Shoreham Zoning Bylaws

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Adopted March 3, 1987

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Amended September 20, 1999

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Amended March 2, 2004

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Interim Bylaws – Stormwater Management
Approved by Selectboard June 14, 2004

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Interim Zoning By-law
Stormwater Management
Approved by Selectboard
June 14, 2004

Article 9.5 STORMWATER MANAGEMENT AND EROSION CONTROL AT CONSTRUCTION SITES

Section 950: Stormwater Management

A. *Stormwater Management*: A state stormwater permit may be required for any project that has an impervious surface area of more than one acre and is required in projects with surface areas of more than two acres. The applicant shall submit a plan for the management of stormwater generated by the proposed development based on the current *Vermont Stormwater Management Manual*. Stormwater management plans are mandatory and shall be required of any Planned Residential Development (PRD), Planned Unit Development (PUD), Commercial, and Industrial development subject to conditional use review falling within the town's borders. If the applicant has received a state stormwater permit then that permit can serve to meet the Shoreham requirement for a stormwater management plan. If the applicant does not have a state stormwater permit then a stormwater management plan needs to be presented to the Board of Adjustment that meets the standards of the current *Vermont Stormwater Management Manual*. By meeting the standards of the Manual, the plan will: provide treatment of runoff via state of the art best management practices; protect stream channels from degradation; protect stream base-flow by maintaining groundwater recharge; prevent increases in overbank flooding; and prevent increase in flood damage associated with extreme precipitation events. As part of any management plan, appropriate stormwater management measures shall be incorporated into the final site design incorporating a program of stormwater detention to ensure that the rate of stormwater discharge or runoff is not increased beyond current levels at the boundary of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters. All development will apply mechanisms for preservation of predevelopment vegetation and hydrology, take into consideration standards for narrower streets and reduced parking ratios wherever possible to minimize impervious surface conditions.

Impervious

Section 960: Erosion Control at Construction Sites

The goal of construction site erosion and stormwater control is to have properly installed and functioning measures so that no soil moves offsite or into surface waters or wetlands. Construction-related activities associated with any new construction involving Planned Residential Development (PRD), Planned Unit Development (PUD), Commercial, and Industrial development subject to conditional use review, shall adhere to the following:

 (p. 32 in Zoning Bylaws book)

A. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.

B. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, will be stabilized downslope with appropriate materials and methods to ensure soil will not breach barrier during normal seasonal conditions and or unusually heavy rainfall

C. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.

D. A sedimentation and erosion control plan will be implemented to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters beyond pre-construction activity. Such a plan shall be professionally prepared following guidelines and requirements outlined in the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites (*Vermont Geological Survey Publication #3, 1987), and including the 2003 revised edition entitled: *Erosion Prevention and Sediment Control.*

The suggested language below would also be added to the following sections in the 1987 Town of Shoreham Bylaws:

Conditional Use Review:
Section 528-2, page 18, under Application Procedure: in first sentence after "...and sewage disposal plans." Insert "a plan for stormwater management and erosion control at construction site in accordance with Section 9.5 See attached scan of page 18. (p. 19)

Planned Residential Development:
Section 341-B, page 8, add new: "5. For industrial and commercial projects, including a plan for stormwater management and erosion control at construction sites in accordance with Section 9.5." See attached scan of page 8. (p. 9)

Section 322: FEES
The Board of Selectmen shall establish all fees to be charged with respect to the administration of these regulations, with the intention of covering the costs of administering the same.

Section 330: PENALTIES
Violations of these regulations shall be regulated as prescribed in Sections 4444 and 4445 of the Act.

Section 340: BOARD OF ADJUSTMENT
There is hereby established a Board of Adjustment whose members may consist of the members of the Planning Commission. Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in Subchapter 8 of the Act.

The following section replaces Section 341: Conditional Uses in the Shoreham Zoning Bylaws adopted March 3, 1987 Amended September 20, 1999

Section 341: CONDITIONAL USE REVIEW

A. Applicability.

No zoning permit shall be issued by the Zoning Administrator for any use or structure that requires conditional use approval under these regulations until the Board of Adjustment grants such approval, as provided for in 24 V.S,A.Section 4407 (2). The review process, criteria, and other provisions of this section shall apply to all conditional uses that are not within the Flood Hazard Area.

B. Applications for Review.
Ann applicant for conditional use approval shall submit to the Zoning Administrator two copies of a Permit Application Form (provided by the Zoning Administrator) to include the following information, a project description, and any applicable fees:

1. The name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; the lot, block, and section number of the property taken from the latest tax records; name and address of the person or firm preparing the application and related plans; date of the application; name and address of all adjoining land owners.
2. A site location map showing the location of the project in relation to nearby town highways, and adjoining parcels and uses.
3. An accurate plot plan showing relevant features such as other structures and uses, traffic circulation, parking and loading spaces, roads, screening, placement of signs, lighting, proposed building footprint, setbacks to property lines.
4. An estimate of the traffic to be generated by the project and the impact of such traffic on area roads.

Section 528: PLANNED RESIDENTIAL DEVELOPMENT

In accordance with the provisions set forth in 4407(3) of the Act, and in those districts in which residential uses are allowed, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a site plan under the following procedures: (In a municipality with subdivision regulations in effect, the application and public hearing requirements of the subdivision regulations shall take precedence over the application and hearing requirements specified below.)

1. Purpose: The purpose of the planned residential development (PRD) provisions is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open land, to provide for a mixture and variety of housing types at different densities, and to provide for the development of existing lots which because of physical, topographic or geological conditions could not otherwise be developed.

2. Application Procedure: A site plan shall be submitted to the Planning Commission showing the location, height and spacing of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces, water systems and sewage disposal plans, unique natural or man-made features, and physical conditions of the site, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations. Copies of any appropriate agreements or restrictive covenants shall be included.

3. Public Hearing: The Planning Commission shall hold at least one public hearing which has been duly warned in a newspaper of general publication in the municipality at least 15 days prior to the date of the hearing. The warning shall specify the date, time, place, and purpose of the hearing. The Planning Commission shall approve or disapprove any application within 60 days after the first public hearing unless such time restriction is waived by mutual consent of the Planning Commission and the applicant. Failure to so act within such period shall be deemed approval.

4. General Standards for Review: The following general standards shall be met in order for the Planning Commission to approve the application:

(a) The PRD is consistent with the municipal plan.

(b) The overall density of the project does not exceed the number of dwelling units which could be permitted in the Planning Commission's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations, except for mobile home parks under Section 532. (See option for bonus.)

(c) The uses proposed for the project are residential; dwelling units may be of varied types, including one-family or two-family construction.

(d) The PRD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of streams, and stream banks, steep slopes, wet areas, and unique natural and man-made features.

(e) The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

ORIGINAL
Approved 6/14/04
No changes

Draft Interim Zoning By-law
Stormwater Management
April 9, 2004

Article 9.5 STORMWATER MANAGEMENT AND EROSION CONTROL AT CONSTRUCTION SITES

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(e) The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

Approved by
Select Board
January 29, 2004

Proposed Amendments to
Shoreham Zoning Bylaws (Adopted March 3, 1987, Amended September 20, 1999)

Proposed December 15, 2003 by the Shoreham Planning Commission. Copies of the full text of the Shoreham Zoning Bylaws that this is intended to amend are available at the Town Clerk's Office.

Section 130: Definitions. Add the following:

AGRICULTURAL PROCESSING: The storage, assembly, processing, packaging, distribution and sale, on or off premises, of agricultural products.

LIGHT INDUSTRY: The processing, manufacturing, distribution or packaging of products, where such activity results in no substantial off-site impacts and where all activity is enclosed in a building or is screened from the abutting properties and public rights-of-way. Such uses include, but are not limited to, blacksmith shop, woodworking shop, sewing, printing, warehousing, wholesale trade, research and testing laboratory, small scale high tech manufacturing and other similar uses not of a commercial or retail nature with minimal need of customer traffic to the facility.

MIXED USE: A building or lot containing two or more principal uses, which are otherwise allowed as permitted or conditional uses for the district in which the building is located. Requires Conditional Use Review, see Section 341. See also Section 597: Multiple Uses.

OFFICE: A room, group of rooms or building used for conducting the affairs of a business, profession, service or industry which is generally furnished with desks, tables, files and communications equipment. This definition also includes financial institutions such as banks, personal services such as beauty parlors, shoe repair, laundromats and dry cleaners, photographic studios and other similar businesses. See also Government Facility.

Section 516: Temporary Uses and Structures.

Delete ". . . after approval by the Zoning Board of Adjustment . . ."

Add: **Section 1006: Village Commercial District (VC).**

A. Objectives and Guidelines

This district includes land within or adjacent to Shoreham's historic village settlement, which is or may be served by a municipal wastewater system. This district is intended to accommodate higher density mixed use development, in which commercial uses predominate, near the existing village center, and to maintain or extend historic patterns of development. Commercial strip development is specifically discouraged.

B. Permitted Uses

By Right Uses

1. One-family dwelling
2. Two-family dwelling
3. Accessory use
4. Home Occupation

Conditional Uses

1. Retail Store
2. Professional and business office
3. Personal service
4. Community facility
5. Outdoor recreation
6. Club
7. Motor lodge
8. Tourist home
9. Restaurant
10. Gasoline and motor vehicle service station
11. Agricultural processing service and storage
12. Clinic
13. Light industry
14. Mixed use
15. Office

C. Specific Standards

Lot area minimum: 1 acre
Minimum acreage required per dwelling unit: 1 acre
Lot frontage minimum: 150 feet — Lot depth minimum: 150 feet
Front yard setback minimum: 65 feet — Rear yard setback minimum: 25 feet
Side yard setback minimum (each side): 25 feet
Building height maximum: 35 feet — Lot coverage maximum: 20%

New: **Town of Shoreham Zoning Map**

Add: **Section 529: Light Industry**

Light industry may be permitted in designated zoning districts (Village Commercial) subject to conditional use review under Section 341, and conformance with the following provisions:

(1) All light industry shall meet minimum setback requirements for the district in which it is located. Landscaping shall be provided in accordance with Section 550. Additional landscaping and fencing along property boundaries also may be required as appropriate for screening, safety and security.

(2) Industrial uses are limited to those manufacturing, fabrication or processing activities which produce no noise, vibration, noxious emissions, air or water pollution, fire or explosion hazard which would endanger or disturb neighboring properties. Such uses must comply with all performance standards under Section 341g; the Board of Adjustment may impose additional conditions as appropriate to protect public health, safety, and welfare, municipal facilities and services, and other public investments.

(3) All aspects of the industrial process shall be carried out within the principal building. Accessory structures are to be used only for the storage of equipment and materials, or accessory uses such as office space.

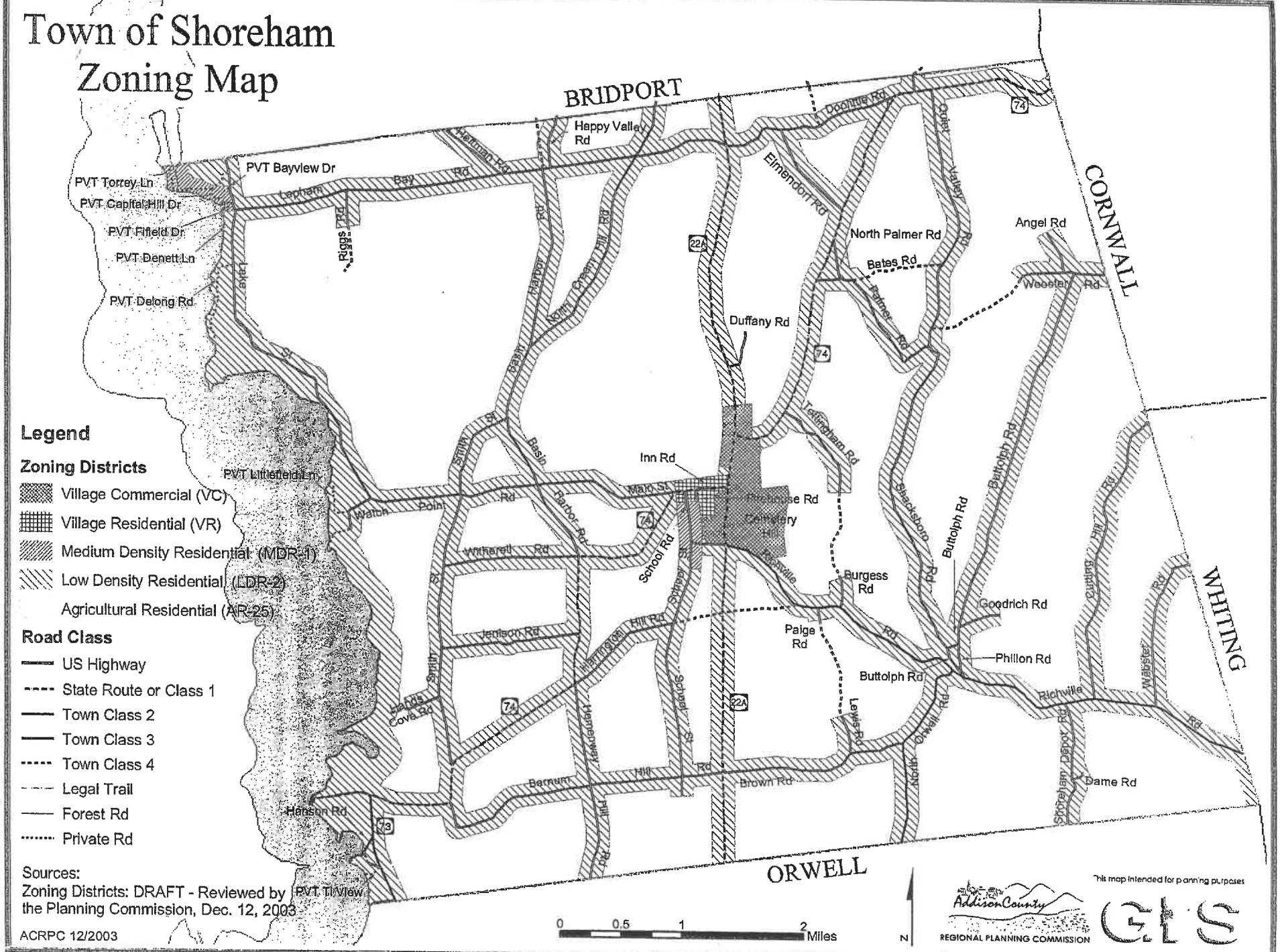
(4) Light industry shall have frontage on public roads or access to such roads from a private industrial development road, or driveway, which does not serve residential properties.

(5) Light industry which also includes on-site retail sales or is otherwise open to the public (e.g., for tours) shall be reviewed as a mixed use, and as such be required in addition to meet all zoning provisions pertaining to such retail uses for the district in which it is located, including but not limited to additional acreage, frontage, and/or parking requirements.

Section 1005: Neighborhood Commercial District (NC-1).

Change name to: **Village Residential District (VR)**

Town of Shoreham
Zoning Map



Legend

Zoning Districts

- Village Commercial (VC)
- Village Residential (VR)
- Medium Density Residential (MDR-1)
- Low Density Residential (LDR-2)
- Agricultural Residential (AR-25)

Road Class

- US Highway
- State Route or Class 1
- Town Class 2
- Town Class 3
- Town Class 4
- Legal Trail
- Forest Rd
- Private Rd

Sources:
Zoning Districts: DRAFT - Reviewed by the Planning Commission, Dec. 12, 2003

ACRPC 12/2003

0 0.5 1 2 Miles

N

This map intended for planning purposes

Addison County Regional Planning Commission

GIS

TOWN OF SHOREHAM
NOTICE OF PUBLIC HEARING

The Shoreham Selectboard will hold a public hearing on Thursday, January 29, 2004 at 7:30 p.m. at the Shoreham Fire House to consider amendments to the Shoreham Zoning Bylaws. The Neighborhood Commercial District is affected by these changes.

SECTIONS WITH PROPOSED CHANGES:

SECTION 130: DEFINITIONS-ADD AGRICULTURAL PROCESSING, LIGHT INDUSTRY, MIXED USE, OFFICE

SECTION 516: DELETE...."AFTER APPROVAL BY THE ZONING BOARD OF ADJUSTMENT..."

ADD SECTION 529: LIGHT INDUSTRY

SECTION 1005: CHANGE NAME TO VILLAGE RESIDENTIAL DISTRICT

ADD SECTION 1006: VILLAGE COMMERCIAL DISTRICT

ZONING MAP

COPIES OF THE FULL TEXT OF THE PROPOSED CHANGES ARE AVAILABLE AT THE TOWN CLERK'S OFFICE.

SHOREHAM SELECTBOARD
WALT F PYLE, CHAIR

TOWN OF SHOREHAM
SELECTBOARD HEARING
PROPOSED AMENDMENTS TO ZONING BYLAWS
JANUARY 29, 2004
FIRE HOUSE
7:30 PM

ATTENDING WERE:

Terry Eagan
Phil Kivlin
Linda Larrabee
Will Stevens
Glenn Symon
Karen Shackett
Edwin C James
Jeff Bronson
Robert Warren
Walter F. Pyle
Mary Jane James, Town Clerk

Walt Pyle, Selectboard Chair opened the Hearing at 7:45 p.m. No one wished to speak, so the Hearing was closed at 7:46 p.m.

Selectboard meeting opened at 7:47 p.m. Bob Warren M0VED to adopt proposed amendments to the Zoning Bylaws. Jeff Bronson seconded the motion. MOTION CARRIED.

Selectboard signed the Town Meeting Warning for March 1 and 2, 2004.
Bob Warren moved to adjourn. Heidi seconded the motion.
Adjourned at 8:00 p.m.

Mary Jane James, Town Clerk

Edwin C. James, Sec.
approved Feb. 9, 2004