ARTICLE VII
STANDARDS

Section 700: Purpose

The purpose of this Article VII, Standards is to define requirements and criteria that shall be applied by the Development Review Board. The goals of these reviews are to:

A. Preserve the unique character of the town as a rural and agricultural community with a clustered historic downtown as a cornerstone of the town's visitor industry that is a key revenue source for the town's economy,
B. Protect the economic viability and vitality of the town,
C. Serve the needs of the community, the downtown, the neighborhoods, and the region.

The standards of this section are required on all Land Development in all Districts and shall be addressed by the Development Review Board to ensure the proposed development meets the required standards. The Development Review Board shall require that proposed uses and development comply with all requirements of this zoning ordinance.

The role of the Development Review Board is also to work with the landowner of proposed development to achieve solutions that support the character of the community, drawing on Site Plan and Design Guidelines of Appendix I. These guidelines are not hard and fast rules, but are proven and industry accepted guidelines of sound site planning and design.

To achieve this goal, property owners and developers are encouraged to consult with the Zoning Administrator for a pre-application consultation.

Section 710: Use Performance Standards

Pursuant to 24 V.S.A. § 4414(5) Performance Standards, the following standards shall apply to all uses and land development in the town.

A. Vibration: No continuous, permanent, ongoing, or frequent vibration shall be produced which, when transmitted, is discernible at the property line without the aid of instruments.

   Temporary vibration created during land development should be limited to daylight hours to preserve quality of life in neighboring properties.

B. Noise: continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation (in the judgment of the Development Review Board) must not exist at the property boundary line. Recurring periodic or intermittent noises in excess of that of a normal lawn mower (in the judgment of the Development Review Board) at the property line is allowed provided it does not occur between the hours of nine (9) PM and seven (7) AM, and does not significantly detract from or diminish other property's allowed use or land development.

   In that ski-areas reasonably expected to have snowmaking ski-areas and in that those owning property near a ski area would reasonably expect to hear snow-making equipment at any time,

snowmaking equipment in a Resort Commercial/Residential District of a Resort Residential District is exempt from this provision.

Temporary noise created during land development should be limited to daylight hours to preserve quality of life for neighboring properties.

C. Air Emissions for Commercial Operations: There shall be no emission of dust, ash, smoke or other particulate matter:
   1. Which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity.
   2. Which can cause contamination of the subject property or beyond the property boundaries.
   3. Which is composed of solid or liquid particles in concentrations exceeding current state authority standards.
   4. Which causes emission of non-farming, odorous matter in such quantities, as determined to be offensive.

D. Injurious or Noxious Practices: No operations or use shall create electromagnetic, liquid or solid refuse or waste, heat, cold, dampness, explosive, fire, glare, or other hazard which may cause injury or damage to human or animal health, vegetation, or property.

Section 720: Applicability of Conditional Use Standards and Site Plan and Design Guidelines

Conditional Uses are subject to both General and Specific Standards as defined below. Site Plan and Design Guidelines of Appendix I shall be applied to development within the Historic Design Review District and are recommended in all other districts. The Development Review Board will complete a Site Plan Review and a Design Review as needed to determine conformity with the following Standards.

Section 721: Conditional Use - General Standards

In all districts, all Conditional Use development shall protect from undue adverse effects: (24 V.S.A. § 4414 (3)(A)). No Land Development or use shall result in an undue adverse effect on any of the following:

A. The capacity of existing or planned community, municipal or educational facilities
B. Impact on traffic, roads, highways, transportation systems, pedestrian walkways in the vicinity
C. By-laws and ordinances in effect at the time
D. Utilization of renewable energy resources
E. Air quality
F. The character, aesthetics, and scenic value of the neighborhood and 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 this ordinance and the Town Plan.

The Development Review Board shall review all proposed Conditional Use development in all districts, demonstrating no undue adverse effect on Conditional Use General Standards A - F above. In establishing conformity with General Standard F, the Development Review Board shall seek to preserve the character of the town consistent with the rural, agricultural, and historic nature of the town consistent with the following guidelines.

Section 722: Conditional Use – Preserving the Character of the Town

Land development and uses in all Districts shall preserve the character of town consistent with its rural and agricultural heritage, conforming to the following:

A. Preservation of the Town's Character: Business development shall, to the extent reasonable and possible, occur in a manner that preserves the rural and agricultural character and ambiance of the community and the historic downtown.

B. Economic Development Contributing to the Character of the Town: Merchandise or services shall not detract from the historic character and nature of the town as a family destination for tourists and a family focused residential community.

C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town: Construction, reconstruction, or land development, whether allowed, Permitted, or Conditional shall, to the extent reasonable and possible, reflect and/or compliment the historic nature of the town and the rural and agricultural appearance of the neighborhood and region.

D. Formula Businesses: The visual appearance of Formula Businesses (also known as chain stores, including things such as grocery stores, gas stations, chain drugs stores, dollar stores, etc. See Article X for a complete definition of this term), including signage, shall project an appearance harmonious with the character of the rural, agricultural, and historic nature of the town, reflecting the distinctive and unique character of the town, consistent with the Site Plan and Design Guidelines of Appendix I.

E. Maximum Square Footage for Retail: All retail businesses with a proposed footprint of greater than two thousand (2.000) square feet (for example a 50' long x 40' wide store) shall require Development Review Board review and approval in all districts. Stores exceeding the two thousand (2,000) square foot maximum may be approved by the Development Review Board in the event that the business:
   1. is consistent with the unique character and ambiance of the community
   2. is found to be in the best interest of the community
   3. is the minimum size required to reasonably accommodate the business
   4. will enhance or preserve the economic base and economic diversity of the town as a whole
   5. will create economic stability and viability for the community

F. Building Scale Conformity: Development shall conform to the scale of the established neighborhood.

G. Utility Placement: to preserve the aesthetics and natural beauty of the area, underground utilities are encouraged where possible, particularly in areas of natural scenic beauty and in the Historic Design Review District.

Section 723: Conditional Use - Preserving the Character of the Town: Historic Preservation

Compliance with the following guidelines is required in the Historic Design Review District, a Design Review District to the extent reasonable and possible to preserve, rehabilitate, or restore historic structures, as defined below. See Section 723 for Historic Preservation

Criteria. The term "shall' in this section is used in reference to the Historic Design Review District.

Compliance with these guidelines is recommended in all other districts.

A. Historic Structures: All Conditional Uses for a certified historic structure as defined by Internal Revenue Code 26 U.S.C § 47(c) and/or recognized in the National Register of Historic Places, or by the Preservation Trust of Vermont shall not engage in land development that will compromise the structure's historic status. Every effort shall be made to preserve and enhance the historic features of structures dating to 1920 or earlier. Preservation and enhancement of historic structures shall be compatible with the historic character of the town and region.

B. Historic Preservation, Rehabilitation, and Restoration: With particular attention to those historic structures listed in the state or federal registries of historic places (see Appendix II) Historic features and historic structures shall, to the extent reasonable and possible, be preserved, rehabilitated, or restored. In determining whether historic elements will be Preserved, Rehabilitated or Restored, the following guidelines shall be considered.

   1. Preservation: If historic elements are in good repair, historic materials, features and structures shall be maintained and repaired to preserve the form and character of the property.
   2. Rehabilitation: If historic elements are not in good repair, to the extent that historic materials, features and structure must be altered or added to meet continuing or changing uses, the original material, feature or structure shall be preserved and any alteration or addition shall retain the property's historic character and not detract from the historic materials, features and structures.
   3. Restoration including Reconstruction: If historic elements are not salvageable, historic materials, features and structures that have been altered over time or have had elements added to the structure from other periods, a restoration shall occur, removing evidence of those elements not in keeping with the historic character of the original structure and restoring the original features of the structure. Reconstruction shall re-create vanished or non-surviving portions of a property for interpretive purposes.

C. Historic Features: For reconstruction, historic features of the structure or complimenting the historic features of the region shall be retained or reconstructed.

D. Criteria for Determining Preservation, Rehabilitation, Restoration/Reconstruction: In considering the reasonableness of requiring preservation, rehabilitation, and restoration the Development Review Board shall consider the following criteria:
   1. Property's historical significance
   2. Property's physical condition
   3. Proposed use
   4. Reasonableness of undertaking preservation, rehabilitation, or restoration
   5. Degree to which the preservation, rehabilitation, or restoration will contribute to preserving or enhancing the character of the community

E. Demolition of Historic Structures: An historic structure determined by the Development Review Board to be reasonably able to be Preserved, Rehabilitated, or Restored/Renovated by

the current owner seeking application for land development, shall not demolish any historic structure certified as a historic structure as defined by Internal Revenue Code 26 U.S.C § 47(c) or listed on any State or Federal Register of Historic Places (see Appendix II).

A. Section 730: Conditional Use - Specific Standards (24 V.S.A. § 4414 (3)(B))

All land development and uses in all Districts and Overlay Districts shall conform to the following:

A. Lighting and Glare: All exterior lighting in the Historic Design Review District and Village District shall be in keeping with historic character of the commercial area of the village. All exterior lighting in all districts shall be shielded and downcast. Interior and exterior lighting, glare or reflection are prohibited if they:

1) Constitute an unreasonable nuisance to other property owners or tenants
2) Are found to not contribute to the aesthetics, scenic value, or character of the area and the community
3) Could impair the vision of pedestrians or the driver of a motor vehicle or an aircraft

B. Safety: Where a potential safety hazard exists, either from temporary or permanent activities, provisions shall be undertaken to minimize physical hazards.

C. Traffic and Pedestrian Safety: Development shall provide for pedestrian walkways to ensure a safe and efficient means for pedestrians to navigate the town on foot or by bicycle. Special consideration shall be made for children's safety. Traffic patterns shall be reviewed for safety, ease of traffic flow, and efficiency. Access to public roadways require the approval of the Town of Wilmington (for access to town roads) or the State of Vermont (for access to state highways) pursuant to 19 V.S.A. § 1111.

To the extent that a specific land development plan is subject to Act 250 review, the development shall comply with the findings of Act 250 to ensure no undue effect on traffic and pedestrian safety. To the extent that proposed development is not subject to Act 250 the Development Review Board may request expert testimony and/or independent studies to establish such compliance.

D. Road Development: Any new roads, whether public or private, shall conform to the Wilmington Town Highway Ordinance.

E. Landscaping, Screening and Buffer Areas: As defined in Section 722(A) development shall "preserve the rural and agricultural character and ambiance of the community". Natural features characteristic of the town's rural and agricultural character shall be used in Landscaping and Screening to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

a. Landscaping: Landscape beds, trees, shrubs and plantings shall be required by the Development Review Board as reasonable and possible to protect the aesthetic and scenic value of town, its neighborhoods, residents, and neighboring properties, creating green spaces when possible. Trees, Shrubs, and Landscape Bed plantings shall be maintained for general aesthetics and plant health.

The Development Review Board shall require that if plants do not survive, they will be replanted within the growing season and the Buffer Areas shall be maintained and vegetation replaced to insure continuous seasonal vegetation. See Site Plan and Design Guidelines for planting specification and landscaping recommendations.

b. Screening & Buffer Areas: All reasonable and possible effort shall be made to maximize the visual aesthetics of development from the road, adjoining properties, neighborhoods, and properties with a view of the development area for all of the types of unaesthetic features described below. Every effort shall be made to protect natural vistas and the aesthetics of the area.

All screening shall include natural vegetation, tree plantings, hedges, rocks or combinations thereof. Fences and walls may be used in those circumstances where natural vegetative screening is not possible or as a secondary supplement to natural vegetative screening as needed to achieve a visual barrier.

The Development Review Board shall require that if plants do not survive, they shall be replanted within the growing season and that Buffer Areas shall be maintained and replaced as needed to insure continuous seasonal vegetation.

Screening Unaesthetic Features, Small: For unaesthetic features including but not limited to: propane tanks, dumpsters, storage areas, mechanicals, utility features, animal shelters/pens (except for Agricultural Uses or Accessory Agricultural Uses licensed or Permitted with the state and protected under 10 VA 1021(f) and 1259(f) and 6 V.S.A. 4810), creating undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road, screening of the non-aesthetic features shall be provided.

Screening & Buffer Areas for Unaesthetic Features, Large: For unaesthetic features larger than 200 square feet (including but not limited to large mechanical installations or utilities) and within 50 feet of a road or abutting property, creating an undue adverse impact on the aesthetics of an abutting property or state, municipal, or private road, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

Screening & Buffer Areas for Commercial Structures and Uses: Where there is an undue adverse impact on the aesthetics of an abutting residential property, neighborhood or state, municipal, or private road as a result of the Commercial development (except for development within the Village District or for development within a Planned Unit Development (PUD) not abutting the border of the PUD), a Buffer Area shall be provided between the commercial property and an abutting residential property, neighborhood, or road. A minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

Screening & Buffer Areas for Parking: Where there is an undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road as a result of parking, screening shall be provided where reasonable and necessary to preserve aesthetics.

For parking areas in excess of 200 square feet and within 50 feet of a road or abutting property, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

Screening & Buffer Areas for Ground Mounted Solar Arrays and Related Unaesthetic Features: When a ground mounted solar array and/or related unaesthetic features create an undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road, screening of the solar array and/or related non-aesthetic features shall be provided. All reasonable effort shall be made to maximize the visual aesthetics of ground solar development.

For ground installation of solar arrays and related unaesthetic features larger than 200 square feet and within 50 feet of a road or abutting property, a minimum Buffer Area of 10 feet in depth shall be provided.

F. Land and Water Management: Pursuant to 24 V.S.A. § 4414 (1)(G) and 24 V.S.A. § 4414 (9) the development plan shall protect properties, transportation systems, and public safety by:

a. Providing for safe and environmentally appropriate water management including but not limited to water supply quality/availability, stormwater retention/absorption and impervious surface runoff management.
b. Preventing and controlling against water pollution.
c. Making appropriate provision for management of erosion, preservation of rivers and streams, river/stream banks, wetlands, waterways, channels, and agricultural lands.
d. Preserving and promoting scenic or aesthetic features and open spaces

If the project is not subject to the State of Vermont Act 250 approval process, determination of conformity of this provision may be made through expert testimony or studies.

G. Wastewater and Potable Water: Pursuant to 24 V.S.A. § 4414 (13) the Zoning Administrator may issue an initial Permit conditioned upon receipt of evidence of a wastewater and potable water supply Permit, if none is provided with the submitted application. A final Permit may be issued by the Zoning Administrator after receiving evidence that a Permit has been issued, as applicable, under chapter 64 Title 10. Development Review Board decisions shall instruct the applicant of their responsibility in obtaining state and federal Permits and may condition their decision on obtaining such a Permit if none has been obtained.

H. Natural Resources and Features: Existing vegetation, native species, native trees, scenic views, and river access, and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pasturelands for the creation of scenic spaces and vistas is allowed provided the clearing does not have an unreasonable impact on natural resources. Development shall blend with the topography, vegetation, and natural features of the land.

Development shall not have an undue adverse impact on preservation of natural features, natural resources, and renewable energy including; forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soils unsuitable for development, impervious

surfaces essential to stormwater detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural and manmade features, and renewable energy sources.

To the extent that a specific land development plan is subject to Act 250 review, the development shall comply with the findings of Act 250 to ensure no undue effect on natural resources, natural features and renewable energy as defined in this section. To the extent that the proposed development is not subject to Act 250, the Development Review Board may request expert testimony and/or independent studies to establish such compliance on those cases where, in the opinion of the Development Review Board, there is evidence that natural features, natural resources, or renewable energy may be adversely impacted.

I. Wildlife Protection: Development shall not have an undue adverse impact on wildlife habitats and wildlife corridors.

To the extent that a specific land development plan is subject to Act 250 review, the development shall comply with the findings of Act 250 to ensure no undue effect on wildlife habitats and corridors as defined in this section. To the extent that proposed development is not subject to Act 250, the Development Review Board may request expert testimony and/or independent studies to establish such compliance on those cases where there is evidence that, in the opinion of the Development Review Board, wildlife habitats or wildlife corridors may be adversely impacted.

J. Shoreland Protection: Pursuant to 24 V.S.A. § 4414 (13) all development shall be in conformity with the Shoreland Protection Act (applying to all development within 250 feet of a body of water greater than or equal to 10 acres).

K. Flood Hazard Protection: All land development in the Flood Hazard District shall comply with all provisions of Article VI, Flood Hazard District. All floatables in any district and in an area which has historically flooded and all Flood Fringe Areas, shall be raised above the estimated Base Flood Elevation (BFE) or firmly secured so as to ensure they are not dislodged in the event of a flood. This includes but is not limited to propane, oil, and gas tanks, chemicals, explosives, flammable liquids, toxic or hazardous materials. (See Flood Hazard Regulations Section 620 (B)(12)). While hay bales and logs are protected Agricultural and Silviculture industries in Vermont, conformity with this provision is encouraged.

L. Technical Review Costs: The Development Review Board may require an applicant for Conditional Use review to pay the reasonable costs of an Independent Technical Review of all or part of the application. The Development Review Board may recess the Hearing pending receipt of Independent Technical Review findings.

731: Conditional Use - Planned Unit Development Specific Standards

Planned Unit Developments are a Conditional Use and must satisfy the standards of Conditional Use as defined in Sections 710 through 740 above. In addition to meeting the Standards of a Conditional Use, a Planned Unit Development (PUD) must meet the Specific Standards that follow. In the case of any conflict between the Specific Standards of the PUD and other Standards of this ordinance, the more Specific PUD Standard shall take precedence over any similar or conflicting Standard of this ordinance.

A. Minimum Acreage: No application for a PUD shall be considered for approval unless a minimum of two (2) acres of land is contained in any proposal.

B. Contiguous Lands: No application for a PUD shall be considered for approval unless all land contained in any proposal is contiguous.

C. Open Space Preservation: At least forty (40) percent of the total area of the property shall be dedicated to or reserved as usable common outdoor living space and open land. Open Space shall not include streets, driveways and parking areas. The preservation of Open Space, recreation areas and/or parks shall be in perpetuity.

D. Total Number of Units: The total number of units approved for a project shall not exceed the number of residential units or commercial square footage allowed if the land were subdivided into lots in accordance with the Zoning Regulations for the districts in which such land is located, except as defined in Increased Density (E) below.

E. Increased Density: To create open lands, the Development Review Board may approve greater densities than those defined within the Districts of this ordinance.

Approval of density in excess of:

1. One Primary Use Dwelling per acre (Single Family, Two Family or Duplex, Multi-family, Mixed use, or Seasonal), or
2. One Primary Use Commercial Structure per two (2) acres

shall be of a single design concept, with continuity and cohesiveness of appearance and consistent with the character of the town. Examples of this would be a single design concept for a condominium development or a "pocket community."

F. Building Setbacks:

1. Buildings abutting the perimeter of the PUD parcel shall have a setback of at least fifty feet (50) from the lot line of the PUD.
2. Side Yard Setback: all residential buildings abutting an interior street, private or public, within the PUD shall be set back twenty feet (20) from the street.
3. If a side yard abuts a residentially zoned property or use or a public or private street, a continuous natural or landscaped setback of twenty feet (20) is required between the commercial/industrial building and the residence. This setback shall not be used for parking.
4. Front Yard Setback: A building fronting on a street must be located a minimum of twenty feet (20) from the back of sidewalk, or back of curb if a sidewalk is not planned at the location.
5. Rear Yard Setback: If a rear yard of a commercial building abuts a commercial or industrial use or zoning district, a minimum rear yard setback of ten feet (10) is required. If a rear yard abuts a residential use or residentially zoned property, a rear yard setback of twenty feet (20) shall be provided. This setback shall not be used for parking or drives and shall be landscaped.

G. Municipal Facility Burden: The cumulative effect of a phased PUD shall not cause transportation networks, municipal facilities, educational facilities, or other public services to

be unduly burdened.

H. Utilities: All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities or utilities shall be placed underground by the developer for any development primarily for or occupied by dwellings. The Development Review Board or Sewer Commission may require easements necessary for the orderly extension of public utilities to future adjacent developments. These extensions shall be underground wherever possible.

I. Pedestrian Walkway Requirements:
Sidewalks may be required within a PUD. In addition, the Development Review Board may require additional sidewalks in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring additional sidewalks, the Board shall consider the following criteria:
1. Number, location, types and use(s) of buildings propose
2. Amount of traffic generated by the proposed use

J. Private Roads:
Private Roads may be allowed within a PUD when specifically approved by the Development Review Board. Any new road, public or private, within a PUD shall conform to the Wilmington Town Highway Ordinance.

Section 732: Conditional Use - Other Specific Standards

Except as otherwise noted below, Other Specific Conditional Uses must conform to all requirements of this Section as well as the Standards for Conditional Uses of this Articles 710 thru 741. In the case of any conflict between the Specific Standards of this Section and other standards of this ordinance, the more Specific Standard shall take precedence over any similar or conflicting standard of this ordinance.

A. Affordable Housing**:** In all districts where allowed, a structure or structures may, as a Conditional Use, be converted or built for multi-family or residential use for the purpose of providing affordable housing. Such affordable housing shall:
1. Demonstrate sufficient wastewater capacity.
2. Be maintained as affordable units under the State Definition of Affordable Housing.
3. Provide deeds of conveyance of any unit or units containing language/covenants/ restrictions which preserve the affordability requirements of the property for a period of **no less than** twenty (20) years from the date of the Development Review Board approval of such conversion.

B. Automotive Service Station and Repair Garage: Automotive Service Station and Repair Garage must obtain Conditional Use approval in all districts where allowed and may be allowed if the following can be met:
1. Lot size shall be at least one-half acre (1/2 acre).
2. Lot frontage shall be at least one hundred fifty (150) feet.
3. One (1) two-way access or one (1) point of ingress and one (1) point of egress shall be allowed. An additional driveway may be allowed if the property has frontage on two Town roads. Where appropriate the Development Review Board may require a landscape strip.

Where there is one point of ingress and one point of egress a landscape strip should be considered along the length of the remaining frontage, beginning at a point adjacent to the driveway and continuing to the side property line, at a minimum of four (4) feet wide.

4. All portions of canopies shall be located at least twenty (20) feet from the side and rear lot lines and all canopy lighting shall be recessed to reduce glare.
5. All canopies shall be of a solid color. Bright colors and designs on canopies are not allowed.

C. Junked Vehicles:

1) Junk vehicles shall be screened by a structure or natural vegetation and not visible from neighboring properties, public and private roads.
2) Junkyards or Salvage Yards having more than (1) one junk vehicle, shall be hidden from all neighbors and public roads by Screening of Unaesthetic Features defined in Section 730 (E) of this ordinance.

D. Medical Marijuana Dispensaries: Pursuant to 18 V.S.A. § 4474(e)(c) a Marijuana Dispensary shall not be located within 1000 feet of the property line of a pre-existing public or private school, licensed or regulated day-care facility, house of worship, library, park, or other public municipal services facility.

E. Mobile Home Parks (Trailer Parks):

1. No more than one (1) mobile home/trailer shall be allowed on any parcel of land, unless said mobile homes/trailers are located in a mobile home/trailer park duly approved pursuant to the zoning ordinance.
2. A mobile home park shall be reviewed under the procedures and standards set forth in the Planned Unit Development Section of this ordinance.
3. The overall density of the Mobile Home Park shall in no case exceed the allowable density in the District where allowed.
4. Mobile Home Park (Trailer Park) shall comply with the Vermont Mobile Home Park Law [see 10 VSA Chapter 153]

F. Commercial Parking and Loading Areas: Pursuant to 24 V.S.A. § 4414(4) All commercial parking and loading areas in all districts in the town shall adhere to the following standards:

1. Parking Spaces Required: With the exception of the Historic Design Review District, for every building hereafter changed in use, erected, or altered or extended in such a way as likely to increase the need for more parking, there shall be off-street parking spaces as set forth below.
2. Size of Parking Spaces: Parking space size shall be a minimum of ten (10) feet by eighteen (18) feet. Smaller parking spaces are allowed only where circumstances calling for added spaces outweigh the risks and public inconvenience of smaller spaces. Special consideration should be given to safety, pedestrian, and disabled persons concerns when smaller spaces are allowed.
3. Minimum Number of Spaces: The minimum number of required spaces are:
   i. Dwellings (of all types): Two (2) parking spaces for every Dwelling unit.
   ii. Lodging: One and one-half (1.5) parking space for every guest bedroom.
   iii. Multi Business Centers and Offices: One (1) parking space for every four hundred (400) square feet of business or office space.

iv. Retail Business: One (1) parking space for every two hundred (200) square feet of retail area.
v. Restaurant, Bar, Lounge, Entertainment / Cultural Facility: One (1) parking space for every three (3) persons Permitted for occupancy by the Vermont Department of Labor and Industry.
vi. Manufacturing: One (1) parking space per employee per shift.
vii. Lodging with two (2) guest bedrooms or less does not require additional parking.

4. Drive-Up Windows: Restaurants, banks, and similar establishments with drive-up windows shall have a stacking lane for each drive-up lane or remote customer access service point long enough to prevent the line of waiting vehicles from extending into the public right-of-way.
5. Minimize the Visual Impact of Parking & Loading Areas: Break up parking with buildings and human scaled landscape islands. Utilize the landscape islands for plantings without obscuring traffic. Avoid the visual impact of a "sea of parking". Rear parking and access points including loading areas will minimize the visual impact on the public view of the property. Screen unaesthetic features where possible (see Section 730 (E)), sufficient to minimize their physical and aesthetic impact on other land uses, properties in the area, the town and public or private roads.
6. Buffer Area to Parking: See Section 730 E (b) Screening and Buffer Areas for Parking.
7. Public Road Access: Traffic circulation shall provide for automotive and pedestrian safety. Access to public roads should minimize traffic interruption and avoid undue burden on the main arteries of the Town. Approval for changes to a town road requires approval from the Town of Wilmington. Access changes to a state road, including all curb cuts, requires approval from the Vermont Agency of Transportation compliant with 19 V.S.A. § 1111.
8. Rainwater, Snow, and Ice Removal/Storage: Plan landscaping for safe snow removal and ice management. Plan for storage of snow at the edge of lots or on parking islands which will not compromise traffic fields of vision or pedestrian walkways (5 foot wide minimum). Plan for rainwater runoff conforming to Section 730 (F) through (K) and salt melt in a fashion that will not damage vegetation or water sources.
9. Safety: Where a potential safety hazard exists, either from temporary or permanent activities, provisions shall be undertaken to minimize physical hazards. In all cases, consider safe vehicular and pedestrian movement with unobscured view of roadways and pedestrian intersections. Provisions shall be made for maximum traffic and parking safety and pedestrian circulation throughout the town, including provision for safety during snow and ice removal. Particular consideration shall be given to:
   a. Visibility at intersections
   b. Pedestrian safety
   c. Convenience
   d. Access in case of emergency
10. Neighboring Properties: Provide maximum integration of circulation and parking with neighboring properties. Work collaboratively to maximize flow for efficiency, safety, and attractive solutions.

G. Ponds/Water Impounds: Ponds/Water Impounds must obtain a zoning Permit from the Zoning Administrator. If not received with the submitted application, the Zoning Administrator may issue an initial Permit conditioned upon receipt of the following:
1. A Project Review Sheet from the State Permit Office.
2. Evidence of written compliance with regulations of any department indicated on the

Project Review Sheet.

Upon receipt of these two items the Zoning Administrator may issue a final Permit.

The following state and federal requirements are not all-inclusive. The applicant is responsible for obtaining all needed state and federal Permits. For information on state Permitting requirements visit the Water Quality Division website at: http://www.anr.state.vt.us/dec/waterq/wqdhome.html

- If the proposed dam or pond will impound or be capable of impounding 500,000 cubic feet or more of water, a Permit will be required under Title 10 V.S.A., Chapter 43 Dams.
- If the project necessitates any work in a stream, a stream alteration Permit or other approval may be required under Title 10 V.S.A., Chapter 41. Subchapter 2. Alteration of Streams.
- If the proposed dam or pond is located in or near a wetland, a representative of the Vermont Wetlands Office should be contacted.
- If the pond project has the potential to affect rare, threatened or endangered species of plants and animals or their habitat, you should contact the VT Dept of Fish and Wildlife.
- Approval is required by the Fish and Wildlife Commissioner for placing obstructions in streams that block passage of fish under Title 10 V.S.A., Chapter 111, § 4607.
- Persons contemplating the construction, alteration or removal of dams or impoundments or construction wetlands are advised that approval may be required from the U. S. Army Corps of Engineers.
- Bodies of water of over 10 acres are subject to the Shoreland Protection Act.
- It is possible that other laws or programs could be involved, such as Act 250.

H. Quarry Operations - Extraction of Soil, Sand, Gravel & Earth Resources: Quarry operations - extraction of soil, sand, gravel and earth resources must obtain Conditional Use approval in all districts where allowed and may be allowed if the Development Review Board finds:

1. It will not have an undue adverse effect on the neighborhood or area, the scenic or natural beauty of the area, other aesthetic values, historic sites, pedestrian walkways, or rare and irreplaceable natural areas.
2. It will not cause unreasonable congestion
3. It will not cause burden, contamination, or compromise of existing water supplies.
4. It will not cause excessive use of or unsafe conditions on highways, existing or proposed.
5. It will not cause undue soil erosion or result in an embankment with a slope steeper than one (1) foot vertical to two (2) feet horizontal upon completion of an area of work.
6. It will not undermine any adjacent areas.
7. A site Reclamation Plan shall be provided at time of application.
8. The site shall be maintained at all times in safe condition and shall be restored to a safe, attractive and useful condition consistent with the Reclamation Plan within 30 days of the termination of the Permit.
9. The hours of operation shall not exceed the hours of 7:00 am through 6:00 pm daily.
10. A Conditional Use Permit granted shall not be valid for more than five (5) years.

I. Recreational Vehicle Storage: Recreational vehicle(s)/travel trailer(s), tent(s) or boat(s) may be stored by a homeowner on their property but shall not be used as living quarters for longer than 30 days per year and shall not be connected to any utility, including water and sewer.

J. Solar Projects: Pursuant to 24 V.S.A. § 4414(15) the Public Service Board shall enforce the requirements of this ordinance. No solar energy generation land development or facility shall be approved that is not in conformity with the following municipal requirements:

Setbacks: Ground mounted solar generating development shall meet a minimum setback of:

For development plans with a plant capacity of 15 – 150 kilowatts:
- 40 feet from any state or municipal highway, and
- 25 feet from each property boundary that is not a state or municipal highway, or

For development plans exceeding 150 kilowatts:
-100 feet from any state or municipal highway, and
- 50 feet from each property boundary that is not a state or municipal highway.

No setback is required for solar development with plant capacity of less than 15 kilowatts. For Screening and Buffer Area requirements see Section 730 (E) Screening and Buffer Areas for Ground Mounted Solar Arrays and Related Unaesthetic Features.

All solar installations on residential and commercial structures shall provide for fire safety.

Solar ground installations are discouraged on agricultural lands, in scenic vistas and fields, or in other natural aesthetic settings that contribute to the rural and agricultural character of the town. Solar installations are encouraged in areas primarily used for commercial development and on non-residential structures.

K. Wind Turbines: Large Commercial Wind Turbines are prohibited in the Town Of Wilmington. Small wind turbines meeting the following criteria are Permitted:

1) Blades are less than or equal to 20 feet in diameter.
2) The tower is less than 85 feet above grade.
3) The tower is set back one and a half (1 ½) times its own height from all property lines.

A zoning application including a Plot Plan must be submitted to and Permitted by the Zoning Administrator prior to commencing construction. The Plot Plan shall be to scale and show elevations, boundary lot lines, location of all new and existing structures, size and setback dimensions from all lot lines.