



Town of Lincoln Zoning Bylaws

Adopted by the Lincoln Planning Commission on November 3, 2023

Approved by the Selectboard on December 5, 2023

The Bylaw Modernization Grant program, administered by the Department of Housing and Community Development, funded the process of amending and updating these bylaws.

LINCOLN BYLAWS APPROVED 12-5-2023

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INTRODUCTION TO THE ZONING REGULATIONS

Zoning Regulations implement the goals set out in a Town's Plan. They guide the way development is to occur in a community by providing a specific and direct administrative process for development.

After adoption of Lincoln's Town Plan in June 2002, and the 2004 State legislated changes to Chapter 117 (Vermont Municipal and Regional Planning and Development Act), the Lincoln Planning Commission and community began the task of revising the town's zoning regulations to meet with the development goals of the community and those required by the State.

With the assistance of Municipal Planning Grant money, the Planning Commission contracted with Addison County Regional Planning Commission (ACRPC) to assist in developing new zoning regulations. Using ACRPC expertise in mapping and experience with the issues, the Planning Commission developed several new zoning districts to propose to the public during community gatherings during the fall of 2004. From the feedback received, the Planning Commission embarked on revising Lincoln's zoning regulations to best reflect the community's objectives as outlined in the Town Plan.

The greatest challenge faced by the Planning Commission was how to respond to the community's desire to enact zoning districts which would "create compact population centers separated by rural countryside", while respecting the abundant natural resources of the town along with the rights and responsibilities of private property ownership.

In May of 2005, the Planning Commission began to work with ACRPC, again with grant funding, on drafting zoning regulations. In November 2005 the Lincoln Planning Commission proposed, and in 2006 the Lincoln Selectboard adopted Zoning Regulations currently in effect that implemented the stated changes required by the State for September 1, 2005. After completing those largely mandatory changes the Planning Commission focused its work back on the changes necessary to implement the Lincoln Town Plan. Those changes are incorporated in these regulations. We feel these regulations reflect the desires of the community as a whole as expressed by the Town Plan, meet the requirements set by the State and, like all of the Town's regulations and ordinances, will require the continued review and input of the Town's residents.

In 2021, the Town of Lincoln applied for a Bylaw Modernization Grant from the VT Department of Housing and Community Development. This grant enabled the Lincoln Planning Commission to study existing zoning regulations, analyze historic land development patterns in the Village Districts and survey residents regarding housing issues in the town. Revisions made to the regulations will work to increase housing opportunities

for residents of all income levels by making it easier to develop affordable, smaller homes on smaller parcels in the four Village Districts.

Lincoln Planning Commission

TOWN OF LINCOLN'S ZONING REGULATIONS

ARTICLE I: GENERAL PROVISIONS

SECTION 100: AUTHORITY

101. ENACTMENT

1. Regulation Generally. In accordance with the Vermont Municipal and Regional Planning and Development Act, Title 24 of the Vermont Statutes Annotated (V.S.A.), Chapter 117, hereinafter referred to as "the Act," these regulations are hereby established as the Zoning Regulations for the Town of Lincoln. The Town of Lincoln Zoning Regulations are set forth in the text and map contained herein and shall be referred to as "these regulations".
2. Flood Hazard Area Regulations. Article IV of these regulations establishes zoning regulations for areas of special flood hazard in the Town of Lincoln in accordance with Sections 4412 and 4424 of the Act.

102. INTENT

The intent of these regulations is to provide for orderly community growth, to promote the public health, safety and welfare, and to further the purposes of Lincoln's Town Plan.

103. EFFECTIVE DATE.

This regulation shall take effect in accordance with the procedures contained in Section 4442 of the Act. Any zoning regulations previously adopted and in effect are hereby repealed and replaced in their entirety by these regulations as of the effective date of these regulations.

104. AMENDMENTS

These regulations may be amended in accordance with Section 4441 and 4442 of the Act.

SECTION 110: INTERPRETATION

111. MINIMUM REQUIREMENTS.

The provisions of these regulations shall be interpreted and applied to implement the stated goals of the Town Plan of the Town of Lincoln and promote the public health, safety, comfort, convenience, and general welfare.

112. EXISTING PERMITS, USES OR STRUCTURES

These regulations are not intended to repeal, annul or in any way to impair any permits previously issued. Proposed changes in any existing or permitted use or structure are subject to the provisions of these regulations.

113. INVALID SECTIONS

The invalidity of any article or section of these regulations shall not invalidate any other article or section hereof.

- See Interim Zoning Regulations adopted November 21,2022.

The Interim Zoning Regulations adopted by the Town of Lincoln on November 21,2022, will remain in effect for the duration of two years from the date they became effective, unless the revisions adopted in the current regulations specifically supersede them. The current regulations include several changes to residential use categories (sections 312-314, 322-324, 332-334) that contradict and override uses specified in the Interim zoning.

ARTICLE II: GROWTH RATE

SECTION 200: PURPOSE

It is the purpose of this Article to allow for a moderate rate of growth while also allowing continued access to housing that is affordable in the community. The community also needs this mechanism to allow it to plan for public facilities and services to meet both current and future needs in the capital and school budgets. This Article ensures that the rate of growth in the Town does not exceed the financial ability of the community to provide adequate public facilities and services. This Article intends to ensure that the rate of growth does not adversely affect the irreplaceable natural features and resources of the Town, and to ensure that the Town retains its community character. The rate of growth defined in paragraph 201 below exceeds the projected rate of growth in Addison County for the coming decade.

201. TOTAL NUMBER OF UNITS

The total number of existing dwelling units in the Town shall not be permitted to be increased by more than 3% of the sum of the number of housing units and issued permits as of December 31 each year, rounded to the nearest whole number. The Zoning Administrator shall calculate the maximum number of permits he or she may annually issue at the beginning of each year from the best information available.

However, in order to encourage development as PUDs and to reward applicants who develop PUDs meeting the purposes laid out in Section 600 of these regulations, the Development Review Board may, in its sole discretion, during subdivision review for a development planned as a PUD, allocate additional units for construction in a given year. The Development Review Board may utilize up to 25% of the unit permits for any future year for up to three years to supplement the total number of units an applicant could build in the current year, (i.e. if an applicant proposed a 9 unit PUD and desired to have the ability to build all in one year, the Development Review Board at its discretion could allocate units from any or all of the next three years. If the growth rate allowed 16 units per year, 25% of 16 equals 4 units. Accordingly, should it desire to do so, the Development Review Board could allocate 3 units from each of the next two years and allow the developer to build all units in one year.)

202. PERMIT “QUEUE”

All permits denied due to exceeding the growth rate provisions contained in Section 211 shall be considered filed upon January 1 of the following year in the same order as received by the Zoning Administrator.

203. PERMIT APPORTIONMENT

No person, corporation, or association shall be permitted to increase the number of units in the Town by more than 3 units in one year, or if in a PUD, by the number of units allocated by the Development Review Board. Nor shall any person, corporation, or association be permitted to increase the number of lots by more than 6 lots in one year, or 9 lots in one year if developed as a PUD in the village or transitional districts.

ARTICLE III: ESTABLISHMENT OF THE DISTRICT AND DISTRICT REGULATIONS

SECTION 300: ZONING DISTRICTS AND SPECIAL PROTECTION AREAS

301. DISTRICTS CREATED

For the purposes of these Regulations, the Town of Lincoln is divided into the following districts:

Section 310 Village 1 and Village 2

Section 320 Transitional

Section 330 Outlying

302. SPECIAL PROTECTION OVERLAY AREAS

For the purposes of these regulations, the Town of Lincoln is divided into the following Special Protection Areas, which will be constructed to overlay and be part of any of the districts established in Section 301. Development within the Special Protection Areas is subject to additional requirements described in Article IV of these regulations. Depending upon the type of development proposed, either the Zoning Administrator (pursuant to Sections 500-509) or the Development Review Board (pursuant to Sections 730-739) will conduct the additional review.

1. Flood Hazard Overlay Area. The Flood Hazard Area is derived from FEMA FIRM maps. Its purpose, application requirements and additional conditions are detailed in Article IV, Section 400-407 of these regulations. Reviews by the Development Review Board governing proposed uses within this overlay district are conducted through the conditional use review procedures contained in Sections 730-739 of these regulations, supplemented by the criteria in Sections 400-407 noted above.
2. Viewshed Overlay Area: The Viewshed Overlay Area is designed to help preserve the communal views in Lincoln, both generally and the views specifically identified on Page 9 of the Lincoln Town Plan. It is intended to encourage applicants to engage in the thoughtful sighting of their houses or other structures prior to seeking zoning permits from the Zoning Administrator or subdivision, site plan or conditional use approval from the Development Review Board. The review criteria of the Viewshed Overlay Area are outlined in Article IV, Sections 410-413 of these regulations. Reviews of Applications proposing uses subject to Conditional Use Review, Site Plan Review or Subdivision review by the appropriate municipal panel shall be reviewed pursuant to the criteria in Section 410-413 in addition to the appropriate sections of the regulations governing subdivision, site plan or conditional use review.
3. River Overlay Area. The River Overlay Area (River Overlay Area”) constitutes an overlay district restricting development within a certain distance from the top of banks of specified rivers or streams. The River Overlay Area encompasses the 25-foot setback Lincoln has established from the top of the bank of all streams and 35-foot setback

Lincoln has established from the top of the bank of all streams downstream of the point where the stream's watershed becomes greater than ten square miles. The River Overlay Area exists as depicted on the zoning map. It encompasses the depicted areas along the following streams within the Town of Lincoln: Downingsville Brook (Also known as Beaver Meadow Brook) and specified sections of the main stem of the New Haven River. Its purpose, application requirements and additional conditions are detailed in Article IV, Section 420-426 of these regulations. Reviews of Applications proposing uses subject to Conditional Use Review, Site Plan Review or Subdivision review by the appropriate municipal panel shall be reviewed pursuant to the criteria in Section 420-426 in addition to the appropriate sections of the regulations governing subdivision, site plan or conditional use review.

303. ZONING MAP

The Zoning Map officially entitled, "Lincoln Zoning Map," created by the Addison County Regional Planning Commission, dated April 2024 and located in the office of the Town Clerk, is hereby adopted as part of these Regulations. An unofficial reproduction of this map is included at the end of these Regulations for informational purposes only.

304. SPECIAL PROTECTION AREAS MAP

The official maps for the Flood Hazard Areas shall be in the maps developed by the Federal Insurance Administration as provided in Section 401(2) of this Regulation. The Viewshed Overlay Area encompasses the entire Town of Lincoln. The River Overlay Area is depicted as an overlay district in the Zoning Map (An unofficial representation of the zoning map is included at the end of these Regulations.) and also on a more specific detailed series of maps by ACRPC incorporating data approved by the River Management Section dated September 2007 adopted by the Planning Commission in conjunction with these regulations and incorporated herein by reference.

305. BOUNDARY INTERPRETATION

1. Boundaries Following Features. District boundaries on the zoning map shown approximately within the lines of the roads, streams, and transportation and utility rights-of-way shall be deemed to follow the center lines.
2. Boundaries Measured From Roads Or Other Features: Where a district boundary line extends a distance from a roadway, the measurement shall commence from the centerline of the roadway or other feature.
3. Boundaries Following Lot Lines. Where district boundaries approximately follow lot lines, such lot lines shall be constructed to be the said boundaries.
4. Boundaries Dividing Lots. Where a district boundary line divides a lot in single ownership at the time of passage of these Regulations or amendment thereto, the Development Review Board may permit as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
5. Unusual Situations. Where circumstances regarding district boundary line interpretation are not covered in Sections 304.1 through 304.3, the Development Review Board shall interpret the district boundaries.

6. Interpretation of Flood Hazard District Boundaries. The Zoning Administrator shall determine the boundaries of any designated area of special flood hazard by utilizing the base flood elevation data contained in the Flood Insurance Study or, in the absence of such data, by obtaining, reviewing, and reasonably utilizing any base flood elevation data available from a federal or state agency. Appeals with respect to a boundary interpretation shall be made by filing a notice with the Secretary of the Development Review Board within fifteen days of the decision or act.
7. Interpretation of the River Overlay Area Boundaries. The Zoning Administrator shall determine the boundaries of any River Overlay Area by utilizing the official Zoning Map referenced in Section 303 of these regulations and any more detailed maps adopted by the planning commission to delineate the River Overlay Area as referenced in Section 304. Appeal of the interpretation or location of the district boundaries in this district shall be pursuant to the criteria laid out in Section 429 of these regulations.

306. TABLE OF PERMITTED AND CONDITIONAL USES

Land Development Uses	Village 1	Village 2	Transitional	Outlying
P=permitted, SP= site plan review, C= conditional, X= not permitted				
Residential Uses				
One-family dwelling (mobile/manufactured included)	P	P	P	P
Two-family dwelling	P	P	P	P
Multi-family dwelling (3-5)	SP	SP	C	C
Multi-family dwelling (6+)	C	C	C	C
Senior/ ADA Compliant Housing (formally Multifamily for the Elderly) <i>See definitions</i>	SP	SP	SP	SP
Nursing Home/ Assisted Living Facility	C	C	C	C
Accessory Dwelling Unit (ADU) <i>See definitions</i>	P	P	P	P
Group Home	P	P	P	P
Non-Residential Uses				
Child Care < 6 children	P	P	P	P

Daycare facility	SP	SP	C	C
Accessory Uses	P	P	P	P
Home Occupations	P	P	P	P
Home Industry	C	C	C	C
Recreation, Indoor/outdoor	C	C	C	C
Commercial Use	C	C	C	C
Industrial; Light	C	C	C	C
Industrial; Heavy	X	X	C	C
Extraction of Soil, Sand and Gravel	X	X	C	C
See Section 503 for Exempt Uses				

SECTION 310: THE VILLAGE DISTRICTS (Village 1 and Village 2)

311. DESCRIPTION AND OBJECTIVES

Lincoln's Village Districts consist of two zoning districts encompassing four separate geographic areas in Town: Lincoln Center, which is designated as Village District 1, and West Lincoln, Downingsville, and South Lincoln, which are collectively designated as Village District 2. The Village Districts are designed to continue the Town's present settlement patterns of compact village settlement, containing a mix of appropriate uses, surrounded by a transitional area and more rural countryside. Densities in the Village Districts are greater than the surrounding areas to reflect and continue the existing development pattern and to promote a variety of housing types that are within walking distance to shops and public facilities. The Village Districts are also designed to encourage a setting that conveys a sense of community and safety, while promoting development away from wetlands, wildlife habitat areas, and productive agricultural and forest lands. Lastly, the Village Districts are designed to encourage a variety of housing types that provide access to affordable housing for all of Lincoln's residents.

The precise Village Districts boundaries are depicted on the official Zoning Map along with the other district and overlay boundaries. However, a brief description of each area within the Village Districts follows. The Village Districts generally extend 750 feet from the centerline of a road in the areas specified below. Some boundaries extend further to fully enclose an internal area (And not leave an awkward strip between two parallel roads):

VILLAGE DISTRICT 1 (V-1)

LINCOLN CENTER - The district extends .25 miles north on Quaker Street and Downingsville Road from their intersection; it extends south on Quaker Street to its intersection with East and West River Road; it extends .25 miles up Forge Hill Road, and Elder Hill Road, .5 miles north on West River Road, .25 miles up Gove Hill Road, and from the Village Center to the Garland Bridge on the East River Road.

VILLAGE DISTRICT 2 (V-2) The following three village districts are less developed and primarily residential. The dimensional standards associated with these districts reflect this current development pattern.

WEST LINCOLN – The district extends .25 miles up each road from the intersection of West River Road, Atkins Road and York Hill Road.

DOWNINGSVILLE - The district extends .25 mi up each road from the intersection of Downingsville Road, Hall Road and Purinton Roads.

SOUTH LINCOLN - The district extends from the Page Knoll Road and South Lincoln Road intersection to the Masterson and South Lincoln Road intersection, .25 miles up each of the following roads: Grimes Road, Mill Road, Cobb Hill Road, County Road, Masterson Road, French Settlement Road and Geary Road.

312. PERMITTED USES (By-right Uses)

The following uses or structures under 3,500 square feet above grade housing the following uses shall be considered permitted uses in this district:

1. Single-Family Dwellings (includes mobile/ manufactured housing)
2. Two-Family Dwellings
3. Home Occupation
4. Accessory Dwelling Unit (See Definitions)
5. Accessory use or building
6. Group Homes
7. Daycare Home (<6 Children See Definitions)

313. SITE PLAN REVIEW

1. Multi-family (3-5 units)
2. Senior/ ADA Compliant Housing (formally Multifamily for the Elderly)
3. Day Care Facility

314. CONDITIONAL USE REVIEW

1. Multi-Family dwellings (6+)
2. Nursing Home/ Assisted Living Facility Home Industry
3. Recreation, Indoor/outdoor
4. Commercial Use (see definitions)
5. Industrial; Light (see definitions)

315. PLANNED UNIT DEVELOPMENTS

Planned Unit Developments reviewed and approved by the Development Review Board in accordance with Section 630 of these Regulations are permitted and encouraged. Developers utilizing the PUD standards may receive a density bonus of up to 2 times the base density provided they agree to build to the affordable housing standards and/or the ADA Compliant Housing as contained in the Definitions of these regulations.

316. DIMENSIONAL STANDARDS

Site Criteria	Village District 1	Village District 2
Minimum Lot Size	¼ acre	½ acre
Density	4DU/acre	2DU/acre
Frontage	70'	70'
Front Setback	15'	15'
Side Setback	10'	15'
Rear Setback	20'	20'
Stream/ River Setback	25'	25'
Maximum Building Height	35'	35'

317. OTHER REQUIREMENTS

In addition to the specified requirements noted above, development in this area may be subject to other sections of these regulations, including, but not limited to:

1. Development restrictions as contained in Article II,
2. Special Protection Area Regulations as established in Article IV.;
3. General Regulations of Article V including those addressing housing, non-conforming properties, parking, signage, and specific uses; and
4. Article VI addressing Planned Unit Developments

SECTION 320: THE TRANSITIONAL DISTRICT

321. DESCRIPTION AND OBJECTIVES

To continue the Town's present settlement pattern of compact population centers (South Lincoln, West Lincoln, Downingsville and Lincoln Center) surrounded by a rural countryside; these regulations create a new transitional district around the village cores noted above and along established town roads. The Transitional District generally extends 1 mile from the edge of the Village Districts up the roads specified on the zoning map. The district extends 750 feet from the centerline of the road to both sides of the road. Since some boundaries extend larger to fully enclose an internal area (And not leave a small cumbersome strip between parallel roads) and not all distances from the village are exactly one mile, the map controls. The district's goals are to encourage the siting of development so as to maintain open land and to blend structures into the natural surroundings; to maintain scenic views; to reserve agricultural and forestland for production, to enhance ease of access by encouraging development in this district to cluster near existing roads, and to protect wetlands, water resources and wildlife habitat areas.

322. PERMITTED USES (By-right Uses)

The following uses, or structures under 3,500 square feet above grade accommodating the following uses shall be considered permitted uses in this district.

1. Single Family Dwellings (includes mobile/ manufactured housing)
2. Two-Family Dwellings
3. Home Occupation
4. Accessory Uses
5. Accessory Dwelling Unit (See Definitions)
6. Group Homes
7. Daycare Home (<6 Children)

323. SITE PLAN REVIEW

1. Senior/ ADA Compliant Housing (formally Multifamily for the Elderly)

324. CONDITIONAL USES

Structures that are greater than 3,500 square feet above grade housing any of the following uses, except exempt uses, shall be considered conditional uses in this district. 1.

Multi-Family Dwellings (3-5)

2. Multi-Family (6+)
3. Nursing Home/ Assisted Living Facility
4. Daycare Facility (6+)
5. Home Industry
6. Recreation. Indoor/Outdoor
7. Extraction of Soil, Sand and Gravel
8. Commercial Use
9. Industrial; Light
10. Industrial; Heavy

325. DIMENSIONAL STANDARDS

Site Criteria	Transitional District
Minimum Lot Size	2 acres
Density	1 DU/ 2 acres
Frontage	70'
Front Setback	30'
Side Setback	30"
Rear Setback	30"
Stream/ River Setback	25'
Maximum Building Height	35'

326. SPECIFIC REQUIREMENTS

In addition to the Specified requirements noted above, development in this area may be subject to other Sections of these regulations, including, but not limited to:

1. Development Restrictions as contained in Article II.
2. Special Protection Area Regulations as established in Article IV.;
3. General Regulations of Article V including those addressing housing, non conforming properties, parking, signage, and specific uses; and
4. Article VI addressing Planned Unit Developments

SECTION 330: OUTLYING DISTRICT

331. DESCRIPTION AND OBJECTIVES

The Outlying District encompasses the remainder of the Town of Lincoln not covered by the two other districts. Its purpose is to continue the Town's present settlement pattern of a compact population center surrounded by a rural countryside; to encourage the sighting of development so as to maintain open land and to blend structures into the natural surroundings; to maintain scenic views; to reserve agricultural and forestland for production to enhance ease of access by encouraging development in this district to cluster, and to protect wetlands, water resources and wildlife habitat areas.

332. PERMITTED USES (By-right Uses)

The following uses, or structures under 3,500 square feet above grade accommodating the following uses, shall be considered permitted uses in this district.

1. Single Family Dwellings (includes mobile/ manufactured housing)
2. Two-Family Dwellings
3. Accessory uses
4. Accessory Dwelling Unit (See Definitions)
5. Daycare Home (<6 Children)
6. Home Occupation

333. SITE PLAN REVIEW

1. Senior/ ADA Compliant Housing (formally Multifamily for the Elderly)

334. CONDITIONAL USES

Structures that are greater than 3,500 square feet above grade housing any of the following uses, except exempt uses, shall be considered conditional uses in this district. 1.

- Two-Family Dwellings
2. Multi-family (3-5)
3. Multi-family (6+)
4. Nursing Home/ Assisted Living Facility
5. Daycare Facility (6+)
6. Commercial
7. Industrial Use; Light
8. Industrial; Heavy
9. Recreational, Indoor/ Outdoor
10. Home Industry
11. Extraction of Soil, Sand and Gravel

335. DIMENSIONAL STANDARDS

Site Criteria	Outlying District
Minimum Lot Size	5 acres
Density	1 DU/ 5 acres
Frontage	70'
Front Setback	30'
Side Setback	30"
Rear Setback	30"
Stream/ River Setback	25'
Maximum Building Height	35'

336. SPECIFIC REQUIREMENTS

In addition to the Specified requirements noted above, development in this area may be subject to other Sections of these regulations, including, but not limited to: 1.

Development Restrictions as contained in Article II;

2. Special Protection Area Regulations as established in Article IV;

3. General Regulations of Article V including those addressing housing, nonconforming properties, parking, signage, and specific uses; and

4. Article VI addressing Planned Unit Developments.

ARTICLE IV: SPECIAL PROTECTION AREAS

SECTION 400: FLOOD HAZARD AREAS

401. GENERAL PROVISIONS OF THE FLOOD HAZARD AREA

1. Purpose. The purpose of these regulations is to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

b. Uses. Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;

c. Flood Damage. Requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction.

d. Individuals. Protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

2. Lands subject to the area. These regulations shall apply to all lands in the Town of Lincoln identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated August 19, 1986, and any revisions thereto.

3. Disclaimer of Liability. These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Lincoln or any town official or employee for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

402. PERMITTED USES IN THE FLOOD HAZARD AREA

Upon issuance of a permit by the Zoning Administrator, the following uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by another ordinance and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, affect the water-carrying capacity of the regulatory floodway or channel, or increase off site flood damage potential:

1. Agricultural Uses. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry.

2. Recreational Uses. Recreation uses, such as parks, camps, picnic ground, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.

3. Accessory Residential Uses. Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

403. CONDITIONAL USES IN THE FLOOD HAZARD AREA All new construction, substantial improvement, and development uses prescribed by the Town of Lincoln Zoning Ordinance that do not meet the requirements of Section 402.1 (Permitted Uses in the Flood Hazard District) and fall within the designated area of special flood hazard are permitted only upon the granting of a conditional use permit by the Development Review Board in accordance with the procedures and requirements of Sections 730-739 of these regulations and the additional application requirements, notice requirements review criteria and conditions noted below in Sections 404-407.

404. CONDITIONAL USE APPLICATION INFORMATION IN THE FLOOD HAZARD AREA

Upon receiving an application for a conditional use permit under these regulations, the Development Review Board shall, prior to holding a hearing and rendering a decision thereon, obtain the following additional information that specifically relates to flood hazards and the Flood Hazard Area from the applicant.

1. Base Flood Elevation Data. Base flood elevation data for all subdivisions and other proposed new developments.
2. Lowest Habitable Floor. The elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures.
3. Elevation of Flood Proofing. Where floodproofing is proposed in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement will be floodproofed.
4. Professional Certification. Certification from a registered professional engineer or architect that the designated and proposed method of construction of buildings to be floodproofed are in accordance with accepted standards of practice for meeting federal floodproofing criteria and the criteria contained in Section 406 of these regulations.
5. Altered Water Courses. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
6. Additional Application Information. In addition, the Development Review Board shall require any of the following information it deems necessary for determining the suitability of the particular site for the proposed use:
 - a. Plans. Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above fill and/or infrastructure to the location of the channel, floodway, and base flood elevation.
 - b. Cross-Section. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.
 - c. Stream Profile. A profile showing the slope of the bottom of the channel or flow line of the stream.

- d. Specifications. Specifications for building construction and materials, floodproofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of materials, water supply, and sanitary facilities.
7. Requirements in “A” Zones. In unnumbered A zones, the Development Review Board shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other source as criteria for approval of all and development under Section 406 of these regulations.

405. SPECIAL NOTIFICATION AND WAITING PERIOD IN THE FLOOD HAZARD AREA

1. Required Notification of Adjacent Communities and Department of Environmental Conservation. The Secretary of the Development Review Board shall transmit one copy of the application to the Vermont Department of Environmental Conservation in accordance with 24 V.S.A., Section 4424. Additionally, if the application involves an alteration or relocation of a watercourse, the Development Review Board shall notify adjacent communities and shall submit copies of such notifications to the FEMA Administrator.
2. Required Waiting Period. In accordance with 24 V.S.A., Section 4424, no permit may be granted for new construction of the development of land in any area designated as a floodplain by the Vermont Department of Environmental Conservation prior to the expiration of a period of 30 day following the submission of a report to the Vermont Department of Environmental Conservation under sub-section 1 above.

406. REVIEW CRITERIA STANDARDS IN THE FLOOD HAZARD AREA The Development Review Board shall review each application within the Flood Hazard Area as a conditional use pursuant to the general and specific review criteria contained in Sections 735-736. In addition, the Development Review Board shall consider the following issues:

1. Life and Property. The danger to life and property due to increased flood heights or velocities caused by encroachment.
2. Materials Movement. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. Water Supply. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding.
4. Susceptibility to Flood Damage. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. Services Provided. The importance of the services provided by the proposed facility to the community.
6. Location. The necessity to the facility of a waterfront location.
7. Alternative Locations. The availability of alternative locations not subject to flooding for the proposed use.
8. Compatibility. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. Comprehensive Plan. The relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed.
10. Emergency Access. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. Projected Flood Flow. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. Public Costs. The costs of providing governmental and public facilities and services during and after flooding.
13. Other Factors. Such other relevant factors to the purposes of these regulations.

407. CONDITIONS ATTACHED TO USES IN THE FLOOD HAZARD AREA In

addition to any appropriate conditions stemming from review of an application pursuant to the general and specific standards contained in Sections 735 and 736 of these regulations, the Development Review Board shall specifically require that: 1. Basement Floor/First Floor Above Base Flood Elevation. All new construction or substantial improvement of any residential structure shall have the first floor and basement floor elevated to or above the base flood elevation.

2. Lowest Floor above Base Level. All new construction or substantial improvement of nonresidential structures shall have the lowest floor, including basement, elevated to or above the base level elevation, or be floodproofed below the base flood level so that the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

3. Fully Enclosed Areas below the Lowest Floor. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area or not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Requirements for Design and Construction. Structures shall be (1) designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure during the occurrence of the base flood, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damage, and (4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

5. Required Professional Certification. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
6. Water Supply Systems. All new and replacement water supply systems shall be designed so as to minimize or prevent the infiltration of flood waters into the systems.
7. Sanitary Sewage System. All new and replacement sanitary sewage systems shall be designed to minimize or prevent the infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On-Site Waste Disposal. All on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
9. Manufactured Homes. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
10. Obtain Permits. All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law.
11. Maintenance of Flood Carrying Capacity. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
12. Land Development. All land development shall be constructed to be reasonably safe from the effects of flooding.
13. Public Utilities/Facilities. All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.
14. Adequate Drainage. Adequate drainage shall be provided to reduce exposure to flood hazards.
15. Additional Conditions may be required. Upon consideration of those factors in Section 406 and the purposes of these regulations, the Development Review Board may attach such additional conditions to the granting of a permit that are necessary to meet the purposes of these regulations.

SECTION 410: Viewshed Overlay Area

411. GENERAL PROVISIONS

1. Purpose. The Viewshed Overlay Area is designed to help preserve the communal views in Lincoln both generally and as specifically identified on Page 9 of the Lincoln Town Plan. It is intended to encourage applicants to engage in the thoughtful sighting of their houses or other structures prior to seeking any permits from either the Zoning Administrator or the appropriate municipal panel prior to conditional use, site plan or subdivision review. None of the criteria below are meant to be applied as mandatory requirements on an individual basis. However, when viewed cumulatively, they are intended to preserve communal views by promoting best practices to guide the applicant and the appropriate municipal panel. It will not prohibit building on a property; but may impose restrictions on where and/or how structures are sited. Land Subject to Overlay Area. All land in the Town of Lincoln is subject to this requirement.

412. APPLICATION REQUIREMENTS

Applicants desiring to build any structure or undertake any use within the Viewshed Overlay Area will supply the Zoning Administrator with a narrative and a sketch of a landscape plan. Applicants before the appropriate municipal panel for conditional use, site plan or subdivision review shall similarly provide the appropriate municipal panel with a sketch of a landscape plan, in addition to the application material required by the sections under which their application is being reviewed. The narrative and sketch landscaping plan will demonstrate how the applicants have considered and addressed the following criteria:

1. Siting. Homes, driveways and other structures will be sited to blend in with the landscape wherever practical and safe;
 - a. Avoid ridgeline building locations by setting the structure back from the edges of ridges;
 - b. Locate structures and drives at the edge of existing wood lines, not in the middle of open fields;
 - c. Locate utilities underground, if economically reasonable, or adjacent to or within wood lines;
 - d. Site structures and infrastructure so they blend into the landscape and are not highlighted against the sky when viewed from roads or neighboring properties;
2. Clearing. Clearing for homes, driveways and other structures should be controlled as follows:
 - a. Limit the extent of clearing and ridgeline disturbance necessary to accommodate the structures and services;
 - b. Outside of the building footprint, minimize clearing by selectively cutting small trees with diameters of less than 4" at breast height and the lower branches of larger trees when clearing views out from the structure to look strategically through the tree line;
 - c. This provision is intended to control clearing that impacts the views of structures. It is not intended to prohibit the clearing of the high meadows that give Lincoln its unique character.
3. Lighting and Reflectiveness. Protect dark skies at night and ridgelines in the day by minimizing exterior lighting or obtrusive glare:
 - a. Limit the amount of exterior night lighting;
 - b. Install, construct and maintain all outdoor lighting and illuminated signs to minimize the intrusion of light across property lines, eliminate upward illumination and reduce glare and to maximize the effectiveness of site lighting by limiting light to a target area.
 - c. Install any pole lights to be smaller than the building whose area they illuminate or not greater than 15 feet, whichever is less.
 - d. Require internal illuminated or externally lit commercial signs to be fully cut off or shielded or shown from the top down.
 - e. Require all building lighting for security or aesthetics to be cut off or shielded and targeted.
 - f. Prohibit wall pack lights.

- g. Require all outdoor lighting fixtures, including display fixtures to be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be minimized.
- h. Limit wattage;
- i. Encourage motion detectors to limit use;
- j. Use non-reflective material for roofs or siding;
- k. Limit excessive windows
- l. These regulations shall not apply to solar or other energy generating structures.

413. CONDITIONS ATTACHED TO DEVELOPMENT IN THE VEIWSHED OVERLAY AREA

The appropriate municipal panel reviewing conditional uses, site plans or subdivision regulations may attach conditions to any permit issued to ensure compliance with the overlay area requirements noted in Section 412 above.

SECTION 420: River Overlay Area

421. GENERAL PROVISIONS

1. Purpose. The River Overlay Area constitutes an overlay district adjoining and extending out a certain distance from the top of banks of all rivers or streams. The district has several purposes relating to both river habitat preservation and limiting erosion. Riparian Areas function as both buffers and corridors. A riparian area that is unmowed, undisturbed, and naturally vegetated buffers the waterbody and riparian ecosystem from the impacts of adjacent land uses. Buffer functions include protecting water quality and providing for aquatic and terrestrial habitats. As corridors, riparian areas provide travel and dispersal routes for wildlife and plants and sustain long-term river and stream channel functions, such as lateral channel migration and floodwater dissipation. These corridor functions help to maintain habitat connectivity and stream function longitudinally throughout the landscape. When planning for and implementing riparian conservation and restoration strategies, it is important to consider both the buffer and corridor functions of riparian areas. Benefits of creating Riparian Buffers and Corridors include:

- a. Preserving Forest Canopies and Natural Vegetation
 - Moderate Water Temperatures
 - Reduce Sediment and pollution
 - Stabilize Stream Banks
 - Dissipates stream energy
 - Trap Nutrients and Other Contaminants

- b. Protecting Habitat for fish and other aquatic life
 - Protecting water quality and quantity
 - Providing food supply
 - Providing woody debris for shelter
 - Maintaining stream channel and floodplain stability; and
 - Maintaining adjacent wetlands.

c. Protecting Terrestrial Habitats

- Birds, Mammals, Amphibians, Reptiles
- Threatened and Endangered Species

d. Protecting Natural Communities

- Diversity of specific habitats for wildlife species
- Wildlife movement corridors
- Rare natural communities and plants
- Riverside Outcrops
- Marshes and sedge meadows
- Floodplain forests and swamps

e. Providing For Channel Stability

- Flood attenuation
- Reduce effects of storm events
- Bank stabilization
- Ice damage control; and
- Maintenance of sediment transport and channel morphology.

f. Providing for Recreational Uses

- Swimming
- Fishing
- Hunting
- Wildlife Observation
- Boating

g. Providing for Scenic Qualities

- Natural Beauty
- Wildness
- Privacy

h. Preserving Historic Sites

- Dams
- Mills

The River Overlay area is intended to encourage applicants to engage in the thoughtful siting of their houses or other structures prior to seeking any permits from either the Zoning Administrator or the appropriate municipal panel prior to conditional use, site plan or subdivision review. None of the criteria below are meant to be applied as mandatory requirements on an individual basis. However, when viewed cumulatively, they are intended to protect the values of a healthy river system by promoting best practices to guide the applicant and the appropriate municipal panel.

The overlay area is similar to the Floodplain Overlay Area that already exists. However, it adds to the area protected because flood damage in Lincoln often occurs from eroding banks as opposed to inundation flooding, which generally occurs in

flatter areas. The review within the River Overlay Area focuses on all aspects of a healthy river system including protecting water quality, protecting river and shoreland habitat and allowing rivers and streams to reach and maintain dynamic equilibrium thereby reducing erosion within the watershed.

2. Area Subject to the River Overlay Area. The River Overlay Area is depicted on the zoning map and encompasses differing setbacks along all streams and rivers in the Town of Lincoln. All streams, including intermittent streams will have a 25 foot setback requirement from the top of the bank, which applies to all structures except those necessary to cross the stream. Additionally, the areas along the following streams within the Town of Lincoln: Downingsville Brook (Also known as Beaver Meadow Brook) and specified sections of the main stem of the New Haven River will be subject to a larger River Overlay Area as depicted on the Zoning Map and seven larger scale maps:

River Overlay Area M17	River Overlay Area M25 M26
River Overlay Area M18	River Overlay Area T4.02
River Overlay Area M19	River Overlay Area T4.03, T4.04
River Overlay Area M20, M21, M22	

incorporated in these regulations by reference and available at the Town clerk’s office for specific review. The River Overlay Area is subject to and incorporates the 25 foot setbacks Lincoln has established from the top of the bank of all streams.

3. Disclaimer of Liability. The River Overlay Area adopted by the Town of Lincoln in these regulations constitutes the best efforts of the Lincoln Planning Commission, working in concert with and with advice from the DEC River Corridor Program to protect water quality, habitat and property from river erosion in the future, but to acknowledge the existing infrastructure, homes and property within the New Haven River valley in Lincoln. The provisions of this section do not imply that land outside the designated River Overlay Area is free from river erosion or unimportant to water quality or habitat. Similarly, not all areas within the district constitute important habitat, benefit water quality or are subject to erosion because of bedrock outcroppings or other features. Accordingly, the Planning Commission drafted this section of these regulations as additional requirements meant to guide thoughtful development. These provisions shall not create any liability on the part of the town, or any employee thereof, for damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

422. PROHIBITED USES

All structures not designed to cross a river or stream are prohibited from the first 25 feet from the top of the bank of that river or stream. Storage areas or other commercial or non commercial facilities or uses involving floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials constitute activities and uses prohibited in the 25- foot setback area and the entire River Overlay Area.

423. APPLICATION REQUIREMENTS

Applicants desiring to build any structure or undertake any use within the River Overlay Area will supply the Zoning Administrator with a narrative and a sketch of a landscape plan. Applicants before the appropriate municipal panel for conditional use review or subdivision shall similarly provide the appropriate municipal panel with a sketch of a landscape plan. In addition to the application material required by the sections under which their application is being reviewed, additional informational requirements for the plan imposed by this section include:

1. The relative locations of the existing development, the proposed development, the River Overlay Area boundaries, and the nearest public road;
2. Identification of the shortest horizontal distance from the proposed development to the center line (or top of nearest bank if not possible to measure to the center line) of any stream;
3. Identification of the horizontal distance from the centerline of the nearest public road to the center line (or top of nearest bank if not possible to measure to the center line) of any stream;

The narrative and sketch plan will demonstrate how the applicants have considered and addressed the following criteria:

1. Siting. Homes, driveways and other structures will be sited to minimize impacts on the river and riparian corridor;
 - a. Avoid erosion and corridor impacts by setting the structure back from the edges of rivers and streams;
 - b. Locate structures and drives outside the Overlay District where reasonably feasible;
 - c. Site structures and infrastructure so they blend into the landscape when viewed from the river;
2. Clearing. Clearing for homes, driveways and other structures should be controlled as follows:
 - a. Limit the extent of clearing and riverbank disturbance necessary to accommodate the structures and services;
 - b. Outside of the building footprint, minimize clearing by selectively cutting small trees with diameters of less than 4” at breast height and the lower branches of larger trees when clearing views out from the structure to look strategically through the tree line;
3. Lighting and Reflectiveness. Protect the riparian habitat by limiting exterior lighting or obtrusive glare by following the lighting and reflectiveness guidelines in Section 412 of these regulations.

424. REVIEW CRITERIA

The River Overlay Area prohibits building within a 25-foot buffer area measured from the top of streambanks. The 25-foot distance applies to all streams. Additional areas of the River Overlay Area outside of the 25-foot setback from the top of bank do not prohibit structures, but add additional review criteria to projects subject to conditional use, site plan or subdivision review. The purpose of these criteria is to reduce the impact of the structure upon the river and to protect the values noted above. The River Overlay District does not limit a

landowner's ability to renovate an existing structure or to construct a permitted use within the underlying district (Assuming the structures are more than 25 feet from the top of the streambank). However, all landowners in the River Overlay District will be asked to consider how the structure they propose to build will impact the river and riparian corridor and to follow guidelines to reduce the impact of that structure. In reviewing each application within the River Overlay Area, in addition to the general and specific review criteria contained in appropriate sections of Lincoln's regulations depending upon the request made and review required, the appropriate municipal panel shall consider the following issues:

1. Whether the proposed development is reasonable based on other area owned by and available to the applicant outside of the River Overlay Area.
2. Whether the proposed development will substantially increase the susceptibility of the property, including existing and proposed development, to river erosion damage.
3. Whether the proposed development will substantially increase the potential for damage to other properties due to river erosion.
4. Whether the proposed development will cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after river erosion events.
5. Whether the proposed development complied with the criteria contained in Section 423 of these regulations.
6. Whether the proposed development will have a significant adverse impact on water quality.
7. Whether the proposed development will have a significant adverse impact on significant river habitat or travel corridors.

425. CONDITIONS ATTACHED TO DEVELOPMENT IN THE OVERLAY AREA

The appropriate municipal panel reviewing conditional uses, site plans or subdivision regulations may attach conditions to any permit issued to ensure compliance with the River Overlay Area application requirements or review criteria noted in Sections 423 and 424 above.

ARTICLE V: GENERAL REGULATIONS

SECTION 500: PERMITS

501. PERMITS REQUIRED

No land or building development may commence, nor shall any existing structure or use be extended or substantially changed, except as noted below, unless a Zoning Permit shall have been duly issued by the Zoning Administrator, as provided for in Section 4449 of the Act.

501A. FEES

The Selectboard shall set, and as needed amend, a schedule of fees and related policies to cover all or a portion of the Town's cost of administration and enforcement. No permit shall be considered valid until fees in accordance with the adopted fee schedule have been paid.

502. TEMPORARY USES AND STRUCTURES

Temporary uses and structures are allowed pursuant to the following conditions:

1. Unoccupied Campers. A person may park their unoccupied travel trailer on their residential property.
2. Occupied Campers. Temporary permits may be issued by the Zoning Administrator, for a period not to exceed 120 days, for campers used more than 14 consecutive or collective days, within a year, as a dwelling provided, they provide proof to the administrative officer that they:
 - a. Are connected to a septic system of adequate capacity; or
 - b. Are a fully functioning self-contained unit in regard to disposal of all wastes and that they have access to a proper dumping site.
3. Temporary Structures Incidental to Construction Project. Temporary permits may be issued by the Zoning Administrator for the period not exceeding one year for non conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not to exceed one year. A performance bond may be required to insure carrying out the provisions of this section.

503. EXEMPTIONS

No zoning permit is required nor are setbacks applicable for the following:

1. Pursuant to 24 V.S.A. § 4413(b), public utility power generating plants or transmission facilities regulated under 30 V.S.A. §248.
2. Pursuant to 24 V.S.A. § 4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance, unless they provide an approval of lesser

setbacks by the Secretary of the Agency of Agriculture, Food and Markets. The notification to the town must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all farm structures within the Flood Hazard Overlay Area must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted Silvicultural practices to the appropriate state authorities for enforcement.

3. Pursuant to 24 V.S.A. § 4413(e), but subject to 24 V.S.A. 2295, these regulations shall not restrict hunting, fishing, trapping and other activities under section 2295.
4. Certain government and community facilities, as described in Section 515 of these regulations are exempt from certain provisions of these regulations as prescribed by statute, but shall be regulated with respect to all aspects of constructing the project within the parcel chosen to the maximum extent allowable under these regulations.
5. Fences. Fences, hedges or walls along a property line which do not interfere with corner visibility.
6. Low Structures. Terraces, steps, unroofed porches (decks) and similar structures not over three (3) feet above the level of the floor or the ground story.
7. Window Dressing. Residential bay windows and/or awnings.
8. Small Accessory Buildings. Dog houses, sheds, tree houses and similar structures with a floor area of not more than 100 square feet and a height of not more than 12 feet which may be located within any yard, except the front yard, but not closer than 5 feet from any property line.
9. Public Signs. Any sign erected by the State of Vermont or the Town of Lincoln for directional, information or traffic control purposes.
10. Exemption from Height Limitations. Height in excess of 35 feet may be approved by the Development Review Board on its written findings, after hearing that the use is:
 - a. Customary to the proposed use such as, but not limited to, church steeples, flagpoles, agricultural silos, and windmills; or
 - b. Necessary to the operation or function of the proposed use such as, but not limited to, industrial silos, elevator shafts, water towers or chimneys; or
 - c. A public necessity such as but not limited to, air navigation aids and beacons.

504. PERMIT APPLICATION

Along with the permit fee and all other approvals required by these regulations, an application for a zoning permit must contain the following:

1. Application. A completed Zoning Application identifying the applicant, the owner(s), the location of the parcel to be improved, the parcel identification number, the book and page number of the deed and a description of the improvements and uses proposed.
2. Sketch Plan. A sketch or plan indicating the shape, size, height and location in exact relation to all property lines and to street or road lines of any structure to be erected,

altered, extended or moved, and of any structure already on the lot and or/indicating the location of any proposed new boundary line on the lot.

3. Landscaping Plan and Narrative. A sketch plan and narrative demonstrating that the applicants have considered and addressed the criteria of the Viewshed Overlay District, Sections 410-413 of these regulations.
4. Use of Structures. The existing and intended use of all such structures and the land.
5. State Subdivision Permit. If applicable (in accordance with the provisions of the most recent State of Vermont Rules governing water and wastewater supply).
6. Lincoln Road Permit. If applicable (in accordance with the provisions of the most recent revision of town Ordinance No 1986.1).
7. Other Information. Any other information as may be required by the Zoning Administrator to ensure that the provisions of these regulations are being followed.

505. SUBMISSION OF APPLICATION

The complete application must be submitted to the Zoning Administrator at the Town Clerk's Office. Within 30 days after the submission of a complete application, the Zoning Administrator shall act with regard to an application for a permit.

1. Denial of Permit. If the application is denied, the Zoning Administrator shall deny the permit and state the reason for the denial in writing and shall immediately mail notice of such to the applicant at the address indicated on the application
2. Approval of Permit. If the Zoning Permit is approved, the Zoning Administrator shall issue the permit with any applicable conditions and the reason for them. All activities authorized by the permit shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.
3. Voiding a Permit. The Zoning Administrator may declare a Zoning Permit invalid when the officer finds that the application contained material or substantive misrepresentations of the facts.

506. ISSUANCE OF PERMITS

The Zoning Administrator will issue a permit for a development that conforms to the dimensions and specifications listed in the District Regulations (Article III). If the development is a conditional use, the Zoning Officer will issue a permit only after being instructed to do so by the Development Review Board following a public hearing before that body according to Sections 730-739, as applicable.

507. NOTICE OF PERMIT AND APPEAL

Each zoning permit issued under these regulations shall contain a statement of the period of time within which an appeal may be taken. Within three (3) days following the issuance of the permit, the Zoning Administrator will post a copy of the permit in at least one public place until the expiration of fifteen (15) days from the date of issuance. The applicant shall post a Notice of Permit in full view on the lot or premises for which it has been issued until the appeal period has expired (15 days after the permit issues).

508. EFFECTIVE DATE OF PERMIT

No permit issued pursuant to this section shall take effect until the time for appeal (15 days) has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the appropriate municipal panel is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days whichever comes first.

509. CERTIFICATE OF OCCUPANCY

In order to enforce Section 501 (Permits Required), it shall be unlawful to use, or occupy, or permit the use or occupancy of any land or permitted structure, or part of the structure, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, unless a Certificate of Occupancy has been issued by the Zoning Administrator stating that the land or structure conforms to the provisions of these regulations.

In the case of a structure, the Zoning Administrator must inspect the site at the time the footings are in place and again when the structure is completed and deemed by the owner to be ready for occupancy before issuing a Certificate of Occupancy. The applicant shall give the Zoning Administrator no less than 48 hours' notice of the need for these inspections.

SECTION 510: REQUIREMENTS OF THE ACT

511. EXISTING SMALL LOTS

These regulations will not cause validly existing small lots to merge, regardless of their ownership even though not conforming to minimum lot size requirements of these regulations, provided such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet. Any lot in individual and separate ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located.

512. REQUIRED FRONTAGE/ACCESS

No land development may be permitted on lots which do not have either the minimum frontage on a public road or public waters specified in the applicable dimensional standards table in Article III, or with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width.

513. HOME OCCUPATIONS

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect on the character of the residential area in which the dwelling is located.

1. Application and Determination. An application shall be submitted to the Zoning Administrator, as with all other applications (see Section 500). A determination shall be made, based on the criteria listed in Section 513.2, as to whether the proposed use

is, in fact, a home occupation as defined by and in conformance with the provision of these Regulations.

2. Criteria. When it is determined that a use is a home occupation, it will be considered an accessory use to a residential use, and will be allowed in any district in which residential uses are allowed, subject to the requirements of that district, and the following provisions:

- a. Secondary Use. The business use is clearly secondary to and smaller than the residential use.
- b. Limited Number of Non-Residential Employees. In addition to the residents of the dwelling, no more than three full-time equivalent employees may be employed by the business on the premises.
- c. Off Street Parking. Adequate off-street parking meeting the requirements of Section 530 of these regulations shall be provided.
- d. No Off-Site Impacts. The business use shall not result in undue adverse off site effects on air quality, water quality, noise or vibration level, odor or glare. e. No Storage of Hazardous Materials. No toxic, flammable, noxious, or explosive chemicals or materials shall be stored in the dwelling or in an exposed or otherwise unprotected area of the property, nor will such items be disposed of on the premises. The storing of any hazardous chemicals or materials that are not necessary to the operation of the business shall be prohibited.

514. EQUAL TREATMENT OF HOUSING

These regulations shall be interpreted to promote and protect affordable housing as follows:

1. Meet the needs of the housing population provided in the Town Plan by allowing and encouraging all housing types permitted as uses in each district;
2. Protect Mobile/modular/manufactured homes by treating them the same as all other single-family homes (See Article VIII, Definitions Section 800);
3. Not discriminating against mobile home parks by treating new applications the same as other subdivisions and allowing the replacement of mobile homes on existing lots;
4. Providing for multi-unit and multifamily homes in certain zoning districts (See Article II, Sections 313);
5. Promoting accessory apartments in all districts allowing single family homes, subject to specified requirements (See Article VIII, Definitions Section 800);
6. Allowing residential group care homes in all districts allowing single family homes, subject to specified requirements (See Article VIII, Definitions Section 800);

515. SPECIAL PUBLIC USE EXCEPTIONS

Pursuant to 24 V.S.A. § 4413 the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic, noise, lighting, landscaping or screening requirements and only to the extent that the regulations do not have the effect of interfering with the intended functional use:

1. State or community owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the State Department of Education.
3. Churches and other places of worship, convents and parish houses.
4. Public and private hospitals.
5. Regional Solid Waste Management Facilities certified under 10 V.S.A. Chapter 159.
6. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under Section 6606(a) of Title 10.

It is the intent of these regulations to regulate these facilities to the maximum extent allowable under law. The uses noted above shall be subject to all appropriate general and specific requirements contained in Sections 735 and 736 of these regulations pursuant to the notice and process requirement contained in Section 730-739 governing Conditional Use Review under Article VII of these regulations and any other portion of these regulations that pertain to aspects of the project that may be regulated.

516. RESIDENTIAL CARE OR GROUP HOME

A State licensed or registered residential care home or group home, serving not more than six (6) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such home according to Section 4409(d) of the Act.

517. DAYCARE OR CHILDCARE HOME

Certain small “Daycares or family childcare homes or facilities” as defined in Section 800 of these regulations shall be considered to constitute a permitted single-family residential use and shall be allowed in all districts on the same basis as a single-family residential use.

SECTION 520: NON-CONFORMITIES

521. PRE-APPROVED STRUCTURES

Nothing in these regulations shall require any change in any structure, whose construction was in conformance with applicable laws and regulations in effect prior to the effective date of these Regulations, and which is completed within two years of the issue date of the permit.

522. NONCONFORMING USES AND STRUCTURES

The following provisions shall apply to all buildings and uses existing on the effective date of these regulations which do not conform to the requirements set forth in these regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these regulations.

Any non-conforming use of structures or land except those specified below may be continued indefinitely, but:

1. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever, without approval by the Development Review Board, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 730-739 in a manner, which, in the opinion of the Board does not enlarge the nature of the non-conformance.
2. Shall not be changed to another non-conforming use without approval by the Development Review Board, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 730-739 and only to a use, which, in the opinion of the Board is of the same or of a more restricted nature.
3. Shall not be re-established if such use has discontinued for a period of one year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause unless the non-conforming use is reinstated by the commencement of construction within one year of such damage and the completion of construction and restoration of such building within two years; otherwise, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on uninterrupted in the damaged part of the building.

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non conforming building provided that such action does not increase the degree of non conformance.

SECTION 530: PARKING REQUIREMENTS

Unless permitted otherwise, all parking shall be outside of Town road rights-of-way. In order to insure the safe and continuous flow of traffic at all times as well as to facilitate the safe passage of all emergency vehicles, all structures and land uses shall be provided with sufficient associated off-street vehicular parking spaces to meet the reasonable parking needs of the persons making use of the premises. For every structure or use hereinafter erected, altered or extended there shall be provided parking spaces off the street as set forth below. In those instances where uses are not specifically defined, the appropriate number of parking spaces shall be determined by the Development Review Board based on standard transportation engineering practice.

531. LOCATION OF PARKING SPACES

All parking spaces shall be provided on the same lot as the structure or on a lot adjacent to the primary lot under the same ownership, or under permanent easement.

532. REQUIRED NUMBER OF OFF-STREET PARKING SPACES			
Use	Basis	Number of Spaces	Additional Comments
Residential		2	
Accessory Dwelling Units (ADU's)	# per dwelling unit	1	
Home Occupation	# per dwelling unit + # per non-resident employee	2 + 1	
Lodging Facilities	# per facility + # for each room for hire	2 + 1	See Sections 533 and 734 Parking Waiver and Conditional Use Criteria
Places of Public Assembly	# per every four (4) seats	1	These may be supplied within 400 feet of the primary structure. See Section 734, Conditional Use Criteria
Business and Professional Offices	# per 250 square feet of usable floor area	1	See Sections 533 and 734, Parking Waiver and Conditional Use Criteria
School or Child Care	# per ten (10) children enrolled	3	Applies only to facilities that provide childcare to six (6) or more children. See Section 734, Conditional Use Criteria
Commercial	# per 150 square feet of floor area devoted to customer use	1	See Sections 533 and 734, Parking Waiver and Conditional Use Criteria
Industrial	# per total number of employees on the largest shift	1	See Sections 533 and 734, Parking Waiver and Conditional Use Criteria

533. PARKING SPACE WAIVER

The number of actual parking spaces required to be built on the premises may be reduced by the Development Review Board under the following provisions:

1. The waiver shall require that the full complement of parking spaces be available on the lot, but that a portion of the spaces may remain as green areas which have the potential of future conversion to parking should it be determined that more actual spaces are necessary to meet the reasonable parking needs of persons making use of the premises.
2. Green areas allowed under the provisions of this waiver shall be located on the lot such that conversion to parking spaces will not interfere with the safe flow of traffic.

534. OFF-STREET LOADING/UNLOADING AREA

For all uses other than residential, off-street loading and unloading areas shall be provided. Such areas will be in addition to and not considered as meeting part of the requirements for off-street parking spaces.

1. For Commercial and Light Industrial Use: (This includes but is not limited to lodging facilities, retail establishments, service establishments): One (1) off-street loading and

unloading space shall be at least twelve (12) feet by thirty-five (35) feet for every three thousand (3,000) square feet of floor area.

2. For Heavy Industrial Use: One (1) off-street loading and unloading space shall be at least twelve (12) feet by sixty (60) feet for every ten thousand (10,000) square feet of floor area.
3. For School or Day Care Use: One (1) off-street loading and unloading space at least nine (9) feet by twenty (20) feet for every ten children enrolled.
4. Access to Road. Off-street loading and unloading areas shall have access to a public road or street and shall not be used in a manner to obstruct or interfere with the free use of any road, street, or adjoining property. Off-street loading and unloading areas shall be provided at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in use.
5. Additional Area. The Development Review Board may require additional loading and unloading area based on findings developed under Section 734.

SECTION 540: SIGNS

In order to promote the public health, safety and other aspects of the general welfare, and to protect the natural and historic beauty from the indiscriminate use of outdoor advertising the following sign regulations are adopted. Signs shall meet the following criteria:

1. Public Interest. Be in the public interest and not to the detriment of the public safety or welfare;
2. Not Detrimental. Not be detrimental to surrounding properties;
3. Harmonious. Be of a character, size and location that will be in harmony with the orderly development of the district.

541. OFF-PREMISE SIGNS

Any sign located other than upon the lot containing the subject of the sign shall conform to State statutes and regulation (Title 10 V.S.A. Chapter 21).

542. ON-PREMISE SIGNS

For signs located on immediate property:

1. Sign Size, Number, Location and Content. Up to two signs not exceeding 10 square feet each, which announce the name, address, business or profession of the occupant at the premises on which the sign is located may be permitted in any district. Signs need not meet setback requirements, but must be located outside the road right of way. For signs affixed flat to a building wall, up to three signs or larger signs may be applied for as a conditional use.
2. Computation of Sign Area.
 - a. Existing signs shall be included.
 - b. Signs consisting of free-standing letters, numerals, or other devices shall include any intervening spaces between them.

- c. Only the larger faced area of a double-faced sign shall be used.
- d. Back-to-back signs may be counted as one sign.
- 3. Lighted Signs. Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties and the lighting will comply with the requirements of Section 412(3) of these regulations. All illuminated signs must be turned off by 10:00 p.m. or at the closing time of the business, whichever is later.
- 4. Flashing, Oscillating, or Revolving Signs. Flashing, oscillating, or revolving signs shall not be permitted, unless necessary for public safety or welfare.
- 5. Temporary Signs. Temporary signs, unlighted, such as event banners and real estate “for sale” signs will not require a permit.
- 6. Sign Reinstallation. A sign removed for repair or renovation may be reinstalled (Subject to Section 522).
- 7. Traffic, Hazard, Safety and Obstruction. No sign shall be designed or sited in such a way as to create a hazard. Every sign shall be designed and located so that it does:
 - a. Not impair public safety;
 - b. Not restrict clear vision between a sidewalk and a street;
 - c. Not become confused with any traffic sign or signal;
 - d. Not prevent free access to any door, window or fire escape;
 - e. Is securely anchored to withstand wind pressure load.
- 8. Height Limitation. No sign in any district shall be higher than ten (10) feet from the average grade of the surrounding ground to the highest point on the sign. For signs mounted on buildings, signs shall not be higher than the roofline of the building.

SECTION 550: CLEAN-UP OF DESTROYED STRUCTURES Within one year after a permanent or temporary building or structure has been destroyed or demolished, the owner shall remove all structural materials in accordance with the provisions of current State waste disposal requirements, and shall fill any excavation to normal grade.

SECTION 560: STORAGE OF FLAMMABLE LIQUIDS The storage of any flammable liquid in tanks above ground with total capacity greater than five hundred and fifty (550) gallons shall be prohibited unless authorized as a conditional use by the Development Review Board. In all cases, NFPA standards must be adhered to.

SECTION 570: EXTRACTION OF SOIL, SAND AND GRAVEL The removal of sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be a conditional use in districts where it is allowed, subject to Section 730 (Conditional Use) and specifically Section 737 of these regulations.

SECTION 580: CREATION OF PONDS

The creation of a pond shall generally be considered a permitted accessory use in all districts, unless it is created for commercial or industrial purposes.

As an additional requirement to the review process the applicant shall demonstrate that the proposed pond is adequately designed to prevent any off-site impact, including the effects of erosion, flooding and water pollution.

ARTICLE VI: SPECIAL PROVISIONS

SECTION 600: PLANNED UNIT DEVELOPMENT

601. USE

The purpose of the PUD provisions is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land that will substantially implement the following objectives:

1. Sensitive Natural Areas. Protect sensitive natural areas such as agricultural and forest lands, significant wetland areas, streams, stream banks and water bodies, aquifers, slopes greater than 25%, ridgelines and special wildlife habitats from over-intensive development;
2. Natural and Scenic. Preserve natural and scenic qualities of open land, such as views and vistas;
3. Recreation. Encourage the provision of adequate recreational areas and facilities;
4. Housing. Provide a mixture and variety of housing types at different densities and levels of affordability;
5. Economy. Permit the development of existing lots which, because of physical, topographical or geological conditions, could not otherwise be developed;
6. Utilities. Facilitate the adequate and economic provision of streets and utilities.

Subdivision vs. PUD (Planned Unit Development)

PUD allows a developer to draw a "different plan within the same box"

Subdivision

- Each Lot must meet minimum Lot size
- Spreads out buildings across entire parcel
- Setbacks are "standard"



PUD

- Lots can be smaller
- Buildings can cluster together
- Setbacks are flexible
- Density bonuses might apply



602. AUTHORITY

In accordance with the Act (Section 4417), the Development Review Board may modify the area and dimensional requirements of these regulations simultaneously with approval of a subdivision plat to allow for Planned Unit Development (PUD).

603. APPLICATION AND REVIEW PROCEDURES

Initial Inquiries. Initial inquiries shall be to the Zoning Administrator who shall generally explain the review and approval process and schedule a sketch plan review meeting with the Development Review Board. The Development Review Board's review of any PUD application shall be done concurrently with any application for subdivision under the Subdivision Regulations, if applicable, and shall be governed by the rules and procedures set up in the Subdivision Regulations.

604. REQUIRED SUBMISSIONS

The site plan maps and supporting data shall include the following information presented in drawn form on a map of a scale sufficient in the Development Review Board's opinion to show the details of the project:

1. The location, height, and spacing of buildings;
2. Open spaces, and their landscaping;
3. Utilities and/or utility easements;
4. Streets, driveways, and off-street parking spaces;
5. Water systems, and sewage disposal plans;
6. Pathways or areas that have been subjected to public use in the past; 7. Unique natural or man-made features, and physical conditions of the site; 8. A statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations;
9. A statement of the purpose(s), according to Section 601 of this regulation, which the PUD is designed to fulfill;
10. Plans for the maintenance and/or management of open space set aside for agricultural, forestry or wildlife habitat;
11. Copies of any existing or proposed agreements or restrictive covenants governing the preservation or maintenance of open or common lands.

605. EXISTING PUDS

Previously approved PUDs shall continue as they were originally permitted, but any extensions, enlargements or revisions not included in the original permit shall be subject to these Regulations. Any such change to a PUD shall require a public hearing and approval by the Development Review Board.

SECTION 610: GENERAL CONDITIONS

All PUDs shall meet the following conditions:

1. Consistency. The PUD is consistent with the municipal plan, zoning regulations (except where waivers are requested) and subdivision regulations, Capital Budget and Program, if any, and any state regulations governing water and wastewater use, stormwater control, erosion control and other applicable state regulations.
2. Residential Use. The uses proposed for the project are residential or mixed residential and commercial; dwelling units may be of varied types, including one-family, two-family or multifamily construction.
3. Density. The maximum number of dwelling units shall not exceed the total number per acre as allowed in the zone in which it is located. Density exceptions considered in the Village Districts for Affordable Housing and ADA Compliant Senior Housing: See Section 630.
4. Phasing and Municipal Services. The Development Review Board may impose conditions to ensure that the phasing of the development is consistent with the Town Plan, Capital Budget and Program, if any, and Article II of these regulations and that the development will take place over a sufficient period of time that it will not place an unreasonable burden on the ability of the Town to provide municipal or governmental services.
5. Deviation from Regulations. Any deviation from the regulations approved under this section shall be noted on, or appended to the permit and the Plat. The notation on the deviation shall address specifically the standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces.
6. Integrated Treatment of Site. The PUD is an effective and integrated treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of natural, historic and scenic features (see Section 601), as well as development limitations (such as soils that are unsuitable for development).
7. Pedestrian Roadway and Circulation. The applicant shall demonstrate they have provided for adequate roadway and pedestrian circulation.
8. Shared Utilities. The developer shall coordinate the PUD design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the PUD. Such plan shall be integrated with a systematic program for distribution of service to the area around the project. Common rights-of way shall be utilized whenever possible and, when required in accordance with Section 620, the distribution systems shall be installed underground.
9. Landscaping Plan. A landscaping plan shall be provided as a part of the site plan and PUD design. The proposal shall integrate the various elements of the site design including the components such as plant materials and other materials which will be retained, as well as those which will be added to site.

SECTION 620: SPECIFIC CONDITIONS

The following site standards may be required in addition to the General Conditions for PUDs and the Specific Requirements in the district regulations in Article III:

1. Height and Spacing. Further restrictions on the height and spacing between buildings may be required.
2. Setbacks and Screening. For PUD's with significant commercial components, greater setback and screening requirement for structures and parking areas, and for other development along the perimeter of the PUD may be required. Increased setback and screening may also be required between the commercial development area and the protected resource lands in the common open space area.
3. Easements. The Commission may establish the location of the placement of the utilities in relation to the road. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements at least twenty (20) feet in width shall be provided with satisfactory access to the street. Common rights-of-way and/or easements shall be utilized whenever possible.
4. Underground Placement. The Commission may require underground utilities where economically reasonable and necessary to preserve views and open spaces.
5. Retention of Significant Natural Resources. All buildings, building envelopes, roadways, sewage disposal sites, and sewer and water lines will be located to minimize impacts on the following significant natural resources designated in the Town Plan and those protected under State law, as protected open space for their preservation or productive agricultural or forestry use:
 - a. Productive farmland, and prime and statewide agricultural soils
 - b. Productive forestlands
 - c. Scenic vistas
 - d. Open space
 - e. Recreational area
 - f. Wildlife habitat
6. Open Space
 - a. Protection of Resources. The open space land shall provide for the protection of resources on the site including agricultural land, woodland, wildlife habitat, natural areas, aquifer protection areas, views, vistas, stream banks and historic sites.
 - b. Shape and Size of Open Space. The location, shape, size and character of the open space land are suitable for its intended use.
 - c. Proportion of Open Space. The amount of open space to be provided within each PUD shall be not less than 25% in the Village, and not less than 33% in the Outlying District. Road rights-of-way and parking spaces shall not be included in the determination of the open space requirements of the section.
 - d. Relation to Adjoining Open Space. Open space land shall be located so as to conform with and extend existing and potential common open space land on adjacent parcels.

- e. Additional Protection Measures. Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through designation of building envelopes and clearing limits.
- f. Town as a Party for Protection. The Commission may require that the Town be a party to any legal mechanisms for the protection of open space.
- g. Community Agreements. When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the Commission. A prospectus shall be submitted by the developer describing this organization, its financing and membership, which must meet the requirements of the Commission (such as Home Owners Association Bylaws, or Covenants). Approval will be contingent on the Commission's receipt of final drafts of documents to be executed that will form such organization.
- h. Open/Conserved Space Management Plan. In addition to demonstrating that an organization exists to operate and maintain common areas or areas set aside for open space, recreation or the preservation of natural resources, the planning commission may require that the applicant provide a management plan describing how the resources preserved will be maintained.

SECTION 630: CONDITIONS FOR VILLAGE DISTRICT PUDS

1. Density Bonuses: Allow density bonuses for affordable housing and senior independent housing and in the Village Districts. Developers utilizing the PUD standards may receive a density bonus of up to 2 times the base density provided they agree to build to the affordable housing standards and/or the ADA Compliant Housing as contained in the Definitions of these regulations.
2. Street/Pedestrian Network. The development will promote and contribute to a logical street and pedestrian network for the village area, which provides for connections between parcels and between residential and commercial areas and for the continuation of streets and pedestrian ways.
3. Lot Layout. Lot layout shall reinforce the existing village pattern of buildings lining public streets, ways and spaces and shall enable building sites and setbacks to be consistent with current village patterns.
4. Pedestrian Ways. Pedestrian ways may include sidewalks or pathways along public streets as well as the rear of building lots.

SECTION 640: PUDS DIVIDED BY OWNERSHIP OR DISTRICT BOUNDARY

Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which could be permitted in the Development Review Board's judgment if the land were subdivided into lots in conformance with the district regulations.

1. Parcels Split by Public Way. Parcels separated by a public or private road or right of-way may be considered contiguous by the Development Review Board for the purposes of this section provided:

 - a. Their property boundaries coincide for at least 50% of the length of one side on each side of the right-of-way.
 - b. The PUD promotes the protection of significant natural resources and unique features in the Town.
 - c. The project would not result in an imbalance in the distribution of open space between the town parcels.

2. PUDS in Two Districts. The Development Review Board shall decide which specific conditions the PUD as a whole will come under, the Village District, the Transitional District or the Outlying District. The determination will be based on which district within the parcel contains the largest proportion of developable land.

ARTICLE VII: ADMINISTRATION AND ENFORCEMENT

SECTION 700: ZONING ADMINISTRATOR

701. APPOINTMENT

The Administrative Officer is hereby appointed by the Planning Commission with the approval of the Selectboard to administer the zoning regulations, as provided for in Subsection 7 of the Act. The Administrative Officer shall be known in Lincoln as the “Zoning Administrator.”

702. DUTIES

The Zoning Administrator shall enforce the provisions of these Regulations literally and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations. The Officer shall not have the power to permit any land development which is not in conformance with this Regulation or any other regulation or ordinance. The Zoning Administrator shall perform the following duties:

1. Issue Permits. Issue permits for development that conforms to the zoning regulations, and certificates of occupancy for developments that conform to their permit, and other duties associated with issuance of permits as described in Section 4449 of the Act.
2. Assist Applicants. Provide the necessary forms and answer questions about the application review process. If the applicant is applying for a variance or conditional use permit, the Zoning Administrators duties also include, but are not limited to, providing the applicant with the Lincoln Town Zoning Regulations criteria for conditional use and variance applications.
3. Make Inspections. Inspect structures or land of the development before the permit is issued to ensure site plan application is accurate as it relates to the development project and make other inspections as necessary to carry out his/her duties in the enforcement of this regulation.
4. Notify State Agencies. Notify State Agencies of development in the Municipality according to Section 4424 of the Act relating to flood hazards.
5. Maintain Records. Maintain up-to-date records of all applications for permits and Certificates of Occupancy issued or refused with notations thereon of all special conditions involved.
6. File Copies. File copies of all plans submitted to the Officer and keep the records of all action taken pursuant to these regulations.
7. Initiate Enforcement Actions. Initiate enforcement actions under these regulations. 8. Other Duties. Carry out other duties as apparent or assigned by the Planning Commission.

703. MAINTENANCE OF RECORDS IN THE FLOOD HAZARD DISTRICT

The Zoning Administrator shall maintain a record of:

1. Elevation of Lowest Habitable Floor. The elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvements to structures and whether or not such structures contain a basement; and
2. Floodproofed Elevation. The elevation, in relation to mean sea level, to which such structures have been floodproofed.

SECTION 710: APPROPRIATE MUNICIPAL PANELS

Two bodies shall constitute appropriate municipal panels in Lincoln, the Planning Commission and the Development Review Board. The Development Review Board shall be responsible for conducting quasi-judicial reviews of specific types of applications as listed below. Rules of procedures, rules of ethics, public notice requirements, requirements regarding decisions, appeals and all other matters before either appropriate municipal panel shall be established as provided by the Act and as set forth in these regulations.

711. PLANNING COMMISSION

The Town of Lincoln Planning Commission will consist of members to be appointed by the Selectboard. The Planning Commission has the following functions:

1. Prepare and update the Lincoln Town Plan every five years and amend it as necessary.
2. As needed, prepare amendments to these regulations and other regulations as permitted by 24 V.S.A. Chapter 117.
3. Appoint the Zoning Administrator with approval of the Selectboard to administer these regulations, as provided for in 24 V.S.A. § 4448

712. DEVELOPMENT REVIEW BOARD

The Town of Lincoln Development Review Board will consist of members to be appointed by the Selectboard. Any member of the Development Review Board may be removed for just cause by the Selectboard upon written charges and after a public hearing.

The Development Review Board has the following functions:

1. Hear and grant or deny appeals of actions of the Zoning Administrator.
2. Hear and grant or deny requests for Variances.
3. Hear and grant or deny Conditional Use Approval.
4. Hear and grant or deny approval for expansions of non-conforming uses and non-complying structures.
5. Hear and grant or deny approval for activities in the floodplain.
6. Hear and grant or deny requests for Waivers.
7. Hear and grant or deny approval to modify district requirements under the Planned Unit Development provisions of these Regulations.
8. Hear and grant or condition approval of Site Plan applications.

9. Any other form of land use request for which it is the appropriate panel as authorized by these regulations and 24 V.S.A. §4460.
10. Review requests for rights of way, or other changes requested to plats of record.

If more than one review is required, for a project, the reviews, to the extent feasible, shall be conducted concurrently.

713. LIMITATIONS

Except as provided herein, the Development Review Board does not have the power to amend, alter, or invalidate or affect any development plan, by-law, regulation, rule, or ordinance of the Town of Lincoln or the implementation or enforcement thereof.

714. ENFORCEMENT

These Regulations shall be enforced in accordance with Sections 4444 and 4445 of the Act. Violations of these regulations shall be regulated as prescribed in 24 V.S.A. §4451 and §4452 of the Act, as they may be amended from time to time.

715. PENALTIES

Penalties may include fines up to the amount listed in the statute at the time of the offense (Currently up to \$100 per day, per offense, doubled in the event of default), injunctive action or any other remedy the town may lawfully seek under the statute.

1. Levying Fines. No action may be brought under this section unless the Zoning Administrator has provided the alleged offender at least seven (7) days warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance within the next succeeding twelve (12) months after an original seven-day notice period had been provided for a previous offence.
2. Seven Day Notice. The seven-day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within seven (7) days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.
3. Separate Violations. Each day that a violation is continued shall constitute a separate offense.
4. Collection of Fines. All fines collected for the violation of these regulations shall be paid over to the Town of Lincoln.

716. ENFORCEMENT- REMEDIES

If any development or use is in violation of these regulations the Zoning Administrator may institute any appropriate action to prevent, restrain, correct or abate such development or use on behalf of the Town of Lincoln

SECTION 720: PUBLIC NOTICE AND REVIEW PROCEDURE

The applicant shall submit to the Zoning Administrator, at least 25 days prior to the regular meeting of the Development Review Board, three (3) copies of those materials required by the appropriate section of these regulations governing the type of action requested:

Conditional Use: See Section 730

Appeal: See Section 740

Variance: See Section 750

Waivers: See Section 760

Site Plan: See Section 770

Other: See Section 780

Subdivision: See Subdivision Regulations

1. **Notice procedures:** All development review applications or appeals before the Development Review Board shall require notice of a warned public hearing as follows:
 - a. Public Notice of hearings for conditional use review, variances, appeals of decisions of the Zoning Administrator, and final plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing by all the following:
 - i. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Zoning Administrator or clerk of the Development Review Board shall place the notice in the paper.
 - ii. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c) (2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The clerk shall post notices in two places within town. The applicant shall be responsible for posting the property.
 - iii. Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The applicant shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. At the first hearing, the applicant shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent too and the certificate of mailing demonstrating that the letters were sent (The applicant need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered.
 - b. Public Notice of Hearings on **all other types of development review**, including site plan review shall be given not less than **7 days** prior to the date of the public hearing, and shall include, at a minimum all the following:

- i. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in compliance with the notice requirements for special meetings contained in 1 V.S.A. § 312(c)(2); The clerk shall post notices in two places within town. The applicant shall be responsible for posting the property.
 - ii. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The applicant shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. At the first hearing, the applicant shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent too and the certificate of mailing demonstrating that the letters were sent (The applicant need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand delivered.
- 2. Review Procedures.** Pursuant to the requirements of 24 V.S.A. § 4461, for development review and §4468 for appeals, the Development Review Board shall set a date and place for a public hearing of an application or an appeal under this chapter that shall be within 60 days of the filing of a complete application or the notice of appeal with the Development Review Board. The Development Review Board shall give public notice of the hearing pursuant to the procedure described in Subsection 1 of this section and shall mail to the applicant, or in the case of appeals, the appellant, a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by Section 4465 of the Act to participate as an interested party or to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The Development Review Board may adjourn the hearing from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810, Vermont Statute.
- 3. Decisions.** The Development Review Board shall issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal within 45 days after completing the hearing and shall within that period send the applicant or appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Zoning Administrator and the town clerk who shall record the decision as a public record. If the Development Review Board fails to make a decision within 45 days, on the 46th day the Appropriate Municipal Panel shall be deemed to have rendered a decision in favor of the applicant.

SECTION 730: CONDITIONAL USES

731. GENERAL STRUCTURE

The Zoning Administrator shall not issue a Zoning Permit for any use or structure that requires conditional use approval or for the expansion or enlargement or change in use of an existing conditional use until the Development Review Board (DRB) grants such approval. Uses requiring conditional use approval are listed Article III in the sections governing each zoning district. The DRB shall make findings on general and specific standards, hold hearings and attach conditions, if any, as provided for in 24 V.S.A. § 4414(3) of the Act and all applicable sections of these regulations. Per Section 4413 of the Act, the Development Review Board may only conduct a limited review of certain “public” uses. When public uses listed in Section 4413 are proposed within Lincoln, the Development Review Board shall review those uses pursuant to the criteria and procedures established in this section, but modified to comply with the statutory requirements and intent of Section 4413.

732. EXISTING CONDITIONAL USES

Uses listed as conditional uses which existed prior to the effective date of these Regulations shall conform to all requirements herein pertaining to conditional uses with respect to a change in use, expansion or contraction of land area, or alteration of structures.

733. APPLICATION FOR CONDITIONAL USE APPROVAL

The applicant shall submit to the Zoning Administrator, at least 25 days prior to the regular meeting of the Development Review Board, three (3) copies of a letter summarizing the proposed conditional use which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision including: property identification numbers of the property taken from the latest tax records; Name and address of the owner of record and the owners of adjoining lands; Name and address of person or firm preparing the map; Scale of Map of at least 1”=200’, north point and date. In addition to the information noted above, the Development Review Board may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions.
2. Site plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure (For Commercial structures only).
5. A description of the hours of operation and a plan demonstrating measures the applicant plans to take to reasonably mitigate any impacts (noise, dust, odor, etc.) the proposed use may have on surrounding properties.
6. Other information as requested by the Development Review Board

734. PUBLIC NOTICE AND REVIEW PROCEDURE

The Development Review Board shall give public notice of hearing as specified in Section 720(1) (a) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 720(2) of these Regulations and pursuant to any rules of procedure it adopts.

735. GENERAL CRITERIA FOR REVIEW

When determining the appropriateness of a proposed conditional use, the Development Review Board shall determine that the development or use will not result in an undue adverse impact on any of the following:

1. Capacity of Community Facilities. The capacity of existing or planned community facilities. A conditional use shall not overburden or exhaust existing or planned municipal facilities or services.
2. Character of the Area. 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 municipal plan. A conditional use may not, by its nature, scale, or conduct cause an undue adverse change to the character of the area, as the area would exist if fully developed in accordance with the municipal plan.
3. Offsite Traffic Impacts. The applicant shall demonstrate that the estimated traffic generated by a conditional use shall not, in combination with other uses, exceed the road capacity or create excessive traffic on roads and highways in the vicinity of the proposed use. The Development Review Board may require a traffic study to determine whether the capacity of the road will be exceeded or traffic will be excessive. Where the capacity of the road to accept increased traffic is limited, the conditional use shall not exhaust or exceed the remaining capacity of the road, unless the applicant agrees to a condition requiring the applicant to upgrade the road. The proposed project shall have adequate traffic access and shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities and the Applicant shall secure an access permit from the appropriate body controlling the roadway that the proposed use abuts and will use for access.
4. Compliance with Regulations. The Applicant shall demonstrate that the proposed conditional use complies with bylaws and regulations in effect at the time of submission of the application.
5. Renewable Energy Resources. The Applicant should demonstrate that the proposed conditional use will not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water and sunlight) for energy generation.

736. SPECIFIC CRITERIA FOR REVIEW (SITE PLAN CRITERIA*)

Specific Standards. As a result of the review of the general criteria listed in Section 735, the Development Review Board may make such additional requirements as it deems necessary with respect to the following specific standards. Many of the standards below may be appropriate for commercial development, but not for residential or other non-commercial

development to conditional use review. The Development Review Board shall have the sole discretion to determine what criteria it may waive:

1. Onsite Vehicular Safety. The Applicant shall demonstrate that onsite capacity exists for vehicles to circulate safely on the site and that the site contains parking, and loading facilities that conform to the standards contained in Article VI, Sections 530-534 of these regulations.
2. Adequacy of landscaping, screening or setbacks. The Applicant shall demonstrate that they have complied with, exceed or, if applicable, received a waiver (through PUD proceedings or otherwise) for the setback requirements contained in the appropriate section of Article III of these regulations. Applicant shall also demonstrate that their site plan complies with the Viewshed Overlay Criteria in Sections 410-413 and that they have incorporated landscaping features (trees, shrubs, fences, walls, gardens, open space, etc.) designed to reduce any impacts their use of the property might have on the surrounding area and that the landscaping or design will enhance the appeal of the use proposed. The outdoor storage of trash shall be screened or hidden from public view and the view of persons in residential districts.
3. Building Design. The Applicant should demonstrate how the structure they are proposing fits within and adds to the character of the area in which it is proposed. a. Applicants are encouraged to preserve existing historical structures in Lincoln and to renovate and reuse them, including any significant architectural features each may exhibit. Renovations and re-use may include adaptive renovations, but the burden shall be on the applicant to demonstrate why any significant features (Windows, roofing, cornices, doors, siding) are being concealed or eliminated. b. New construction is encouraged to be compatible in design, scale, mass, height and architectural features of the significant buildings within the immediate area. Buildings need not be replicas of 19th century architecture, but should complement the designs and features of neighboring architecture. c. Applicants shall demonstrate that they incorporated reasonable energy conservation measures for commercial structures into the structures proposed.
4. Freedom from flooding and ponding. Applicant shall demonstrate that they comply with all stormwater requirements of the State of Vermont and have adequately addressed drainage on the site so as not to create ponding on or off the site and that they have not rerouted the flow of storm or surface water so as to cause ponding or flooding problems for neighboring properties.
5. Exterior lighting. The Applicant shall demonstrate that the lighting they have proposed conforms to the standards contained in Section 412(3) of these regulations. Additionally, commercial or industrial outdoor lighting fixtures, if proposed or required, shall be of a shielded, downward directed design that do not cast direct illumination outside of a cone having a maximum angle measured from the vertical of sixty (60) degrees. The maximum mounting height shall be thirty (30) feet, and the maximum allowable initial lumen level shall be 15,000. Streetlights shall be located to illuminate intersections, but shall not obstruct vision or otherwise create a vehicular safety hazard.

6. Grading. No grading, cut or fill shall be carried out which leaves the slope of the finished grade in excess of one to two. A steeper grade may be permitted if a soil erosion and sediment control plan is submitted and found to be acceptable by the Development Review Board.
7. Size, Location and Design of Signs. Applicant shall demonstrate that a proposed conditional use shall comply with the sign dimensional and lighting standards outlined in Sections 540-542. The Development Review Board may also impose additional requirements on signs as it deems necessary to protect the character of the area as defined in the Lincoln Town Plan.
8. Impacts to Adjoining Uses. The Applicant shall demonstrate that the use proposed will not generate obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot. Any uses generating any of the impacts noted above shall supply the Board with an operational plan demonstrating measures the Applicant will undertake to reasonably mitigate impacts of the use on surrounding properties.
9. Outside Displays. Applicants shall not utilize outside displays, except those that are brought in at the end of the business hours and are the actual product of the business, except as specifically permitted in the district regulations.
10. Storage of Goods. The Development Review Board may require that the storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished be inside a building or behind an approved screen.
11. Sufficient Water and Sewage. The Applicant shall demonstrate that the proposed project will have sufficient water and sewage disposal capacity available for its needs.
12. Fire, Explosive or Other Safety Hazards. No fire, explosive, or safety hazard shall be permitted which, in the judgment of the Development Review Board, after consideration of the advice of the Town fire officials significantly endangers other property owners or emergency personnel. All explosives or other hazardous materials allowed to be stored on the site shall be located in such a manner as necessary to comply with setbacks from the property line or other State of Vermont. Department of Fire Safety rules or regulations governing their storage or use. If applicant proposes uses involving explosive or hazardous material storage in capacities necessary to comply with reporting requirements for facilities under the federal SARA Title III, Tier II regulations, the applicant shall clearly depict the area of storage on the site plan and demonstrate that adequate measures will be taken to ensure the safety of people and property in proximity to the materials.
13. Effect on Visual, Natural and Historic Assets of the Community. The Development Review Board shall specifically determine, where applicable, that the proposed project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, or historic sites; or important wildlife habitat or rare or irreplaceable natural areas identified in the Town Plan or in State law.
14. Hours of Operation. Hours of operation should be limited to standards for similar enterprises and are generally encouraged to not begin earlier than 7:00 a.m. and end by 9:00 p.m. The Applicant shall be required to demonstrate why longer hours are necessary.

15. Other Factors. Such other factors as the zoning regulations include.

16. Other Specific Standards for Special uses. Other even more specific standards for uses including Gravel Pits, the River Erosion Hazard Area and Flood Hazard areas are treated separately in Article IV or Sections 737 of these regulations.

* **This is the same criteria used for Site Plan Review, Section 774.**

737. ADDITIONAL CRITERIA FOR THE REVIEW OF GRAVEL PITS In order to find that any sand and gravel operation will satisfy the General Criteria listed in Section 735, the Board shall specifically determine, where applicable, that the proposed project will satisfy the specifically listed criteria below.

1. Before approval of any new sand or gravel operation, or extension thereof, a performance bond shall be secured from the applicant to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of the plan.
2. After excavation activities have been completed, the excavation site shall be restored. The excavation operation sites shall be graded smooth and left in a natural condition. Cut slopes and spoil banks shall not be allowed to remain. Finish slopes in restored areas shall not exceed 25 percent, unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. Under no circumstances shall a finished slope exceed 50 percent. Finally, the entire excavation site shall be fertilized, mulched and reseeded, subject to inspection by the Zoning Administrator, so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion.
3. All surface drainage affected by excavation operations or stockpiles shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control drainage of water shall conform to engineering plans for the site and meet with the approval of the Zoning Administrator.
4. No excavation or blasting shall occur within two hundred feet of any street or other property line. In addition, no excavation, blasting, or processing activities shall be undertaken outside of reasonable operating hours determined by the Development Review Board. More restrictive operating limitations may be established if residential structures are located within close proximity to the excavation site.
5. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
6. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Zoning Administrator.
7. Extension of an existing non-conforming operation shall not be permitted.
8. Stripping or removal of topsoil for sale or for use on any parcel other than the parcel from which it was stripped or removed shall be prohibited, unless such topsoil was

removed for the construction of a building on the premises in accordance with an approved site plan or zoning permit and is not needed on the site.

9. No excavation activities shall be permitted to occur on more than five acres of the entire excavation site at any one time. Excavation or additional five-acre sites shall be permitted only after the applicant has demonstrated to the Zoning Administrator that the exhausted site has been restored to a natural state (except those portions of slopes of the exhausted site which are immediately adjacent to the next excavation area and would be affected by the proposed future excavation activities) in accordance with the conditions of the initial permit.

10. The Development Review Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

738. DECISIONS

Upon the close of the hearing, the Development Review Board shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in subsection 3 of Section 720 of these regulations.

739. PERFORMANCE BONDS

The Development Review Board may require that the Applicant furnish the town with a performance bond up to the value of the cost of the work/improvement to be guaranteed by such bond for work benefiting or to be owned by the Town. as set forth in 24 V.S.A. § 4440 of the Act in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the Development Review Board and as set forth in these regulations. The Development Review Board may determine the amount of the bond or certified check based upon the recommendations of a professional architect/engineer hired by the town.

SECTION 740: APPEALS TO THE DEVELOPMENT REVIEW BOARD

Appeals of any decision of the zoning administrator shall be made to the Development Review Board. The Development Review Board shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in 24 V.S.A. § 4465, 4466, 4468, and 4470.

741. DEADLINE FOR APPEAL

An appeal taken with respect to an act or decision of the zoning administrator must be filed within 15 days of such act or decision.

742. INTERESTED PERSON

Only an “interested person” as defined in Section 1100 of these regulations and by 24 V.S.A. §4465(b) may appeal the decision or action of the zoning administrator under these regulations.

743. NOTICE OF APPEAL

The appellant shall file a notice of appeal, including the fee, with the Zoning Administrator. A notice of appeal shall not be considered complete until all fees have been paid to the Town of

Lincoln. The Zoning Administrator shall forward the completed application with the date of completion clearly indicated on it to the Secretary of the Development Review Board. The following information shall be included as part of the submittal:

1. Name and address of the appellant;
2. Names and addresses of the applicant, co-applicant or any person party to the original application;
3. A detailed description of the property from which the appeal is taken, including a map of that property, draw to scale and depicting the boundaries of the parcel and all important features, including roads, buildings; stormwater, water, wastewater, electric or other infrastructure; important natural features and other information relevant to the appeal;
4. A reference to the regulatory provisions applicable to that appeal;
5. The relief requested;
6. The grounds as to why the relief requested is proper under the circumstances; and
7. A complete list of all adjoining landowners to the property subject to the appeal;

744. PUBLIC NOTICE AND REVIEW PROCEDURES

Public notice of hearing shall be given as required by Section 720(1) (a) of these regulations. The Development Review Board shall review all appeals pursuant to the procedure established in Section 720(2) of these regulations.

745. DECISIONS

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 720 of these regulations.

SECTION 750: VARIANCES

Requests for variances shall be made to the Development Review Board pursuant to the procedure outlined below.

751. APPLICATION

The applicant shall submit to the Zoning Administrator, at least 25 days prior to the regular meeting of the Development Review Board, three (3) copies of a letter summarizing the proposed variance which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision, including property identification numbers of the property taken from the latest tax records; Name and address of the owner of record and those of adjoining lands; Name and address of person or firm preparing the map; Scale of Map, north point and date.

In addition to the information noted above, the Development Review Board may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.

2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Development Review Board.

752. PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as required by Section 720(1) (a) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 720(2) of these Regulations and pursuant to any rules of procedure it adopts.

753. REVIEW CRITERIA

The Development Review Board shall review all variance requests to determine if they can meet **all** of the following standards:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to this condition and not the circumstances or provisions of the bylaw in the district in which the property is located;
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is necessary to enable the reasonable use of the property.
3. Unnecessary hardship has not been created by the appellant;
4. The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable resources or be detrimental to the public welfare;
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.

Please see 24 V.S.A. § 4469 for more information or for matters dealing with variances relating to renewable energy resource structures.

754. VARIANCES IN THE FLOOD HAZARD ZONE

Variances to build within the Flood Hazard Zone shall be granted by the Development Review Board only upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

755. REQUIRED NOTIFICATION

The Clerk of the Development Review Board shall notify the applicant that the issuance of the variance to construct a structure below the base flood level may result in the following consequences:

1. Will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25 for \$100 of insurance coverage.
2. Will increase risk to life and property.

756. RECORD KEEPING AND REPORTING

The Clerk of the Development Review Board shall:

1. Maintain a record of all variance actions, including justification for their issuance.
2. Report such variances issued to the Administrator upon request.

757. DECISION

The Development Review Board shall make its decision on the request for variance by applying the facts presented in the application and at hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 720 of these regulations.

758. CONDITIONS

In approving a project, the Development Review Board shall act to ensure, and may impose conditions requiring that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any variance and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

SECTION 760: WAIVERS

As an alternative to the Variance procedures noted above, Applicants may apply for site waivers of dimensional pursuant to the criteria below:

761. APPLICATION

The applicant shall submit to the Zoning Administrator, at least 25 days prior to the regular meeting of the Development Review Board, three (3) copies of a letter summarizing the proposed waiver which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision, including property identification numbers of the property taken from the latest tax records; Name and address of the owner of record and those of adjoining lands; Name and address of person or firm preparing the map; Scale of Map, north point and date.

In addition to the information noted above, the Development Review Board may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.
2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Development Review Board.

762. PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as required by Section 720(1) (b) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 720(2) of these Regulations and pursuant to any rules of procedure it adopts.

763. REVIEW CRITERIA

The Development Review Board may grant waivers to reduce dimensional requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
2. The waiver requested is in conformance with the town plan and the goals set forth in Section 4302 of the Act.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon one's neighbors.
4. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon one's neighbors.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.

764. DECISION

The Development Review Board shall make its decision on the request for waiver by applying the facts presented in the application and at hearing to the criteria listed above, and incorporating all into its decision. Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 720 of these regulations.

765. CONDITIONS

In approving a project, the Development Review Board shall act to ensure, and may impose conditions requiring that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any waiver and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

SECTION 770: SITE PLAN REVIEW

SECTION 771: GENERAL STRUCTURE

Any Site Plan Review shall be reviewed under the procedure immediately below. Unlike Conditional Use approval, Site Plan approval assumes that the use proposed is appropriate for the district in which it is located. As such, Site Plan review focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area. Site Plan review cannot be used to deny a project in the same way that conditional use criteria would. However, the Development Review Board may place conditions on any approval it gives to implement the objectives of the Town Plan. The Development Review Board shall apply the Specific Standards in Section 736 as its Site Plan review criteria and may impose appropriate conditions within any permit it chooses to grant under those reviews.

SECTION 772: APPLICATION FOR SITE PLAN

The owner shall submit one (1) set of plan maps and supporting data to the appropriate municipal panel, by delivering the application to the Z.A. or filing the application at the Town Clerk's office. The application shall include the application requirements from Section 733 of these Regulations that specifically relate to the Site Plan Review criteria.

SECTION 773: PUBLIC NOTICE AND REVIEW

Public notice of hearing shall be given as specified in Section 720(1)(b) of these Regulations if conducted independently or under Section 720(1)(a) if conducted as a portion of a Conditional Use review. The Development Review Board shall review this application pursuant to the review procedure established in Section 720(2) of these Regulations and pursuant to any rules of procedure it adopts.

SECTION 774: SITE PLAN REVIEW CRITERIA

The Development Review Board may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking for vehicles and pedestrians, landscaping and screening, exterior lighting, signs, hours of operation, design criteria for the exterior of the building proposed and protecting the utilization of renewable energy resources as specified in the criteria contained in Section 736 of these regulations. For other types of review, the Development Review Board may include other criteria specifically enabled within these Regulations.

SECTION 775: DECISIONS

Upon the close of the hearing, the Development Review Board shall issue its decision or pursuant to the procedure outlined in Section 720(3) of these Regulations. In approving a project with conditions, the Development Review Board may require specific modifications to the design, scale, layout and/or design or configuration of the project.

SECTION 776: APPEALS TO THE ENVIRONMENTAL COURT An “interested person” who has participated in a proceeding before the Development Review Board may appeal a decision rendered in that proceeding to the Environmental Court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Development Review Board shall be taken in such a manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801 - 816. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

SECTION 780: OTHER APPLICATIONS

781. GENERAL CONDITIONS

Any other applications or uses that require approval of the Development Review Board, but are not specifically listed shall be reviewed under this procedure.

782. APPLICATION

The owner shall submit three (3) sets of site plan maps and supporting data to the Development Review Board, which shall include the following information, presented in drawn form and accompanied by written text:

1. Property identification numbers of the property taken from the latest tax records; Name and address of the owner of record and the owners of adjoining lands; Name and address of person or firm preparing the map; Scale of Map, north point, and date.
2. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use, and deed restrictions.
3. Site plan, showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.

4. Construction sequences and time schedules for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
5. A description of energy utilization and conservation measures for each heated structure.

783. PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as specified in Section 720(1) (b) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 720(2) of these Regulations and pursuant to any rules of procedure it adopts.

784. REVIEW CRITERIA

The Development Review Board may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and protecting the utilization of renewable energy resources.

The Development Review Board shall review the plan map and supporting data, taking into consideration the following objectives, before approval with or without stated conditions, or disapproval, is given:

1. Safety of vehicular circulation between the site and the street network.
2. Adequacy of circulations, parking, and loading facilities, with particular attention to safety.
3. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.
4. Freedom from flooding and ponding.
5. Adequacy of landscaping and screening with regard to the potential shading of the most southerly facing wall and/or roof of adjacent buildings.

785. DECISIONS

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 720 of these regulations. In approving a project with conditions, the Development Review Board may require specific modifications to the design, scale, layout and/or design or configuration of the project.

SECTION 790: APPEALS TO THE ENVIRONMENTAL COURT

An interested person who has participated in a proceeding before the Development Review Board may appeal a decision rendered in that proceeding to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Development Review Board shall be taken by filing a notice

of appeal as outlined below. Appeals from the Development Review Board shall be governed in the same manner as appeals from state agencies outlined in 3 V.S.A. Sections 801 through 816 governing administrative procedures.

Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the zoning administrator, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

ARTICLE VIII: DEFINITIONS

SECTION 800. DEFINITIONS

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word “shall” is mandatory; “occupied” or “used” shall be considered as though followed by “or intended, arranged or designed to be used or occupied.”

“A” ZONE: A special flood hazard area inundated by the 100-year flood level (See “Area of Special Flood Hazard”).

ABUTTING LAND OWNER: A person who owns land in fee simple if that land: Shares a boundary with the tract of land where a proposed or actual development or subdivision is located; or is adjacent to a tract of land where a proposed or actual development or subdivision is located and the two properties are separated only by a river, stream or public highway.

ACCEPTABLE MANAGEMENT PRACTICES: The publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as most recently revised.

ACCEPTABLE BUILDING OR USE: A structure or use that is located on the same lot as the principal use, and that is clearly incidental to and customarily found in connection with the principal building or use. The accessory structure or use is subordinate to and serves the principal building or a principal use. It should also be subordinate in area, extent, or purpose to the principal building or use served.

ACCESSORY DWELLING UNIT: A dwelling unit located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency, one or two-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity to satisfy state regulations.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 1,000 sq. feet, whichever is greater.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

ACCESSORY USE OR BUILDING: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and in ground swimming pools or other structures that are incidental to the residential use of the premises and not operated as a commercial enterprise.

ACT, THE: The words “the Act” shall mean Title 24, Chapter 117 of the Vermont Statutes.

AFFORDABLE HOUSING: Housing which is available at a cost of no more than 30% of a household’s gross annual income when some income is “very low,” “low,” or “moderate” for the county. Housing costs for renters include: rent and utilities, including heat, hot water, garbage collection and disposal, and electricity or lights. Housing costs for homeowners include: principal, interest, property taxes and insurance. “Very low” income means income that is equal to or below 50% of the median income for the county adjusted for size of family. “Low” income means income that is equal to or below 80% of median income for the county adjusted for size of family. “Moderate” income means income that is equal to or below 100% of median income for the county adjusted for size of family. Median income for the county is regularly updated with US Census data.

AGRICULTURE: Raising livestock, growing agricultural products, processing or storage of agricultural products raised on the property, cultivation of soil including: dairying, orchards, woodlots, forestry, maple sugaring, raising of crops, poultry, livestock, fish or nursery stock.

AGRICULTURAL USE OR FARMING: Land or structure used for raising livestock, growing agricultural or forest products or nursery stock, storing agricultural equipment, or, as an accessory use, selling agricultural products or nursery stock raised on the property, pursuant to the definition of farming contained in 10 V.S.A. §6001(22).

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A Zone designation on the FIRM, or, in the absence of the FIRM, on the FHBM. It does not include Zones B and C.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any carport, porch, terrace, deck, or steps covered overhead, and includes a camper or other structure used more than 14 days consecutively or collectively, during the year, as a dwelling.

BUILDABLE ENVELOPE: That portion of the lot that remains available for location of structures after all setbacks and other applicable regulatory limitations have been satisfied.

BUILDING HEIGHT: The vertical distance to the highest point of the roof, measured from the average finished grade at the foundation of the building.

BUSINESS AND PROFESSIONAL OFFICES: A Building or portion of a building where services are performed involving predominately administrative, professional, or clerical operations.

CAMPER: Any motorized or unmotorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes a camper body mounted on a truck, and excludes mobile homes.

COMMUNITY FACILITY: Any state or community owned institutions and facilities, public and private schools or other educational institutions certified by the State Department of Education; churches and other places of worship, convents or parish houses; and public and private hospitals.

COMPLETE APPLICATION: An application containing all information required under Section 504, which is submitted to the proper location according to Section 505, and for which all permit fees have been paid to the Town.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

CONDITIONAL USE: Use which may be permitted only by approval of the Development Review Board after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in this Regulation and not result in an undue adverse effect on the area in question and pursuant to Section 4414 of the Act.

CONCLUSIONS OF LAW: A determination of the Board or Commission as to the application of the relevant law to the particular facts of the individual case before it (see also Findings of Facts).

CORNER VISIBILITY: In order to provide a clear view to motorists at the intersections of streets and/or driveways, a triangular area of clear vision formed by the two intersecting streets shall be maintained free of fences and opaque vegetation. The triangular area shall be formed starting at the intersection of the street center lines, and then measuring out to a point on each street centerline located twenty-five (25) feet from the intersection. The area is also bounded by a third line connecting the two points on the streets.

DAY CARE OR FAMILY CHILDCARE HOME OR FACILITY: A family childcare home or facility means a home or facility where the owner or operator is licensed or registered by the state for childcare. A family childcare home serving not more than six children shall be considered to constitute a permitted single-family residential use of property. A family childcare home serving not more than six fulltime children and four part-time children, as defined in subdivision 33 V.S.A. §4902(3)(A), shall also be considered a permitted single family residential use. A family childcare facility serving more than 6 fulltime and four part time children shall be subject to the portion of Article III of these regulations governing the uses allowed in each district.

DENSITY BONUS: Additional dwelling units allowed, in addition to base units, due to development of affordable and/or senior/ADA compliant housing. See Section 315 and Section 630 of these regulations.

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

DRIVEWAY: A private access road for vehicular travel serving up to three residences and related accessory units.

DWELLING UNIT (DU): Building or part thereof used as an independent living quarters for one family.

DWELLING, ONE-FAMILY (also DWELLING, SINGLE FAMILY): Detached building use as living quarters by one family.

DWELLING, TWO-FAMILY: Building used as a living quarter by two families living independently of each other.

DWELLING, MULTI-FAMILY: A building used as the living quarters of three or more families, in separate dwelling units, including but not limited to apartments, flats and condominiums.

FAMILY: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

FEE SIMPLE: Ownership of property free of any condition, limitations or restrictions.

FEMA: Federal Emergency Management Agency.

FENCE: Structure, vegetation or any combination of materials used primarily for enclosure or screening.

FHBM: Flood Hazard Boundary Map. An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The FHBM is issued before the FEMA has conducted a flood study of the community.

FINDINGS OF FACT: Factual determinations about a case made by the Commission or Board, which has heard it, based upon the evidence that was presented to it.

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

applicable to the community. A FIRM is issued after the FEMA has conducted a flood study of the community.

FLOODWAY: The channel of a river or other water course 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.

FLOODPROOFED OR FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FORESTRY: The practice of developing, managing or maintaining forested land using accepted silvicultural practices for the purpose of either conserving an existing stand of trees or for growing trees for harvest.

FOREST USE: Land or structure used for Forestry.

GROUP HOME: A residence for persons requiring care or supervision. A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property.

HOME INDUSTRY: A commercial or light industrial use that is housed in an accessory building to a residential dwelling.

HOME OCCUPATIONS: Accessory use conducted within a minor portion of a dwelling or an accessory building by the residents thereof, which is clearly secondary to the residential uses, is customary in residential areas, and does not adversely impact the character of the area.

INDUSTRIAL USE: Includes both light and heavy industry. **Heavy Industry:** a use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions. **Light Industry:** a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products (differentiated from heavy industry by the exclusion of basic industrial processing).

INTERESTED PARTIES: Persons as defined in Section 4465 of the Act.

LAND DEVELOPMENT: See Development.

LANDSCAPING PLAN: A plan that shows 1) the existing plantings and natural features (such as boulders, rock outcroppings, bodies of water and areas of general vegetation); 2) the

number, type and size of trees, shrubs and ground cover to be planted, their placement and maintenance approach; 3) other landscaping elements such as walls, fences or outdoor furniture and their construction details;) existing vegetation is to be retained, indicating the methods that will be used to protect the existing growth (such as fences, berms, curbing and tree wells).

LODGING FACILITIES: A building, or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers, let at a daily or weekly rate (such as but not limited to inn, bed and breakfast, hotel, motel, lodge, conference center, hostel, resort and tavern). May also offer additional services such as restaurants, meeting rooms and recreational facilities.

LOT: A lot is a parcel of land under individual ownership. It shall be of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, to provide such yards and other open spaces as are required under these regulations, and to meet town health regulations. A lot shall be occupied by one principal building or structure or used together with any accessory building or open space. A lot shall have frontage on an improved public road, or other means of access approved by the Development Review Board.

LOT COVERAGE: The percentage of a lot's area that may be covered by buildings and structures (both principal and other structures).

LOT SIZE: The total contiguous area within the lot lines, calculated by horizontal projection. **LOT LINE:** Property lines bounding a lot.

FRONT: Any lot line separating a lot from an existing or proposed public road or highway. This line coincides with the street property line or right-of-way line.

FRONTAGE: Length of the front line of a lot.

SIDE: A lot line that is neither the front lot line nor a rear lot line.

REAR: A lot line opposite and most distant from the front lot line. There is no rear lot line on a corner lot.

MOBILE HOME/MODULAR HOME/ PREFABRICATED HOME: A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placement on supports or foundation. Mobile/modular/pre-fabricated homes shall be treated in the same manner as comparable, conventional homes. No provision of these regulations shall have the effect of precluding mobile/modular/prefabricated homes, except on the same terms and conditions as conventional housing.

MOBILE HOME PARK: Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes.

MINIMUM LOT SIZE: The smallest sized lot allowed to be created under these regulations.

MINOR PORTION OF A DWELLING: Less than 50% of the floor space of the residential floors, excluding attics, cellars and outbuildings that may be used for the proposed use.

MOBILE HOME: A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections to utilities, and placement on supports or foundation. Mobile Homes will be considered as individual dwelling units and as such are subject to all the provisions of these Regulations.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this ordinance, not governed by a pre-existing permit.

NON-CONFORMING USE: Use of land or structure that does not comply with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a parcel improperly authorized as a result of error of the Zoning Administrator.

NON-CONFORMING STRUCTURE: Structure not conforming to the Zoning Regulations for the district in which it is located, where such structure conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a structure improperly authorized as a result of error of the Zoning Administrator

OPEN SPACE: Lands set aside to meet the purposes of Section 601 such as park, recreation, agriculture, forestry, wildlife habitat, natural areas, aquifer protection areas, stream bank protection, or municipal purposes.

PARKING SPACE: Off-street space used for the temporary location of one licensed motor vehicle, such space being at least nine (9) feet wide and twenty (20) feet long not including access driveway, and having direct access to a road. A parking space shall be accessible to the street with not more than one backing/turning movement, without requiring other cars to be moved, with a minimum of a sufficient gravel surface to permit year-round use.

PERMITTED USE: A use which shall be allowed upon approval of the Zoning Administrator after determining that such use is specifically allowed in the district, excluding illegal uses and non-conforming uses (see Conditional Uses).

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

PLANNING COMMISSION: (Also called the Commission): The Lincoln Planning Commission established in accordance with Section 4321 of the Act.

PLANNED UNIT DEVELOPMENT (PUD): An area of land that is planned and developed as a single entity for a number of dwelling units, either a single development operation or in phased stages. Dwelling units may be clustered to take advantage of site locations best suited for development and to preserve open space values. A Planned Unit Development includes principal and accessory structures and uses substantially related to the character and purposes listed in Section 601. See Section 4417 of the Act and Section 600 of these Regulations for a complete description of PUDs and the general and detailed plans that are required for approval.

PRINCIPAL STRUCTURE: A structure or building in which the main, primary, or principal use of the property (on which it is located) is conducted. Attached garages, porches or carports are part of the principal building. Any building providing sleeping quarters is a principal building.

PREEXISTING: A structure or use that lawfully exists on the effective date of this regulation or amendment.

PUBLIC AND INSTITUTIONAL USE: Any of the following shall be considered public or institutional uses, subject only to those provisions of these regulations as listed in Section 515: 1. State or community owned and operated institutions and facilities.

2. Public and private schools and other educational institutions certified by the state Department of Education.
3. Churches and other places of worship, convents and parish houses.
4. Public and private hospitals.
5. Regional Solid Waste Management Facilities certified under 10 V.S.A. Chapter 159.
6. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under Section 6606(a) of Title 10.

RECREATION, INDOOR: A recreational use operated entirely within an enclosed building (e.g., arcade, arena, bowling alley, pool hall, health club, etc.). **RECREATION, OUTDOOR:** A recreational use conducted primarily in the open or in partially enclosed or screened facilities (e.g., athletic fields, sports courts, tracks, trails, etc., excludes shooting and motorized sports).

RESIDENTIAL USE: One-family dwelling, two-family dwelling or multiple-family dwelling.

RIVER OVERLAY AREA: Land <25 feet from the top of Bank of all Streams including intermittent or seasonal streams, land <35 feet from all streams or rivers from the location where it begins to drain an area of greater than 10 square miles and the land overlay area adjacent to stream channels subject to river erosion processes or other channel adjustments as delineated on the current Lincoln Zoning Map.

SCALE: (as used in Section 730): Of a similar size and height and intensity of use compared to surrounding development.

SCREENING: A device or material used to conceal one element of a development from other portions of the development, or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque, or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms, or plantings.

SELECTBOARD: The Legislative Body of the Town.

SETBACK: The required horizontal distance that a building or other structure must be from lot lines or other features specified in this Regulation.

FRONT SETBACK: The required setback of a structure or use from the road right-of-way.

REAR SETBACK: The setback required from a rear lot line.

SENIOR INDEPENDENT HOUSING/ ADA COMPLIANT: Independent living housing designed exclusively for older adults, generally those aged **55** and over. Housing can be apartment-style living to single-family detached homes. **Density bonuses allowed.**

SHORT TERM RENTAL: A “short-term rental” is a rental of sleeping accommodations that is for less than thirty consecutive days. Vermont Rooms and Meals tax apply.

SITE PLAN REVIEW: Site Plan Review constitutes a review by the Development Review Board of a specific application that constitutes a permitted use within the district in which it is proposed. Site Plan review is limited in scope to focus solely on proposed development characteristics within the site. The Development Review Board may impose conditions on how the site is developed pursuant to the criteria contained in **Section 736**. The Development Review Board shall conduct the Site Plan review pursuant to the procedure outlined in **Section 770**.

STREAM/RIVER SETBACK: The required setback from the top of the bank of a stream. See river overlay area above to determine the proper setback for each area of Lincoln.

SIGN: Any device or visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land as per Section 603.7 for PUDs and 731.1c for Conditional Uses.

SKETCH PLAN: A sketch plan constitutes a rough plan of a proposed PUD or other development as per Section 603.3.

SOIL EROSION AND SEDIMENT CONTROL PLAN: This plan describes the erosion and sedimentation problems of the site and the proposed control measures. It shall include 1) Location Map; 2) Existing Conditions Site Plan; 3) Grading Plan and Construction Timetable; 4) Erosion Control Site Plan and Timetable; and 5) a narrative briefly describing the four plans.

STRUCTURE: An assembly of materials for occupancy or use, including but not limited to a building, manufactured home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm. Larger Structures, over 3,500 sq. ft. above grade are treated as conditional uses, regardless of the proposed use because the footprint required for larger structures can have significant environmental impacts.

START OF CONSTRUCTION: See FEMA definition in Section 1909.1 of the current National Flood Insurance program rules and regulations.

SUBSTANTIAL CHANGE: Any reconstruction or improvement of a structure that changes its existing use or changes its impact on water, sewer, or town facilities and services.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure the cost, of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored before damage has occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the Natural Register of Historic Places or a State Inventory of Historic Plans.

TEMPORARY USE: A use intended for limited duration, to be located in zoning district not permitting such use, and not continuing a nonconforming use or building.

TOWN: The Town of Lincoln, Vermont.

USE: The specific purposes for which land or a building is or may be designed, arranged, intended or occupied.

VARIANCE: A departure from the zoning bylaws that is granted or denied by the Development Review Board. The conditions specified in Section 4469 of the Act (Section 722 of these Regulations) must exist in order for a variance to be granted.

WAIVER: A reduction in dimensional requirements of zoning by the appropriate municipal panel based on specific criteria. See Section 8.60-8.65 and 24 V.S.A. 4414(7).

WILDLIFE HABITAT: A concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and migratory periods.

YARD: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except accessory buildings, or such projections as are expressly permitted in these regulations.

ZONING ADMINISTRATOR: (Also called the Administrative Officer): The person appointed in accordance with Section 4448 of the Act, and Section 700 of these Regulations to administer these Regulations.

ZONING BOARD: (Also called the Development Review Board or the Board): The Lincoln Development Review Board created in accordance with Section 4460 of the Act and Section 701 of these Regulations.