimensions

The applicant must design the subdivision:

- (1) So that all lots front on a road.
- (2) So that lot dimensions meet the minimum standards for the zoning district.
- (3) So that generally side lot lines are at right angles to straight roads or radial to curved roads with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (4) So that generally rear lot lines are parallel to front lot lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (5) To avoid flag and other irregularly shaped lots except when desirable to respond to the site's topography and natural features.
- (6) To minimize the number of lots with frontage on more than one road.
- (7) To minimize the number of lots with a rear lot line that abuts the side lot line of an adjacent lot.

C. Building Envelopes

The applicant must designate one or more building envelopes on each lot not intended for conservation purposes in accordance with the following:

- (1) Building envelopes identify and limit the area of a lot where structures, parking and associated site development may be located. Access and utilities may be located outside a building envelope.
- (2) A building envelope must not include any land within zoning district setbacks.
- (3) A building envelope must not include any undevelopable land.
- (4) The Development Review Board may approve more than one building envelope per lot given the specific characteristics of the subject property and the proposed subdivision.

9.1.7 Streets

Applicants must design and construct all new streets within a subdivision in accordance with Section 9.1.7. A vehicular way that provides access to more than 3 lots or addressed primary structures will be considered a street.

A. General.

All new streets within a subdivision must be designed and constructed to:

- (1) Comply with the Vermont Agency of Transportation A-76 Standards for Town and Development Roads.
- (2) Provide a maximum 30 miles per hour speed, or less where site conditions require.
- (3) Safely accommodate all users, including anticipated vehicular, bicycle and pedestrian traffic.
- (4) Provide efficient access to lots within the subdivision.
- (5) Minimize the generation of traffic congestion on existing roads.
- (6) Provide attractive streetscapes.

B. Connectivity.

Discontinuous street systems are inefficient and cause undue congestion. Accordingly, the following criteria shall be met:

- (1) New streets shall be integrated into the existing road network to the maximum extent feasible.
- (2) Cul-de-sac or dead-end streets are prohibited except under the following circumstances:
 - (a) As stubs to permit future expansion. The Development Review Board may require construction of street stubs or condition approval on the future extension of such roads when adjacent property is developed.
 - (b) Where topography or other physical conditions make construction of through streets impossible or undesirable.
 - (c) Where the development site abuts a previously developed site where a through connection is not possible.

C. Access Points.

- (1) A subdivision with more than 20 lots must have at least two access points.
- (2) The Development Review Board may require secondary or emergency access for smaller subdivisions or developments when deemed necessary to protect public safety.
- (3) The Development Review Board may allow secondary access to be limited to emergency access.
- (4) Driveway access points shall be located and designed to intersect streets at or above street grade and be oriented to provide safe site distances.

D. Width.

Applicants must design new streets in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:

- (1) Provide minimal width to calm traffic and minimize impervious surface.
- (2) For streets with a traffic volume of less than 100 trips per day on average, lane widths must be at least 7 feet and not more than 9 feet.
- (3) For streets with a traffic volume of 100 trips per day or more on average, lane widths must be at least 9 feet and not more than 10 feet with 2-foot shoulders on both sides.
- (4) For streets intended to accommodate on-street parking, a parking lane at least 7 feet and not more than 9 feet wide may be located on one or both sides of the road.

E. Drainage.

New streets must be designed:

- (1) To have a cross-slope of at least 1% and not more than 3%.
- (2) To divert run-off to vegetated areas.
- (3) Not to block the flow of drainage in existing municipal or approved stormwater ditches, swales or gutters.
- (4) Not to unreasonably contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure.
- (5) With culverts where needed that are sized to convey anticipated peak stormwater flows and that are not less than 18 inches in diameter.
- (6) With culverts that extend at least two feet beyond the edge of the road and that are installed to minimize erosion damage at the inlet and outlet.
- (7) To maintain or establish a buffer of natural woody vegetation between roads and surface waters at least 75 feet wide. The Development Review Board may waive or modify the buffer requirement to respond to site specific physical conditions pursuant to Section 4.6.

F. Grade.

New streets must:

- (1) Generally conform to the topography and be graded and laid out to conform as closely as possible to the pre-existing topography.
- (2) Not exceed a maximum grade of 7% for gravel roads and 10% for paved roads as measured over any 100-foot section.
- (3) The Development Review Board may allow short segments to exceed the maximum grade to respond to the site's topography and natural features.

G. Street Trees.

Street trees comprised of a mix of native deciduous varieties planted every 50 feet along streets or shared driveways within the subdivision shall be required. Such plantings shall comply with the standards of Section 8.11.

H. Street Lights. To help maintain village rural character and to preserve the night sky:

- (1) Streetlights shall only be employed as necessary to provide safety and security.
- (2) Accordingly, where they are deemed necessary, streetlights shall be employed at intersections, crosswalks and high-traffic areas.
- (3) Streetlights shall consist of LED lamps or fixtures of comparable or greater efficiency according to standards of Section 8.12.

9.1.8 Sidewalks and Pathways

The applicant must integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

- (1) Applicants must install sidewalks along new roads in the Mixed-Use 1 (MU1), Mixed-Use 2 (MU2), Multi-Unit Residential 2 (MUR1), Village Residential 1 (VR1), and Village Residential (VR2) zoning districts. Such sidewalks shall meet Village of Manchester specifications.
- (2) Outside of the Village Center, the Development Review Board may require an applicant to install sidewalks within a proposed subdivision to connect to existing public sidewalk along a public street. Such sidewalks shall meet Village of Manchester specifications.
- (3) Applicants must install pathways as necessary to provide pedestrian and bicycle access within the subdivision to common lands or facilities, parking areas or similar amenities, as well as between buildings.

9.1.9 Water and Wastewater Facilities

The applicant must design the subdivision to provide potable water and wastewater facilities in accordance with the following:

- (1) Any subdivision within the Town of Manchester water service area must be connected to the public system. The applicant must provide water service to each lot not intended for conservation purposes in accordance with applicable public works specifications.
- (2) Any subdivision within the Town of Manchester sewer service area must be connected to the public system. The applicant must provide sewer service to each lot not intended for conservation purposes in accordance with applicable public works specifications.
- (3) Any subdivision not served by Town of Manchester water and sewer must demonstrate compliance with the state's water supply and wastewater system rules.

9.1.10 Firefighting Facilities

The applicant must design the subdivision to provide water for fire protection in accordance with the following:

- (1) Within any subdivision that will be connected to the Town of Manchester water system, the applicant must install fire hydrants in accordance with the town's public works specifications.
- (2) Within any subdivision that will not be connected to the town's water system, the Development Review Board may require the applicant to install a fire pond or make other appropriate provisions to facilitate firefighting.

9.1.11 Public and Private Utilities

- (1) The applicant must design the subdivision to provide utility service to each lot not intended for conservation purposes.
- (2) Utilities shall be located underground to the maximum extent feasible.
- (3) Utilities must be located within road rights-of-way to the maximum extent feasible.
- (4) The applicant must provide maintenance and access easements for any utilities not located within a road right-of-way.

9.1.12 Landscaping

The applicant must design the subdivision to maximize the preservation of existing mature vegetation and provide additional landscaping compliant with Section 8.11 and as follows:

- (1) The landscaping plan shall include street trees along new roads in accordance with Section 9.1.7(G).
- (2) The landscaping plan shall provide privacy for adjoining property owners.
- (3) The landscaping plan shall maintain or establish vegetated buffers along natural areas and shall provide water resources buffers pursuant to Section 8.17.

9.1.13 Stormwater Management

The applicant shall provide a storm drainage plan for the entire development proposed. Such plan shall be prepared by a licensed civil engineer. It shall be based on 10-year storm criteria, with provision for snow stockpiling and runoff, and shall allow no increase in off-site drainage over that occurring prior to development. Such plan shall demonstrate compliance with Section 8.15 and the following:

- (1) That post-development peak discharge rates will not exceed pre-development peak discharge rates.

- (2) The stormwater drainage system will be separate and independent from any wastewater disposal system.

9.1.14 Monuments and Lot Corner Markers

The applicant must install:

- (1) Permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with all applicable state specifications, including Rules of the Board of Land Surveyors.
- (2) Lot corner markers at corners and angle points of all lots in accordance with all applicable state specifications, including the Rules of the Board of Land Surveyors.

9.1.15 Construction and Maintenance of Improvements

The applicant must:

- (1) Construct the necessary improvements in accordance with all conditions of approval and specifications before the administrative officer may issue any zoning permits for further land development within the subdivision.
- (2) Maintain necessary improvements while lots within the subdivision are being sold and developed in accordance with all conditions of approval.
- (3) Demonstrate how the necessary improvements required under Section 9.1 will be maintained once lots have been sold or developed.
- (4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, or other common land or facilities within the subdivision. The applicant shall provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements or other legal documents for review prior to final approval of the subdivision and to record such documents in the land records of the Town of Manchester along with the final Mylar plat once approved.

9.2 Planned Residential Development

9.2.1 Applicability

- (1) Planned Residential Development (PRD) is a type of subdivision involving the creation of residential lots or dwelling units that allows flexibility of design within a unitary site plan in exchange for mitigation that advances the goals of the *Village Plan of Development*; for example, clustering lots with concomitant open space protection or density bonus for the provision of affordable housing. A PRD is permitted in any zoning district in which residential use is permitted.
- (2) Any residential subdivision involving ten or more lots or dwelling units or any residential subdivision with an improved road of greater than 400 feet in length shall be considered

a Planned Residential Development subject to the standards of Section 9.2 and all other applicable provisions of these regulations.

9.2.2 Purpose

Planned Residential Development fulfills the following purposes:

- (1) Promote the development of a variety of housing types.
- (2) Allow for integrated and well-planned residential neighborhoods within the village.
- (3) Encourage contiguous and well-planned open space within new residential developments
- (4) Enhance environmental quality and protection of significant natural resources through preservation of open space.
- (5) Promote a walkable, sustainable development pattern that supports passive outdoor recreation and alternative forms of transportation while still accommodating automobile traffic.
- (6) Provide flexibility in building siting, lot size, setbacks, and mixture of housing types, while allowing higher density than that allowed in the underlying zoning district.
- (7) Ensure efficient, planned, and orderly provision of public and private facilities and infrastructure.

9.2.3 Application Requirements

An application for PRD shall comply with the requirements of Section 4.2, Site Plan Review, and Section 4.5, Subdivision Review, and shall include a narrative plan of development that addresses the following:

- (1) How the design provides for the purposes of Planned Residential Development;
- (2) The proposed number of units and how the design preserves the natural features of the land and site characteristics;
- (3) The proposed use of the open space lands and proposed mechanisms for its preservation; and
- (4) Requested waivers and density bonuses and justification for granting them.

The Development Review Board may waive the requirement for a metes and bounds survey, prepared by a certified land surveyor, if the Planned Residential Development does not involve the subdivision of land. However, if a metes and bounds survey is necessary for an accurate location and description of the building envelopes or easements then the survey shall be required.

9.2.4 Review Process

- (1) After submission of an application for a Planned Residential Development, the applicant shall have temporary markers placed on the lands to enable the Development Review Board to readily locate and appraise the basic layout of the proposed PRD in the field during the site visit. The applicant shall schedule a site visit with the Development Review Board. The purpose of this site visit shall be to confirm the locations of natural features, agricultural or silvicultural uses, and existing structures relative to proposed lot lines, building envelopes, and infrastructure.
- (2) Once a site visit has been conducted, the Development Review Board shall hold a preliminary hearing on the proposed PRD. The Development Review Board shall provide a preliminary decision indicating whether the project should move forward for final approval. A final hearing shall be held once the applicant has addressed any concerns enumerated by the Development Review Board in its preliminary decision.
- (3) Prior to the issuance of any permit for an individual dwelling unit within a PRD a final plat must be recorded in the land records of the Town of Manchester pursuant to Section 4.5.9.
- (4) Amendments to the Planned Residential Development (PRD) shall require a new application for PRD subject to the approval of the Development Review Board.
- (5) Failure to comply with the approved Planned Residential Development (PRD) plan shall constitute a violation of this bylaw.

9.2.5 Legal Restrictions and Requirements

- (1) **Dedication of Open Space.** Land to be preserved as open space in Planned Residential Developments may be offered for dedication to the Village of Manchester for conservation purposes. If such land is not so offered, or if the Village Board of Trustees declines to accept the offer, it shall be dedicated to a community association or other entity, as herein provided.
- (2) **Working Land Restrictions.** Land to be preserved as working lands for agricultural or silvicultural use must be protected for such use by dedication of development rights and protection of these working lands uses in perpetuity.
- (3) **Community Association Required.** The applicant shall organize under the laws of the State of Vermont a non-profit community association, corporation, or cooperative, to be composed of all present and future owners of lots within the PRD. Such non-profit community association, corporation, or cooperative shall be responsible for management and maintenance of all common elements of the development. The applicant shall submit a set of deed restrictions or covenants that run with the land and shall record the same in the Town of Manchester land records after approval of the PRD by the Development Review Board.

- (4) **No Community Association Required.** In the case of a Planned Residential Development in which all land designated as open space is dedicated to, and accepted by, the Village of Manchester, and there are no common road, water, sewer, or other commonly owned elements, the organization of a community association shall not be required.

9.2.6 Dimensional & Density Standards

- (1) In a Planned Residential Development, the dimensional standards of the underlying zoning district may be suspended allowing for clustered or compact lots with smaller setbacks and higher lot coverage than otherwise required.
- (2) Total residential density and overall lot coverage shall not exceed that allowed in the underlying zoning district for the entire area included in the PRD, unless the Development Review Board allows a waiver upon concluding that the increased density or lot coverage advances the goals of the *Village Plan of Development*.
- (3) For any lot within a PRD located in the Rural (R) zoning district, the minimum lot size shall be ten times the footprint of any primary structure on the lot.
- (4) Approved building envelopes shall be delineated on the subdivision plat for each lot to reflect allowable setbacks and lot coverage for all future structures and other impervious cover.

9.2.7 Open Space

- (1) The land area not included in building envelopes, streets, rights-of-way, or easements for utilities, shall be permanently preserved as open space for recreation, conservation, and the enhancement of the natural environment.
- (2) Such open space shall be of a character, size, extent, and shape suitable for the above purposes, and in a location convenient to the residents. Such open space shall contain not less than 35% of the gross area of the PRD.

9.2.8 Stormwater Plan

Each Planned Residential Development shall provide a storm drainage plan for the entire development proposed. Such plan shall comply with Section 8.15.

9.2.9 Sidewalks

- (1) Pedestrian walkways shall be provided to facilitate pedestrian movement within or between lots and units within the PRD or between the PRD and adjacent public sidewalks and community facilities.
- (2) The Development Review Board shall require that deeds for each lot or unit within the PRD contain a notification that the internal walkways or sidewalks in the PRD are private common walkways and that maintenance and repair are the sole responsibility of the

developer, the individual homeowners, or the community association as described in the covenants of the community association.

9.2.10 Streets

- (1) **Standards.** All streets shall comply with the standards of Section 8.1. However, design and construction of private streets to those standards does not oblige the Village Board of Trustees to accept such streets as Village streets.
- (2) **Deeds.** The Development Review Board shall require that deeds for each lot or unit within the PRD contain a notification that the internal streets in the PRD are common private streets and that maintenance and repair are the sole responsibility of the developer, the individual homeowners, or the community association as described in the covenants of the community association.

9.3 Planned Unit Development

9.3.1 Applicability

- (1) Planned Unit Development (PUD) is a type of subdivision that allows flexibility of uses and design within a unitary site plan in exchange for open space protection or other mitigation that advances the goals of the *Village Plan of Development*.
- (2) A PUD is allowed in any zoning district in which non-residential use is allowed and may include a mix of residential and non-residential uses.
- (3) Although mixed uses are encouraged, any PUD shall only allow uses that are listed as allowed uses for the underlying zoning district on Table 5-2.
- (4) Any subdivision intended for any non-residential uses involving five or more lots or units or any subdivision with an improved road of greater than 200 feet in length shall be considered a Planned Unit Development subject to the standards of Section 9.3 and all other applicable provisions of these regulations.

9.3.2 Purpose

Planned Unit Development (PUD) fulfills the following purposes:

- (1) Allow a complementary mixture of uses in an integrated and well-planned area.
- (2) Ensure contiguous and well-planned open space and protect areas of significant natural resources.
- (3) Promote a walkable, sustainable development pattern that supports alternative forms of transportation (walking, biking and mass transit) while still accommodating automobile traffic.
- (4) Provide flexibility in building siting, lot size, and setbacks, while allowing densities higher than those allowed in the underlying zoning district.
- (5) Encourage the efficient use of public and private facilities and infrastructure.

9.3.3 Application Requirements

An application for PUD shall comply with the requirements of Section 4.2, Site Plan Review, and Section 4.5, Subdivision Review and shall include a narrative plan of development that addresses the following:

- (1) How the design provides for the purposes of Planned Unit Development;
- (2) The proposed number of units and how the design preserves the natural features of the land and site characteristics;
- (3) The proposed use of the open space lands and proposed mechanisms for their preservation; and
- (4) Requested waivers and density bonuses and justification for granting them.

The Development Review Board may waive the requirement for a metes and bounds survey, prepared by a certified land surveyor, if the Planned Unit Development does not involve the subdivision of land. However, if a metes and bounds survey is necessary for an accurate location and description of the building envelopes or easements then the survey shall be required.

9.3.4 Review Process

- (1) After submission of an application for a Planned Unit Development, the applicant shall have temporary markers placed on the lands to enable the Development Review Board to readily locate and appraise the basic layout of the proposed PUD in the field during the site visit. The applicant shall schedule a site visit with the Development Review Board. The purpose of this site visit shall be to confirm the locations of natural features and existing uses and structures relative to proposed lot lines, building footprints and envelopes, and infrastructure.
- (2) Once a site visit has been conducted, the Development Review Board shall hold a preliminary hearing on the proposed PUD. The Development Review Board shall provide a preliminary decision indicating whether the project should move forward for final approval. A final hearing shall be held once the applicant has addressed any concerns enumerated by the Development Review Board in its preliminary decision.
- (3) Prior to the issuance of any permit for an individual structure or unit within a PUD a final plat must be recorded in the land records of the Town of Manchester pursuant to Section 4.5.9.
- (4) Amendments to the Planned Unit Development (PUD) shall require a new application for PUD subject to the approval of the Development Review Board.
- (5) Failure to comply with the approved Planned Unit Development (PUD) plan shall constitute a violation of this bylaw.

9.3.5 Legal Restrictions and Requirements

- (1) **Dedication of Open Space.** Land to be preserved as open space in a Planned Unit Development may be offered for dedication to the Village of Manchester for conservation purposes. If such land is not so offered, or if the Village Board of Trustees declines to accept the offer, it shall be held by the developer or a development association, as herein provided.
- (2) **Working Land Restrictions.** Land to be preserved as working lands for agricultural or silvicultural use must be protected for such use by dedication of development rights and protection of these working lands uses in perpetuity.
- (3) **Development Association Required.** The applicant shall organize under the laws of the State of Vermont a non-profit development association, corporation, or cooperative, to be composed of all present and future owners of lots or units within the PUD. Such non-profit development association, corporation, or cooperative shall be responsible for management and maintenance of all common elements of the development. The applicant shall submit a set of deed restrictions or covenants that run with the land and shall record the same in the Town of Manchester land records after approval of the PUD by the Development Review Board.
- (4) **No Development Association Required.** In the case of a Planned Unit Development in which all land designated as open space is dedicated to, and accepted by, the Village of Manchester, and there are no common road, water, sewer, or other commonly owned elements, the organization of a development association shall not be required.
- (5) **Condominium.** Subject to the approval of the Development Review Board, all land reserved as permanent open space, and all other shared facilities may be transferred to the owners of units under condominium ownership within the PUD, in accordance with the laws of the State of Vermont. Each owner shall be liable for a proportionate share of assessments for maintenance, upkeep, and other costs of operations pertaining to all shared elements of the PUD, on the basis of each owner's respective assessed valuation in the grand list of the Village.

9.3.6 Dimensional & Density Standards

- (1) In a Planned Unit Development, the dimensional standards of the underlying zoning district may be suspended allowing for clustered or compact lots with smaller setbacks and higher lot coverage than otherwise required.
- (2) Individual buildings within a PUD may diverge from the building height or footprint limits of the underlying zoning district.
- (3) Total residential density and overall lot coverage shall not exceed that allowed in the underlying zoning district for the entire area included in the PUD, unless the

Development Review Board allows a waiver upon concluding that the increased density or lot coverage advances the goals of the *Village Plan of Development*.

- (4) For any lot within a PUD located in the Rural (R) zoning district, the minimum lot size shall be ten times the footprint of any primary structure on the lot.
- (5) Approved building envelopes shall be delineated on the subdivision plat for each lot to reflect allowable setbacks and lot coverage for all future structures and other impervious cover.

9.3.7 Open Space

- (1) The land area not included in building envelopes, streets, rights-of-way, or easements for utilities, shall be permanently preserved as open space for recreation, conservation and the enhancement of the natural environment.
- (2) Such open space shall be of a character, size, extent and shape suitable for the above purposes, and in a location convenient to the users of the PUD. Such open space shall contain not less than 25% of the gross area of the PUD.

9.3.8 Stormwater Plan

Each Planned Unit Development shall provide a storm drainage plan for the entire development proposed. Such plan shall comply with Section 8.15.

9.3.9 Sidewalks

- (1) Pedestrian walkways shall be provided to facilitate pedestrian movement within or between lots and units within the PUD or between the PUD and adjacent public sidewalks and community facilities.
- (2) The Development Review Board shall require that deeds for each lot or unit within the PUD contain a notification that the internal walkways or sidewalks in the PUD are common private walkways and that maintenance and repair are the sole responsibility of the developer, the individual property owners, or the development association as described in the covenants of the development association.

9.3.10 Streets

- (1) **Standards.** All streets shall comply with the standards of Section 8.1. However, design and construction of private streets to those standards does not oblige the Village Board of Trustees to accept such streets as Village streets.
- (2) **Deeds.** The Development Review Board shall require that deeds for each lot or unit within the PUD contain a notification that the internal streets in the PUD are private streets and that maintenance and repair are the sole responsibility of the developer, the individual property owners, or the development association as described in the covenants of the development association.

Section 10: Flood Hazard and River Corridor Regulations

10.1 Authority

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414, these regulations for areas at risk of flood and fluvial erosion damage in Village of Manchester are hereby adopted.

10.2 Applicability

These flood hazard and river corridor regulations apply to all land development falling within the Flood Hazard Overlay (FHO) as established by Section 5.1.

10.3 Precedence

The provisions of Section 10 shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where Section 10 imposes greater restrictions, the more restrictive provisions of Section 10 shall take precedence.

10.4 Waiver of Liability

These flood hazard and river corridor regulations do not imply that land outside of the areas covered by the FHO and RCO districts will be free from flood or erosion damages. These regulations shall not create liability on the part of Village of Manchester or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on these regulations, or any administrative decision lawfully made hereunder.

10.5 Application Requirements

10.5.1 All Applications

All applications for development within the FHO or RCO shall include:

- (1) A site plan that depicts the proposed development, all water bodies, all zoning district boundaries, the shortest horizontal distance from the proposed development to the top of bank of any river, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.
- (2) The Vermont Agency of Natural Resources Permit Navigator results summary.

10.5.2 Supplemental Application Requirements

Some applications may require additional information based on the location and type of development. The following information shall be provided with an application:

- (1) **Base Flood Elevation (BFE).** BFE information is required for:
 - (a) Replacement, substantially improved, or substantially damaged structures located within any FHO subdistrict, including Zone A, where no BFEs have been provided.

- (b) Projects requiring elevation or dry-floodproofing above BFE.
 - (c) Additions to existing historic structures.
 - (d) Any accessory structure proposed to be built and having building utility systems that will need to be protected from flood waters through elevation above the BFE.
- (2) **Floodway Data.** The following information is required for development located in the floodway:
- (a) All floodway data shall be certified by a registered professional engineer.
 - (b) All submitted proposals shall include electronic input/output files and mapping showing cross-section locations.
 - (c) Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the Floodway District.
 - (d) In accordance with 44 C.F.R. §60.3(c)(10), where BFE data has been provided by FEMA but no floodway areas have been designated, the applicant shall provide 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 one foot at any point within the community.
- (3) **Compensatory Flood Storage.** The following information is required for applications that require compensatory flood storage pursuant to Section 10.11:
- (a) Designs shall provide equivalent storage volumes during peak flows up to and including the base flood discharge. This No Adverse Impact (NAI) volumetric analysis and supporting data shall be certified by a registered professional engineer.
 - (b) If it appears that the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis may be required to verify that a proposed development will not increase flood elevations or velocities of floodwaters. Hydraulic analyses and supporting data shall be certified by a registered professional engineer.
- (4) **River Corridor Assessment.** The following information is required for applications proposing development within the river corridor, as applicable:
- (a) Information clearly demonstrating how the proposed development meets the infill or shadowing requirements in Section 10.11(D).
 - (b) A narrative and supporting technical information from a qualified consultant that demonstrates how the proposal meets the river corridor performance standards outlined in Section 10.11(D).
 - (c) Evidence of an approved major or minor map update issued by ANR in accordance with the process outlined in the *Flood Hazard Area & River Corridor*

Protection Procedure finding the proposed development is not located within the river corridor.

10.5.3 Waiver of Application Requirements

Upon written request from the applicant, the DRB may waive specific application requirements when the data or information is not needed to comply with applicable provisions of this bylaw. A determination to waive the compensatory storage requirement shall include written concurrence from the ANR Regional Floodplain Manager that the project will have only a minimal effect on floodwater storage.

10.5.4 Referrals

- (1) Upon receipt of a complete application for new construction or a substantial improvement within the FHO or RCO, the administrative officer shall submit a copy of the application and supporting information to the National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources (ANR), in accordance with 24 V.S.A. § 4424.
- (2) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to adjacent municipalities, the NFIP Coordinator, the River Management Engineer at the Agency of Natural Resources, and the Army Corps of Engineers.
- (3) A permit may be issued only following receipt of comments from the Agency of Natural Resources, or the expiration of 30 days from the date the application was submitted to the ANR, whichever is sooner. The administrative officer and DRB shall consider all comments from ANR in making a determination of approval.
- (4) If the administrative officer receives technical or scientific data that show deviation from published base flood elevations, the administrative officer must submit the data to ANR and the NFIP Map Specialist within 6 months of such receipt.

10.6 Administrative Responsibilities

10.6.1 Permits

The administrative officer shall not issue a permit for development within the FHO or the RCO until all required federal, state, and local approvals have been secured by the applicant.

10.6.2 Records

The administrative officer shall properly file and maintain a record of:

- (1) All permits issued for development under the jurisdiction of these flood hazard and river corridor regulations.
- (2) All comments or recommendations provided by the Agency of Natural Resources.

- (3) All decisions of the administrative officer and DRB (including those for substantial improvement, substantial damage, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
- (4) A FEMA Elevation Certificate 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, replacement, substantially improved, substantially damaged or flood-proofed buildings (not including accessory buildings) in the Flood Hazard Overlay.
- (5) All floodproofing and other certifications required under these regulations.

10.6.3 Substantial Improvement and Substantial Damage Determinations

- (1) When a proposal for the renovation, rehabilitation, restoration, or repair of a structure located within the FHO is reviewed, the administrative officer shall make a substantial improvement determination.
- (2) In the event of damage to a structure located within the FHO from flooding or other causes (such as, but not limited to, fire, wind or snow), the administrative officer shall make a substantial damage determination based on the damage sustained by the structure regardless of intended repair at that time.
- (3) Substantial improvement or substantial damage determinations shall be made in accordance with current FEMA guidelines and shall be used to determine the appropriate development standards for repair and rebuilding.
- (4) A substantial improvement or substantial damage determination can be appealed by an applicant or property owner to the DRB in accordance with Section 4.11. In the consideration of an appeal of the administrative officer's determination, the DRB shall consider additional documentation provided by the applicant which may include:
 - (a) A recent building appraisal (within the past calendar year, or as determined to still be applicable) completed by a licensed and qualified real estate appraiser that documents the structure's market value (excluding land value) prior to the damage or improvement; or
 - (b) A project or repair cost estimate provided by a qualified contractor, professional engineer or licensed architect. The material and labor cost estimate shall include a detailed accounting of the proposed improvements, additions, reconstruction or rehabilitation work, repairs or associated construction and development; or
 - (c) In the case of substantial damage, an estimate of structure damage provided or reviewed by a local official from FEMA's Substantial Damage Estimator software.

10.6.4 Certificate of Compliance

- (1) In accordance with 24 V.S.A. § 4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed,

converted, or wholly or partly altered or enlarged in its use or structure within the FHO or RCO, until a certificate of compliance is issued by the Administrative Officer stating that the proposed use of the structure or land conforms to the requirements of these flood hazard and river corridor regulations.

- (2) A certificate of compliance is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of these flood hazard and river corridor regulations.
- (3) Upon receipt of the application for a certificate of compliance, the administrative officer shall review the permit conditions and inspect the premises to ensure that:
 - (a) Any required state and federal permits have been received,
 - (b) All work has been completed in conformance with the zoning permit and associated approvals, and
 - (c) All required as-built documentation has been submitted to the administrative officer, *e.g.*, updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis.
- (4) If the administrative officer fails to grant or deny the certificate of compliance within 29 days of the submission of the application, the certificate shall be deemed issued on the 30th day.
- (5) If the administrative officer denies issuance of a certificate of compliance due to noncompliance, the administrative officer shall notify the owner of such noncompliance.

10.6.5 Enforcement

- (1) These flood hazard and river corridor regulations shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the NFIP Coordinator.
- (2) If any appeals have been resolved, but the violation remains, the administrative officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- (3) New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

10.7 Flood Hazard Overlay

A. Purpose: The Flood Hazard Overlay is intended for the following purposes:

- (1) 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-related inundation.
- (2) Ensure that the selection, design, creation, and use of development in flood hazard areas is reasonably safe, accomplished in a manner that minimizes or eliminates the

potential for loss and damage to life and property due to flooding-related inundation and erosion hazards, and does not impair stream equilibrium or floodplain services.

- (3) Protect the beneficial functions of undeveloped floodplains.
- (4) Avoid encroachments in flood hazard areas that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.
- (5) Protect infill and redevelopment from inundation hazards.
- (6) Discourage new encroachments on undeveloped property within the FHO that provide for floodwater and sediment storage.
- (7) Make the Village of Manchester, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

B. Applicability: The Flood Hazard Overlay (FHO) includes the Special Flood Hazard Area (SFHA, also referred to as “flood hazard area”) in the Village of Manchester.

- (1) Flood hazard areas are identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.
- (2) Within the SFHA, the inundation risk and type of damages may differ according to the type of flooding that occurs. Therefore, the SFHA is separated into different sub-zones (labeled as Zone A, AE, A1-30, AH, AO) to provide protection based upon flooding type.
- (3) Unless one of these sub-zones is specifically named, reference to the FHO District includes all portions of the SFHA.

C. Base Flood Elevations and Floodway Limits

- (1) Where available, base flood elevations and floodway limits provided by the NFIP in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard regulations.
- (2) The floodway shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
- (3) In the SFHA where base flood elevations or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA or state or federal agencies.

D. Jurisdictional Determination and Interpretation:

- (1) FEMA National Flood Hazard Layer map data must be used for all measurements and interpretations of the FHO boundaries. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
- (2) If uncertainty exists with respect to the boundaries of the FHO District, the location of the boundary shall be determined by the administrative officer.
- (3) The administrative officer may require additional topographic or base flood elevation information if necessary to make such determination.
- (4) If available, the administrative officer shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination.
- (5) Once issued, a LOMA or LOMR shall constitute proof of the FHO boundary.
- (6) A FEMA Letter of Map Revision based on Fill (LOMR-F) that has been issued after the effective date of this bylaw shall not be used to remove lands from the jurisdiction of this bylaw.
- (7) When the administrative officer deems a property is within the FHO District, an applicant seeking to challenge such determination shall have 15 days from the date of receiving the administrative officer's determination to notify the administrative officer of their intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the zoning permit shall not be considered complete until the administrative officer has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

10.8 River Corridor Overlay

A. Purpose: The River Corridor Overlay is intended for the following purposes:

- (1) Help provide rivers and streams in the Village of Manchester with the lateral space necessary to maintain or reestablish floodplain access and minimize erosion hazards through natural physical processes.
- (2) Allow for wise use of property within river corridors that minimizes potential damage to existing structures and development from flood-related erosion.
- (3) Discourage encroachments in undeveloped river corridors.
- (4) Make the Village of Manchester, its citizens, and businesses eligible for federal disaster recovery funds, and hazard mitigation funds, as may be available.

B. Applicability

- (1) The River Corridor Overlay (RCO) shall apply to the river corridors in the Village of Manchester as delineated by the Agency of Natural Resources (ANR) Department of Environmental Conservation (DEC) including refinements to those data based on field assessments which are hereby adopted by reference. This includes (i) the width of the meander belt of a river and an additional 50' buffer to allow for a stable wooded bank when the river is at its equilibrium or least erosive slope and

(ii) the river corridor small streams setback measured as 50 feet from top of the stream bank or slope for streams draining watersheds between 0.5 and 2 square miles.

- (2) Boundaries of the River Corridor Overlay (RCO) are available online from the Vermont Center for Geographic Information (VCGI) and can be viewed via the ANR online Natural Resources Atlas depicting river corridors.
- (3) Requests to update a river corridor map shall be in accordance with the ANR Flood Hazard Area and River Corridor Protection Procedure:
https://dec.vermont.gov/sites/dec/files/documents/DEC_FHARCP_Procedure.pdf.

C. Jurisdictional Determination and Interpretation

- (1) If uncertainty exists with respect to the boundaries of the RCO, the location of the boundary shall be determined by the Administrative Officer.
- (2) If an applicant disagrees with the determination made by the administrative officer or the river corridor as mapped, the applicant has the option to either:
 - (a) Hire a licensed land surveyor or registered professional engineer to stake out the RCO boundary on the property; or
 - (b) Request a letter of determination from ANR which shall constitute proof of the location of the river corridor boundary.
- (3) When ANR receives a request for a letter of determination, ANR evaluates the site and existing data to see if a change to the river corridor delineation is justified, necessitating a river corridor map update.
- (4) An ANR letter of determination will either confirm the existing river corridor delineation or will result in an update to the river corridor delineation for the area in question. If a map update is justified, an updated map will be provided with the letter of determination.

10.9 Allowed Uses and Development

The uses allowed within the FHO and the RCO shall be as allowed in the underlying zoning district, except that uses involving development activity as summarized in Table 9-1 shall be as indicated in Table 9-1.

Note that use and development in the *special flood hazard area* are more restricted than in the *river corridor* and use and development in the *floodway* are more restricted than in the rest of the *special flood hazard area*.

Table 9-1: Development Review in the FHO and RCO			
X = Prohibited C = Conditional P = Permitted E=Exempt			
Use or Development Activity	Floodway	Flood Hazard Area	River Corridor
New Structures	X	C	C
Fully Enclosed Areas Below Grade	X	X	C
New Critical Facilities	X	X	C
New Small Accessory Structures Including Fences	X	P	P
Demolition	P	P	P
Storage	X	C	P
Salvage Yards	X	X	C
Substantial Improvements to Existing Structures	C	C	P
At Grade Parking	X	P	P
Fill or Grading (with no net loss of flood storage)	X	C	P
Fill or Grading (with net loss of flood storage)	X	X	X
Bridge or Culvert Installation	C	C	P
Recreational Vehicle Storage or Parking	X	C	P
Unimproved Trails or Pathways	P	P	P
Work within a Public Right of Way by the Town, State, or a Utility Provider	E	E	E
Development that Has Secured a CPG from the PUC	E	E	E
Maintenance or Repairs on Existing Structures and Landscaping	E	E	E
Minor Interior Improvements to Existing Structures	E	E	E
Subdivision with No Authorized Additional Development	E	E	E
Required Agricultural Practices	E	E	E
Accepted Silvicultural Practices	E	E	E
Passive Outdoor Recreation	E	E	E
Hunting, Fishing, or Trapping	E	E	E
<i>Note: All development activities must comply with the standards established in Section 10 if not exempt as indicated in this table.</i>			

10.10 Prohibited Development

- (1) Fully enclosed areas below grades on all sides and critical facilities are prohibited throughout the entire FHO.
- (2) The following are prohibited in the floodway:
 - (a) New structures of any kind.
 - (b) Outdoor storage of materials or salvage yards.
 - (c) New encroachments except the following:
 - (i) New encroachments related to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects.
 - (ii) New encroachments related to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.

10.11 Development Standards

The standards set forth in Section 10.11 are the minimum standards for development in the FHO. If the floodway or SFHA sub-zone is not specified, the standard applies to the entire FHO. Where more than one subdistrict is involved, the most restrictive standard shall take precedence.

A. Floodway

- (1) For all proposed new encroachments and above-grade development within the floodway, a hydraulic analysis is required to be provided for review. The analysis shall be performed in accordance with standard engineering practice by a registered professional engineer 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.
- (2) For development within the floodway that will not result in any change in grade, the hydraulic analyses may be waived where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade and that the development will be adequately protected from scour.
- (3) For any new encroachment that is proposed within the floodway where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision (CLOMR), in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact.

B. Special Flood Hazard Area (SFHA). No adverse impact (NAI) of development shall be allowed within the SFHA. Accordingly, the following standards apply:

- (1) New development or redevelopment, including substantial improvements and demolition, shall not decrease flood storage capacity. Therefore, unless waived per the standards of paragraphs 2 through 6 below, development that displaces floodwater storage in the SFHA shall provide compensatory storage to offset the impacts of the proposed project. This is required when the development will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows up to and including the base flood discharge.
 - (a) NAI volumetric analysis and supporting data, demonstrating compensatory storage to offset the impacts of the proposal, shall be provided by the applicant.
 - (b) An applicant may submit a hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters in lieu of a NAI volumetric analysis.
 - (c) Compensatory flood storage designs shall not materially impact adjacent landowners or structures. If the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis shall be required to verify that a proposed development will not increase base flood elevations and velocities.
- (2) The NAI compensatory storage requirement may be waived for proposed designs that have no more than a minimal effect on floodwater storage and will not result in diverting floodwaters onto an adjacent property or structure. Examples of designs that have a minimal effect on floodwater storage include an open foundation design; utility work that is largely or completely located below grade; minor above ground improvements such as fences or poles that minimally displace or divert floodwaters; and development that will not result in any change to the predevelopment ground elevations.
- (3) The NAI compensatory storage requirement may be waived for remediation of properties with contaminated soils, such as Brownfields sites, if hydraulic analysis demonstrates that the remediation will not increase flood elevations and velocities. Hydraulic analyses and supporting data shall be certified by a registered professional engineer.
- (4) The NAI compensatory storage requirement may be waived for a replacement structure if there is no increase in the structure's footprint, or an open foundation design is used. Examples include using compliant flood vents or openings, or elevating the structure on post, piers, or pilings with no structural foundation walls below the design flood elevation.

- (5) The NAI compensatory storage requirement may be waived for associated transportation and utility networks¹ and replacement on-site septic system proposals if the applicant demonstrates that the placement of fill cannot be mitigated.
- (6) A determination to waive the NAI compensatory storage requirement shall include written concurrence from the ANR Regional Floodplain Manager, that the project will have only a minimal effect on floodwater storage.
- (7) All required volumetric and hydraulic analyses must be certified by a registered professional engineer.

C. Entire Flood Hazard Overlay. Within the FHO, the following standards shall apply:

- (1) All development below the Design Flood Elevation (DFE) shall 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 or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (f) Adequately drained to reduce exposure to flood hazards.
- (2) The removal of a building or other improvement in whole or in part shall result in no change to the ground elevations under and adjacent to the removed structure or improvement.
- (3) In Zones A, AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conform to standard hydraulic engineering principles and shall be certified by a registered professional engineer.
- (4) New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least two feet above base flood elevation. This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.

¹ "Associated transportation and utility networks" means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream.

- (5) New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall meet the standards of paragraph 3 above or:
 - (a) Shall have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (b) The structural design, specifications, plans, and proposed methods of construction are in accordance with accepted standards of practice for dry floodproofing as certified by a registered professional engineer or architect.
 - (c) The dry floodproofing measures used shall work without the use of human intervention at the time of flooding unless the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or unless the facility is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.
- (6) New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the FIRM, or at least three feet if no depth number is specified.
- (7) Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain) or three feet above base flood elevation, whichever is higher.
- (8) A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.
- (9) 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 shall meet the following mitigation performance standards for areas below the base flood elevation:
 - (a) The likelihood of flood waters entering the structure during the base flood is reduced.
 - (b) The building foundation shall be structurally sound and reinforced to withstand a base flood event.

- (c) Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures.
 - (d) Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired.
 - (e) There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
 - (f) The improvement or repair must not invalidate the structure's historic designation.
- (10) Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
- (a) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits.
 - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (c) Such designs shall be certified by a registered professional engineer or architect or shall provide a minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above adjacent grade. Such openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (d) Include a signed non-conversion agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be used for any purpose other than parking, storage, or building access and that Village of Manchester shall have the ability to inspect the exterior and interior of the enclosed area for compliance with the standards laid out in the non-conversion agreement.
- (11) A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation provided the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters and complies with the standards of paragraph 9 above.
- (12) For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, outdoor electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities (such as sewer, gas, and water systems), shall be located on the landward or downstream side of the building or behind structural elements, and located and constructed to minimize or eliminate flood damage.

- (13) Water supply systems shall be designed to minimize or eliminate infiltration by floodwaters into the system.
- (14) Sanitary sewage systems shall be designed to minimize or eliminate infiltration by floodwaters into the system.
- (15) On-site wastewater treatment systems shall be located to avoid impairment to them by floodwaters or erosion and to prevent contamination from them during flooding.
- (16) Any fuel storage tank shall be elevated or floodproofed by:
 - (a) Elevating the fuel storage tank and all inlets, fill openings, line connections, and vents a minimum of two feet above the base flood elevation (BFE).
 - (b) Securely anchoring the tank to prevent flotation.
 - (c) Locating the tank on the land-ward or downstream side of the building.
 - (d) Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces.
- (17) In places where elevation of a fuel storage tank is not possible due to the location of existing fuel hookup or fuel lines into an existing building:
 - (a) The tank shall be securely anchored to prevent floatation while protecting it from flood forces and debris.
 - (b) Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris.
 - (c) The tank vent pipe or valve shall be located at a minimum two feet above the BFE.
- (18) Alternatively, in places where elevation of a fuel storage tank is not possible due to the location of existing fuel hookup or fuel lines into an existing building, the tank may be placed underground if securely anchored and protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force as certified by a registered professional engineer.
- (19) Bridges, culverts, and channel management activities located in or over the watercourse shall have a Stream Alteration Permit from the Agency of Natural Resources, if required.
- (20) Parked or stored recreational vehicles, camp trailers, portable restroom trailers, construction trailers, and other travel trailers shall be registered, licensed and ready for highway use. Such equipment shall be parked or stored in the FHO for a maximum of 180 consecutive days.

D. River Corridor. The criteria below are the minimum standards for development in the RCO. Where more than one district is involved, the most restrictive standard shall take precedence.

- (1) In-fill development must be located no closer to the channel than the adjacent existing primary structures, within a gap that is no more than 300 feet (see Figure 10-1).
- (2) An addition to an existing habitable structure or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further

from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank (see Figure 10-2).

- (3) Below-ground utilities may be placed within the same shadow dimensions of an existing below-ground system (see Figure 10-2).
- (4) The applicant must demonstrate and the DRB must conclude that the proposed development will not be located on land with a history of fluvial erosion damage or be threatened by fluvial erosion.
- (5) The applicant must demonstrate and the DRB must conclude that the proposed development will not cause the river to depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions.
- (6) The applicant must demonstrate and the DRB must conclude that the proposed development will not cause an immediate or anticipated future need for stream channelization or cause an increase in flood elevations or velocities or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.
- (7) The DRB may require data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards or comments provided by the DEC Regional Floodplain Manager on whether the proposed development meets the RCO standards of paragraphs 1 through 6 above.
- (8) Permits for stream water access or unimproved paths that provide stream water access shall include a condition prohibiting the permittee from actively managing the section of river solely to protect the access from lateral river channel adjustment.

Figure 10-1.
 Infill development in the RCO that is incidental to an existing primary structure may be located within the rectangular shadow area behind and adjacent to the structure (shadow area represented to the right in light blue, structures in brown).

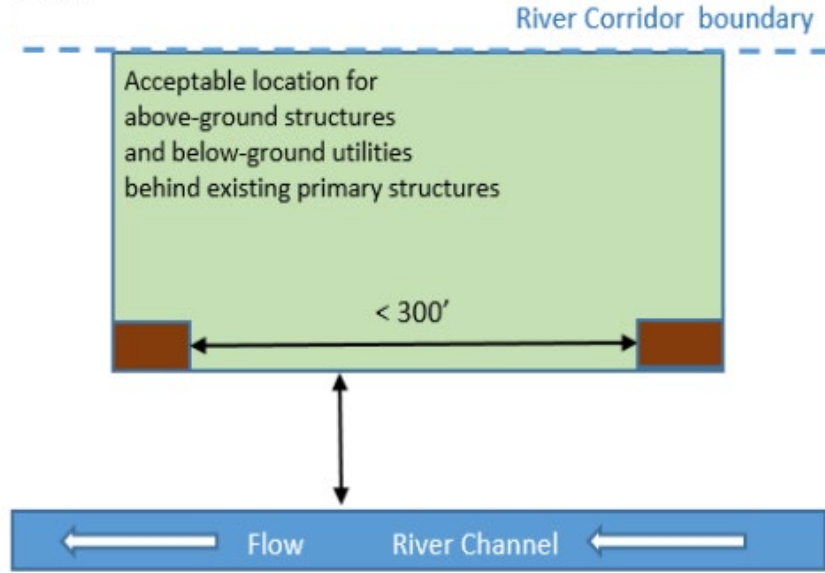
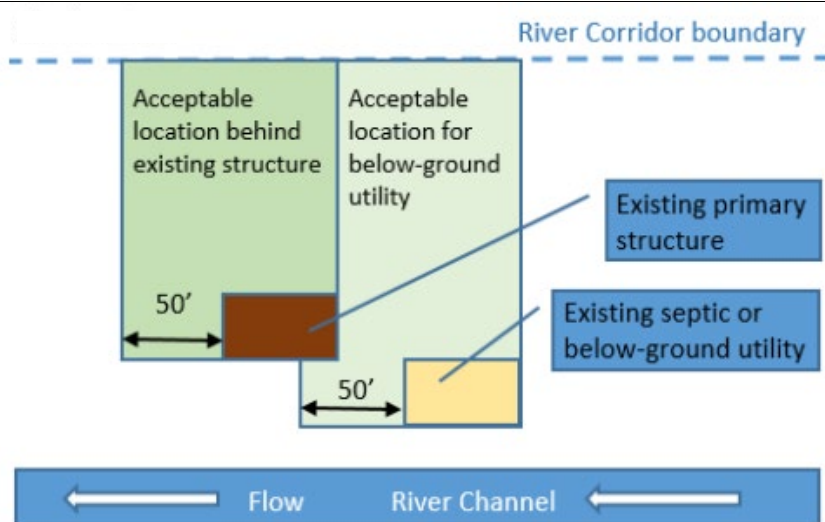


Figure 10-2.
 An addition to an existing primary structure in the RCO may be located in the shadow area behind and adjacent to the structure (shadow area represented to the right in light blue, structure in brown). A below ground utility serving an existing structure may be located within the shadow area behind and adjacent to the existing below ground utility (represented in the lighter shade of blue, utility in beige).



Section 11 Definitions

11.1 Rules of Construction

- (1) Terms indicated in **bold** in Section 11 shall apply throughout these regulations. Terms indicated in ***bold italics*** in Section 11 shall apply specifically to the flood hazard and river corridor regulations only.
- (2) In the construction of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:
 - (a) The "village" is the Village of Manchester, Vermont.
 - (b) Words used in the present tense shall include the future and words used in the future tense shall include the present.
 - (c) Words in the singular number shall include the plural and words in the plural number shall include the singular number.
 - (d) The words "shall" and "must" are mandatory and not optional or merely directory.
 - (e) The words "may" and "should" are permissive.
 - (f) The word "person" includes an individual, firm, association, corporation, partnership, trust, company or other organization, governmental body or agency, and any other legal entity.
 - (g) The word "**lot**" includes the words parcel, plot, tract of land, or piece of land.
 - (h) The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.
 - (i) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (j) The terms "such as" and "for example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or **structures**.
 - (k) The word "built" includes "erected," "constructed," "reconstructed," "altered," "enlarged," or "moved."
 - (l) The word "premises" shall include land and **structures** thereon.
 - (m) The word "existing" means the conditions existing on the effective date of these regulations.
 - (n) The word "land" includes the words "marsh," "**wetland**" and "water."
- (3) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

- (a) "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "either...or" indicates that the connected item, conditions, provisions, or events shall apply singly but not in combination.
- (4) References made to officials and official bodies shall mean officials and official bodies of the Village of Manchester, unless the natural construction of the wording indicates otherwise.
 - (5) The words "regulation," "these regulations," "these land development regulations," "this ordinance," or "this **bylaw**" means the "Village of Manchester Land Use and Development Regulations" or provisions therein.
 - (6) Any word or phrase which is defined in Section 10 shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.
 - (7) Any word or phrase that is not defined in Section 10, or elsewhere in these regulations, shall have its plain and commonly accepted meaning.
 - (8) Definitions contained in Title 24, Chapter 117, Vermont Statutes Annotated, shall be applicable throughout these regulations.

11.2 A

Accessory Dwelling Unit (ADU): An apartment or dwelling unit that is clearly subordinate to a primary dwelling unit, of which it is a part or appurtenant to, provided such accessory dwelling unit has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, and provided there is compliance with all of the following:

- (1) The unit does not exceed 30% of the total habitable floor area of the primary dwelling or is at least 900 sq. ft., whichever is greater.
- (2) The unit meets all setback, coverage, water, wastewater, and parking requirements.

Accessory On-farm Business: Activity on a **farm** the revenues of which may exceed the revenues of the farming operation and comprises one or both of the following:

- (1) 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..
- (2) 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 or exhibits in the preparation, processing, or harvesting of **qualifying products**.

Accessory Structure: A **structure** that is:

- (1) Detached from and clearly incidental and subordinate to the **principal use** or **structure** on a **lot**,
- (2) Located on the same **lot** as the **principal structure** or **use**,
- (3) Clearly and customarily related to the **principal structure** or **use**, and
- (4) Only used for vehicle parking, storage, recreation, or building access.

Examples include, garages, garden and tool sheds, and playhouses, but do not include **accessory dwelling units**. A detached accessory **structure** is one that is not attached to the **principal structure** by any covered porch, breezeway, or other roofed structural element.

Accessory Use: A use customarily incidental and subordinate to a principal use on the same lot.

Addition: Construction that increases the size of the original structure by building outside its existing walls or roof.

Administrative Officer: The person appointed by the Board of Trustees to administer these regulations as prescribed in herein. Also known as the **Zoning Administrator**.

Alteration: Any change to a **structure** as a result of construction, maintenance, repair, or other activity, and including the addition or replacement of exterior doors, windows, porches, decks, siding, **architectural details**, lighting or other exterior elements of a site or structure.

Applicant: The owner of record of a property within the Village of Manchester, the duly appointed representative of the owner of record, or a person holding contract to purchase the property, and who proposes land development on that property requiring a zoning permit.

Appurtenances: A feature related to a parcel of land or to a building, structure, object, site, or to a related group thereof. The term includes, but is not limited to, buildings, structures, objects, sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, solar panels, satellite dishes, and signs.

Architectural Detail: A minor or subordinate element of a building or structure, such as a column, capital, molding, or structural connection.

Assisted Living Facility: Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license (includes any **residential care home** with more than eight residents).

11.3 B

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

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

Basement: Any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

Bed & Breakfast: An operator-occupied residence with up to 6 guest rooms that offers short-term accommodation and breakfast to travelers.

BFE: See **Base Flood Elevation**.

Building: Any **structure** having a roof and intended for shelter, housing, or enclosure of persons, animals or materials.

Building, Accessory: See **Structure, Accessory**.

Building, Footprint: The area of land covered by a **building** on a **lot**, excluding area below the eaves of a roof, and any portion not covered by a roof, such as unsheltered steps, verandas, or decks.

Building Bulk: The mass or scale of a **building**.

Building Coverage: The ground area covered by any portion of a **building** or buildings on a lot expressed as a percentage of total lot area.

Building Height: The vertical distance from the finished grade at the primary entrance to the highest point of the roof of a **building**.

Building Line: A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise legally established by an approved and recorded plat.

11.4 C

Change of Use: A change in the use of a parcel of land or a structure from one defined use to another as listed in the use table (Table 6-1).

Channel: The area that contains continuously or periodic flowing water that is confined by banks and a streambed. (See Figure 11-1 for depiction.)

Character Defining: The distinguishing characteristic of a **building** or neighborhood.

Childcare Facility: A state licensed or registered facility providing early childhood education or daycare services to children. See also **Family Childcare Home**.

Cluster Subdivision: See **Planned Residential Development**.

Compensatory storage: A volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

Common plan of development: A development on which multiple separate construction activities may be taking place at different times on different schedules but under one approved plan.

Conditional Use: A use allowed in a particular district if approved by the Development Review Board after public hearing and consideration of its off-site effects such as traffic, character of the area, or utilization of general village resources or services.

Condominium: A type of property ownership in which the dwelling unit or business unit, within a building or buildings, with or without a small area of land, is owned individually, but where the bulk of the associated land, and often recreation and other facilities, are owned in common by all unit owners.

Congregate Housing: Attached or detached individual housing units, in an accessible physical environment, that may contain complete cooking facilities, and provide common interior spaces for recreation, educational, or social activities, meeting and activity space, and common dining. Congregate housing facilities providing these services shall not be considered separate dwelling units.

Construction trailer: A vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

Contributing Historic Structure: A building, structure, or site feature within the Village of Manchester Historic District or the Equinox House Historic District as documented by the National Register of Historic Places that contributes to the historic character of the district, was built during the district's period of significance (19th or early 20th Century) and retains its appearance from that time.

Critical facilities: 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.

Customary Home Occupation (CHO): A business activity conducted from a minor portion of a **dwelling unit** for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

11.5 D

Demolition: The intentional destruction of all or part of a building or structure. In restoration or renovation projects, it may include removal of structural elements or features.

Design Flood Elevation (DFE): **Base flood elevation** plus two feet.

Deteriorated: As used in these regulations, the state of a structure characterized by the loss of the original condition, over time, due to natural elements or human activity.

Development: The division of a parcel into two or more parcels or a boundary change; the construction, reconstruction, conversion, structural alteration, installation, relocation or enlargement of any **building** or other **structure**, or of any mining, excavation or landfill, and any **change of use** of any **building** or other **structure**, or land, or extension of use of land.

Development: *In the regulatory **floodplain** or **river corridor**, any human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.*

Driveway: An access-way serving up to two addressed **structures**, **lots**, or uses.

Dwelling, Multiple: A building containing separate dwelling units for three or more households, having separate or joint entrances, services or facilities.

Dwelling, One-Unit: A detached building designated for or occupied solely as a dwelling by one household.

Dwelling, Two-Unit: A detached building designated for, or occupied solely as, a dwelling by two households. Also known as a duplex.

Dwelling Unit: A dwelling or part of a dwelling occupied, or intended for occupancy, by one household for residential purposes, containing full housekeeping facilities (including sleeping, food preparation, and sanitation) for the exclusive use of the occupants.

11.6 E

Elevation: A drawing showing the vertical elements of a building, either interior or exterior, as a direct projection to a vertical plane, also used to refer to the external faces of a building.

Encroachment: *Activities or construction including fill, substantial improvements, and other development that reduces the functional river corridor (i.e., impairs the equilibrium condition) or increases flood levels.*

Environment: The sum of all the physical features at a particular location, including the natural environment and the built environment.

Equilibrium Condition: *The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.*

Exterior Features: Exterior features of a structure shall include, but not be limited to, the color, kind and texture or building materials and the type and style of all windows, doors and appurtenances.

11.7 F

Family Childcare Home: Pursuant to 24 V.S.A. Section 4412(5), a state licensed or registered childcare facility within the home of the childcare provider serving no more than six full-time, and no more than four part-time, children, which shall be considered to constitute a permitted one-unit residential use of property.

Farm: Any tract of land used for dairying or for the raising of agricultural products, horticultural or agronomic products, forest or silvicultural products, livestock, poultry, or carrying out other practices associated with accepted silvicultural practices or required agricultural practices, and which may include accessory structures for the sale of such products from the premises where produced, and which may include farm structures.

Farm Stand: A temporary or seasonally used structure for the display and sale of locally grown agricultural products. May also include the accessory sales of other unprocessed foodstuffs, homemade crafts, and home processed food products (e.g., jams, jellies, pickles, sauces, baked goods).

Farm Stay: A paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both.

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted subject to the required agricultural practices rules, including a silo, but excluding a dwelling for human habitation.

Farmers Market: An event occurring in a pre-designated site for selling or offering for sale at retail of locally grown vegetables or produce, where there is a collection of individual vendors who have raised the vegetables or produce or have taken the same on consignment for retail sale. Also includes the incidental sale at retail of artisan-produced handicrafts, artwork, and baked goods.

Farming: The use of land or structures for agriculture.

Fill: Any placed material that changes the natural grade, increases the elevation, redirects the movement of storm or **flood** water, or diminishes the **flood** storage capacity at a **site**.

Temporary storage of material for less than 180 days is not considered fill.

Fixture: The assembly that houses the **lamp** or lamps of a **luminaire** including all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flat Roof: A roof with a pitch sufficiently low that it can be walked upon easily; may be a true horizontal plane or have a low pitch (typically not more than 1 in 20) for rainwater drainage; may be surrounded by a parapet or have only a gravel stop at the perimeter.

Flood: Refers to:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (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 caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood hazard: Those hazards related to damage from flood-related inundation or erosion.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the **special flood hazard areas** and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Floodplain: Any land area susceptible to being inundated by water from any source (see also **flood**).

Floodproofing: 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, or structures and their contents.

Floodway: The **channel** of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the **base flood** without cumulatively increasing the water surface elevation more than one foot at any point. Note that **special flood hazard areas** and floodways may be shown on separate map panels. (See Figure 11-1 for depiction.)

Fluvial Erosion: Erosion or scouring of riverbeds and banks during high flow conditions of a **river**. Fluvial erosion is most likely to occur within the **river corridor**.

Food Truck: See **Mobile Food Unit**.

Foundation: The supporting portion of a structure below the first-floor construction, or below grade, including footings.

Frontage: The width of the front **lot** line.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

11.8 G

Gable: The vertical triangular part of a wall at the end of a ridged roof, from the level of the eaves to the roof.

Glare: Light emitting from a **luminaire** with an intensity great enough to reduce a viewer's ability to see, and in extreme cases, cause momentary blindness.

Grade: The height of the surface of the ground, especially in relation to a building; an element that is at grade is on the same level as the ground.

Grading: The movement or replacement of topsoil or other material originating on a **site**. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the **special flood 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 **special flood hazard area**, the new material shall be considered **fill** and shall not be considered grading.

Group Home: Use of one-unit dwelling to provide housing for up to eight people with disabilities that operates under state license or registration. Also referred to as a residential care home. (See also **Assisted Living Facility**.)

11.9 H

Hierarchy: A group of architectural elements arranged in a graded series.

Historic District: A delineated geographic area that contains a number of related historic **sites, buildings, structures**, features, or objects, united by past events, or by plan or physical **development**, and that has been designated on a national, state or local register of historic places. A historic district may encompass a neighborhood or all of a small municipality. Historic districts may comprise individual elements separated geographically but linked by association or by history.

Historic Preservation: Encompasses a broad range of activities related to preservation and conservation of the built environment by physical and intellectual methods.

Historic Structure: Any **structure** that is:

- (1) Listed individually in the **National Register of Historic Places** as 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 a state inventory of historic places by the Vermont Division for Historic Preservation (VDHP); or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Vermont Division for Historic Preservation (VDHP).

Hotel: An establishment with one or more structures providing short-term accommodation for travelers with or without meals and so designed that access and egress are controlled from a central or limited points. May include a restaurant, bar, event facility, spa, or fitness center as accessory uses.

11.10 I

Infill Development: Construction, installation, modification, renovation, or rehabilitation of land, interests in land, **buildings, structures**, facilities, or other **development** in an area that was not previously developed but is surrounded by existing **development**.

Inn: An operator-occupied establishment with one or more structures and more than 6 guest rooms providing short-term accommodation for travelers. May include a restaurant, bar, event facility, spa or fitness center as accessory uses.

11.11 J

Junk/Solid Waste: Any discarded material or permanently disabled object, (i.e., cars, appliances, earth products, etc.) which are customarily disposed of at an off-site location.

11.12 K

Kennel: An establishment housing or maintaining five or more domestic animals over the age of six months.

Kiosk: A small **structure** used for providing information, displaying advertisements, or enabling bank or commercial transactions, often incorporating an interactive display screen or screens.

11.13 L

Lamp: The component of a luminaire that produces the actual light (e.g., light bulb).

Land Development: See **Development**.

Land Use: The way in which a particular property or district is used or is permitted or requested to be used in the future; categories of usage include but are not limited to residential, commercial, industrial, and agricultural.

Landscape: The whole of the exterior environment of a site, district, or region, including landforms, trees and plants, rivers, lakes, and the built environment.

Landscaping: The process of designing, installing, or constructing a **landscape**.

Letter of Map Change (LOMC): is 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).

Light, Direct: Light emitted directly from a **lamp**, off the reflector diffuser or through the refractor or diffuser lens, of a **luminaire**.

Light, Flood or Spot: Any light **fixture** or **lamp** that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Light, Fully Shielded: A light **fixture** that is shielded or fabricated so that no light rays are emitted by the installed **fixture** at angles above the horizontal plane as certified by a manufacturer's or independent laboratory photometric test report.

Light, Indirect: Light emitted from a **lamp** that is reflected or scattered off surfaces that are not part of the **luminaire**.

Light Trespass: The shining of light produced by a **luminaire** beyond the boundaries of the property on which it is located.

Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this bylaw. In the case of multiple dwellings and public, institutional, commercial, industrial or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same **lot**.

Lot, Corner: A **lot** at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees, or where the intersection is rounded by a curve having a radius of less than one hundred feet.

Lot, Interior: A **lot** other than a **corner lot** or **through lot**.

Lot, Through: A **lot** other than a corner lot that abuts two or more streets which do not intersect at the lot.

Lot Line: The established division line between **lots** or between a **lot** and a street.

Lot Line, Front: The line between a street and the lot shall be considered a front line.

Lot Line, Rear: The line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Lot Line, Side: The line or lines bounding a lot, which extends from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

Lot, Minimum Width of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured, but measured from the side lot line to the opposite street line.

Lowest Floor: 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** area is not considered a **building's** lowest floor provided that such enclosure is not built so as to render the **structure** in violation of the applicable non-elevation design requirements of 44 C.F.R. §60.3.

Lumen: The light-output rating of a **lamp** or light bulb (*e.g.*, a 60-wat incandescent lamp = 1,000 lumens).

Luminaire: A complete electrical lighting unit, including a **lamp** or lamps and a **fixture**.

Luminaire Height: The height of a **luminaire** shall be the vertical distance from the ground directly below the centerline of the **luminaire** to the lowest direct-light-emitting part of the **luminaire**.

11.14 M

Massing: The overall composition of the exterior of the major volumes of a building, or group of buildings, especially when the building, or group of buildings, has major and minor elements.

Mobile Food Unit: A motorized vehicle or a trailer that is, equipped to cook, prepare, serve, or sell food. Also known as a **Food Truck**.

Motel: A building or group of buildings providing short-term accommodations for travelers and having a private outside entrance for each room or suite of rooms.

11.15 N

National Flood Insurance Program (NFIP): 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 property owners in communities that adopt and enforce **floodplain** management regulations. These efforts help mitigate the effects of flooding on new and improved **structures**.

National Historic Landmark: A district, site, building, structure, and/or object that has been formally designated as a National Historic Landmark by the Secretary of the Interior, and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture, and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling and association. The National Historic Landmarks are automatically listed in the National Register of Historic Places.

National Register of Historic Places: A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Historic Register program is administered by the State Historic Preservation Office, and by the National Park Service.

Natural Floodplain Functions: 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 recharge of ground water. Also referred to as “beneficial floodplain functions.”

New Construction: Construction that includes initial erection or placement of any **structure** on a **lot**, relocation of a **structure** to another portion of the same **lot**, or to another **lot**. See also **Alterations**.

***New Construction:** In the regulatory **floodplain** or **river corridor**, new construction refers to **structures** for which the start of construction commenced on or after the effective date of these regulations and includes any subsequent improvements to such **structures**.*

Nonconforming Structure: A **structure** or part of a **structure** that does not conform to these regulations as currently in effect but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a **structure** improperly authorized as a result of error by the **administrative officer**. **Structures** that were in **violation** of the regulations in effect at the time of their creation, and remain so, remain **violations** and are not nonconforming structures.

Nonconforming Use: **Use** of land that does not conform to these regulations as currently in effect but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a **use** improperly authorized as a result of error by the **administrative officer**.

Non-residential Use: **Use** that does not involve the occupation of **dwelling units**, including business, religious, education, health care, recreational, government, commercial, industrial, or warehousing uses.

Non-Conforming Lot: An existing small lot, as defined in Section 9.1.4.

Nursing Home: Use of one or more structures to provide housing and 24-hour skilled nursing care to residents and that operates under state license (includes rehabilitation and convalescent homes, and hospice facilities). Such a facility will be reviewed and permitted as an **Assisted Living Facility** for the purposes of these regulations.

11.16 O

Open Space-Green Space: The areas on any lot not occupied by structures, parking areas, driveways, loading or storage areas. Open Space is intended to be synonymous with green space whether natural or landscaped.

Ordinary Repairs or Maintenance: Work done to prevent deterioration of a structure or any part thereof by returning the structure as nearly as practical to its condition prior to such deterioration, decay or damage, and by reusing, where possible, original materials.

Overlay District: Delineated areas within Village of Manchester established by the provisions of Section 5 of these regulations and for which the requirements governing the use and form of development are supplemental to the those of the underlying **zoning district**. The standards for use and development in the overlay districts are established by Section 6 (design overlays) and Section 10 (flood hazard and river corridor overlays) of these regulations.

11.17 P

Permitted Use: A use allowed in a particular district after determination that on-site conditions comply with development standards of the district. A permitted use receives administrative approval by the administrative officer or site plan approval by the Development Review Board.

Person: An individual, corporation, partnership, association, or any other incorporated or unincorporated organization or group.

Planned Residential Development: A type of residential **Planned Unit Development** or **subdivision** that permits construction of the number of **dwelling units** allowed for the entire **site** but provides for those units to be clustered on **lots** of less than the individual **lot** areas otherwise required, with the balance of the development acreage preserved as open space. Also known as a **Cluster Subdivision**.

Planned Unit Development (PUD): Development of a **site** in which **buildings** or **lots** may not conform to the dimensional standards of the underlying **zoning district** in exchange for provision of a public good such as open space protection, affordable housing, recreational amenities. A PUD allows for creativity in site design not possible with conventional **subdivision** and land development practices. A PUD may have a mix of residential and nonresidential **land uses**. In exchange for design flexibility, developers are better able to provide amenities and infrastructure improvements, and to accommodate environmental and scenic attributes of the **site**.

Preservation: The protection of a material from physical deterioration or disintegration because of natural elements or human activity by various technical, scientific and craft techniques; includes use of a preservative, as well as maintenance, stabilization, and conservation. The process of enhancement and protection of historic and heritage **sites, structures, buildings**, and objects, through a broad range of physical and intellectual methods. Also, the act or process of applying measures to sustain the existing form, integrity and material of a **building** or **structure**, and the existing form and vegetative cover of a **site**.

Primitive Camp: A seasonal **dwelling unit** used for recreational or hunting purposes, excluding recreational vehicles and tent-trailers. A primitive camp shall not contain sanitation facilities or other **structures** or facilities that connect to off-premises services or conveniences. Primitive camps shall not be occupied for more than 21 consecutive days nor for more than 120 days during a single calendar year.

Principal Structure or Building: The main **building** or other **structure** on a **lot** that is utilized for the property's principal use.

Public Sewer: A system of sanitary sewers owned and operated by a municipality or other governmental unit.

Public Water Supply: A system of water supply owned and operated by a municipality or other governmental unit, or by a corporation authorized and regulated by the State of Vermont for purposes of public water supply.

11.18 Q

Qualifying Product: For the purposes of determining an accessory on-farm business activity, a qualifying product is a product that is:

- (1) An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
- (2) Livestock or cultured fish or a product thereof;
- (3) A product of poultry, bees, an orchard, or fiber crops;
- (4) A commodity otherwise grown or raised on a farm; or
- (5) A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

11.19 R

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

Redevelopment: *In the regulatory **floodplain** or **river corridor**, 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**.*

Rehabilitation: The act or process of making possible a compatible use for a **site** or **structure** through **repair**, alterations, or additions, while preserving the features that convey its historic, cultural or architectural values.

Repair: Minor work required to restore a **structure**, **architectural detail**, or site feature to its condition prior to damage or injury, rendering the impaired **structure** or area indistinguishable from its condition and appearance prior to the damage or injury. See also **Replacement in Kind**.

Replacement in Kind: Correction of a minor defect or damage to a **structure**, **architectural detail**, or site feature by replacement of the damaged element with like materials, rendering

the **structure** or area indistinguishable from its condition and appearance prior to the occurrence of the defect or damage. See also **Repair**.

Replacement Structure: A new **structure** placed in the same **footprint** as the pre-existing **structure** and that does not include a **change in use**.

Residential Care Home: See **Group Home** and **Assisted Living Facility**.

Residential Treatment Facility: Use of one or more structures to provide housing and 24-hour supervision and care of patients receiving therapy for substance abuse, mental illness or other behavioral problems. Such a facility will be reviewed and permitted as an **Assisted Living Facility** for the purposes of these regulations.

Restoration: The act or the process bringing a **structure** or **building** back to its original form by accurately depicting the form, features, and character as it appeared at a particular period of time, by means of the removal of features from other periods in its history, and the reconstruction of missing features from the restoration period.

Restaurant: An establishment, the primary function of which is to serve food and beverages to the public for consumption at tables on the premises.

Right of Way: A servitude imposed by law or deed by virtue of which one has a right to pass on foot, or in a vehicle, through the property of another, the width of which shall be determined by the deed or the provision of law which creates the right of way.

River: The full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. **River** does not mean constructed drainageways, including water bars, swales, and roadside ditches.

River Corridor: The land area adjacent to a **river** that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable **channel** and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).

11.20 S

Service, Personal: An establishment primarily engaged in providing services involving the care of persons or their personal goods, such as a laundry cleaning and pressing service, barber shop, beauty shop, hair and nail salon, shoe repair shop, seamstress shop or tailor shop.

Setback: The distance from the **lot frontage** or property line to the front facing façade of a **building** or **structure**.

Sign: Anything made of any material on any surface including symbols or lettering on any exterior wall or building, or logos or lettering inside a building and within 8' of any window, the

purpose of which is to visually call attention to, or advertise, or bring public attention to a person, place, building, land use, service or product made or sold on or off the premises.

Site: The land on which a **building** or other feature is located. For the purposes of development review, the location of a significant event, a prehistoric or historic occupation or activity, or a **building** or **structure**, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value, regardless of the value of any existing **structure**. Examples include a battlefield, a **farm**, an individual historic **building**, or the location of prehistoric rock art.

Site Development Plan: A scaled representation of the general layout and configuration of a **site**, including **building footprints**, parking, sidewalk and driveway layout, conceptual **landscaping** and lighting, stormwater infrastructure, and various other exterior site elements to be considered during the development review process, including site cross section drawings, and building elevations where appropriate.

Special Flood Hazard Area (SFHA): The land in the **floodplain** within a community subject to a one percent 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 flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. **Base flood elevations** have not been determined in Zone A where the **flood** risk has been mapped by approximate methods. **Base flood elevations** are shown at selected intervals on maps of special flood hazard areas as determined by FEMA. Note, where **floodways** have been determined they may be shown on separate map panels from the **Flood Insurance Rate Maps**. (See Figure 11-1 for depiction.)

Start of Construction: *The date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. For purposes of floodplain management, start of construction determines the effective map or bylaw that regulated development in the **special flood hazard area**. The start of construction includes the initiation of **substantial improvement**. The actual start means either the first placement of permanent construction of a **structure** on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, **grading**, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a **basement**, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of **accessory structures**, such as garages or sheds not occupied as **dwelling units** or not part of the **principal structure**. For a **substantial improvement**, the actual start of construction means the first alteration of any wall,*

ceiling, floor, or other structural part of a **building**, whether or not that alteration affects the external dimensions of the **building**.

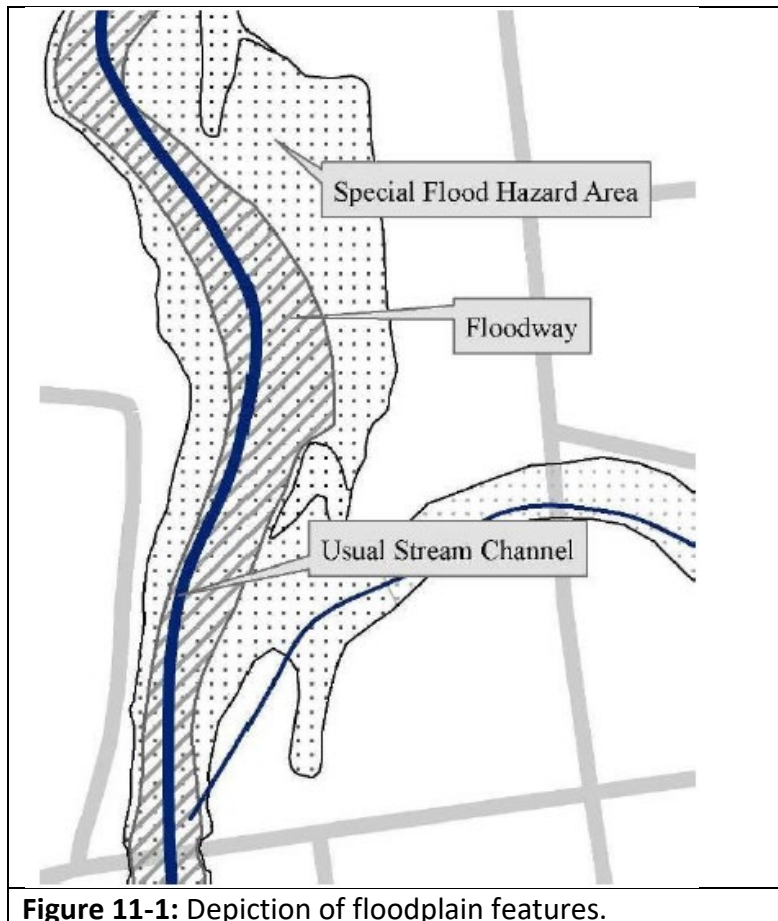


Figure 11-1: Depiction of floodplain features.

Storage: The aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; 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; whether set upon the land or within a container, **structure**, or facility; and that would not otherwise be in compliance with these development standards.

Store, Grocery: A retail establishment that primarily sells food, including fresh, packaged, and prepared food, as well as household goods.

Story (Storey): The above ground horizontal division of a building.

Street Furniture: Manufactured elements located in the public right-of-way by the municipality or other government entity, such as benches, streetlights, fire hydrants, mailboxes and signs.

Street Line: The line dividing the street and the **lot**.

Streetscape: The designed environment encompassing a street or road right of way, including sidewalks, roadway paving, **street furniture**, building façades, **front yards**, street trees or other **landscaping**, and signage, and their relationships.

Structure: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, tower, billboard, sign, wall or fence.

***Structure:** In the regulatory **floodplain** or **river corridor**, a walled and roofed **building**, as well as a manufactured home, including gas or liquid storage tanks.*

Structure, Accessory: See **Accessory Structure**.

Structure, Principal: See **Principal Structure**.

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

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

Style: The overall appearance of the design of a **building, structure, landscape**, object or decorative design, including construction, form, space, scale, materials and ornamentation; may be a unique individual expression or part of a broad cultural pattern. A category of similar things, distinguished by characteristic construction, form and ornament; may also be defined partly by the period of construction or manufacture.

11.21 T

Top of Bank: The point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent **floodplain** during flows at or exceeding the average annual high-water stage.

Top of Slope: A break in slopes adjacent to steep-banked streams that have little or no **floodplain**; or a break in slope where the side slopes adjacent to an incised, or deeply cut, **channel** meet **floodplains** that have been abandoned or are undergoing abandonment.

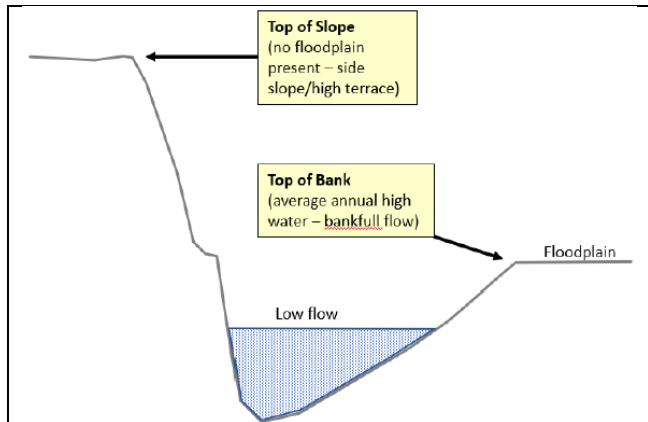


Figure 10-2: Depiction of “Top of Bank” and “Top of Slope” terms.

Traditional Construction: Locally established methods or styles of building, predating or independent of major outside influences.

Traveled Way: The edge of pavement, the curb-line, or on an unpaved road, the edge of the improved surface, including shoulders, if present

11.22 U

Use: See **Accessory Use**, **Conditional Use**, and **Permitted Use**

Utility Facility: Components of telecommunications (wireless and wired) and electrical infrastructure, including but not limited to transformers, substations, and enclosures.

11.23 V

Variance: The relaxation or deviation of the terms of these regulations in compliance with 24 VSA §4469, whereby, owing to conditions peculiar to the property and not the result of the action of the **applicant**, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Ventilator: A louvered projection above a roof, or in the gabled end of a building, that provides air circulation to the interior space by exhausting warm air; of many forms, such as a cupola, gable, or sheet metal hood over a vertical duct.

Violation: Failure of a **structure** or other **development** to be fully compliant with this bylaw. In the regulatory **floodplain** or **river corridor**, a **structure** or other **development** without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. §60.3 is presumed to be in violation until such time as that documentation is provided.

11.24 W

Waiver: The relaxation or deviation of the terms of this ordinance pursuant to 24 VSA §4414(8) where such deviation will result in design that will better fulfill the goals and policies of the *Village Plan of Development*.

Watercourse: Any perennial stream not including ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

Window, Stained Glass: A window composed of glass that has been colored and then assembled to form patterns or illustrations. Traditionally, the colored pieces are held together by strips of lead. In modern stained-glass windows, copper foil is sometimes used instead of lead.

Window, Tinted: A window composed of singularly colored glass panes.

Window, Mirrored: A window composed of mirrored glass panes.

11.25 X

(Reserved)

11.26 Y

Yard, Front: An open space between a **structure** or **building** and the front **lot** line, or an area in front of any existing or potential structure reserved as open and extending the full width of the lot, or in the case of a corner lot, extending along all streets.

Yard, Rear: An open space between a **structure** or **building** and the rear **lot** line, or an area behind any existing or potential structure reserved as open and extending the full width of the lot.

Yard, Side: An open space between a **structure** or **building** and a side **lot** line, or an area to the side of any existing or potential structure reserved as open and extending the full length of the lot.

Yard: That open portion of the front, rear, or side of a **lot** in which **structures** do not intrude.

11.27 Z

Zoning Administrator: See **Administrative Officer**.

Zoning District: Delineated areas within Village of Manchester established by the provisions of Section 5 of these regulations and for which the requirements governing the use and form of development are uniform and defined herein.

Zoning Permit: A permit for land use or development issued by the administrative officer signifying conformance with these regulations.