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Progress Report

5.5.15

Johnson Form Based Code Project

During the month of April Johnson FBCSC concentrated on finalizing graphics and code language.

For the purposes of defining the work as we move forward a Table oc Contents (TOC) was presented. The TOC represents the maximum potential build out of the "working" FBC. It will be modified, added to and trimmed down in the next month(s). Generally, at this stage it is not entirely synced up with the content.

Also in the month of April the FBCSC reviewed and finalized (for now) dimensional requirements/standards described in the BES. Additionally, language on Non-Conformity, Parking, Administration, Authority, etc has been submitted to the committee for review and revision.

I am attaching all the language and graphics submitted to date. I am also including the agenda for the last meeting. Generally, we the FBCSC is making progress the remaining items to be submitted are "finalized" BES, definitions and Public Space/Street standards. The goal is to have a working draft by the end of May.

For more information or questions do not hesitate to contact Paul Dreher. 802.355.7415 or dreherdesign@gmail.com. Thank you.

Agenda, April 22, 2015

Johnson Form Based Code Committee

1. **6:30—Introductions**
2. **6:35—Questions/Comments**
3. **6:40—Review/Finalize BES dimensional standards. 20 min+/-**
4. **7:00—Review Parking standards. 15 min**
5. **7:15—Review Non-conformity language. 15 min**
6. **7:30 –Review Use-Tables. 15-20 min**
7. **7:45 –Next steps**
8. **7:58 –Adjourn**

Johnson, VT Village Form Based Code.

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???????

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Johnson Form Based Code. Introduction/Authority/Administration

Introduction:

This Johnson Form Based Code and Land Use Regulation endeavors to implement portions of the Town Plan adopted _____. This Introduction and the Flow Chart are designed to help you with what you need in this Regulation.

When do I need a Permit?

A Permit is required whenever you develop your land. "Develop" means to build something on the land, add to a structure or change the use of the land. But, there are exceptions. For example, no Permit is required for additions to a structure that are less than ____ square feet and ____ feet in height. For certainty, ask the Administrative Officer.

How does the permit process work?

If you only need a Permit, then fill out the Permit application and submit it to the Administrative Officer with the application fee. If the application has all of the required information, the Administrative Officer will consider it, and, within 30 days, either issue the Permit or deny it. If you don't agree with the decision, you may appeal to the Development Review Board (DRB). The Permit application requirements, procedures and standards are in Article II.

What is DRB Approval and when is it required?

Sometimes you will require DRB Approval before a Permit can be issued. DRB Approval is required for all special standards/ requirements. Your first step is to meet with the Administrative Officer in Pre-Application Review. At Pre-Application Review you explain the development objectives and work with the Administrative Officer, Town Departments and staff for the best way to achieve them. You may have more than one Pre-Application Review as the development plans are fine tuned. During this process, you are required to notify the neighbors for at least one Pre-Application Review meeting so that they can attend a presentation of the development plans, and provide comments and feedback to the Administrative Officer.

Then you, the applicant/landowner, file an application for Approval. The DRB schedules a formal hearing, neighbors are notified, and at the hearing the DRB collects evidence from the applicant and interested parties pertaining to the proposal outlined in the application. Within 45 days after the close of the evidence, the DRB issues a written decision. The decision is either to approve the application, often with conditions, or to deny it. If the DRB issues an Approval, you

may then apply for a Permit from the Administrative Officer. No work can begin until you obtain a Permit, even if you have received DRB Approval. The DRB Approval procedures and standards are in Article III.

What if the applicant or an interested party doesn't agree with the DRB decision?

If you or an interested party do not agree with the DRB decision, you may appeal to the Environmental Court which is a Division of the Vermont Superior Court.

What is a variance?

When the standards in the Regulation do not allow you to do what you want, you may apply to the DRB for a variance. The request for a variance is heard by the DRB but the level of proof required is more difficult. It requires special circumstances that justify the DRB in diverging from the actual standards of the Regulation. If the DRB approves the variance request, you may use that approval as a basis for a Permit application.

What standards do the DRB use in considering applications for Approval?

That answer depends on what kind of DRB Approval you are seeking. For example, the standards for DRB Approval for a subdivision are different than for a special use. The general standards are in Article III, but there may be additional standards depending on the District where the property is located. The District standards are in Article IV.

What are Districts and how are their standards different?

The Village is divided into **3or 4?** Districts shown on the Regulating Map. The design of each District reflects its character, the density of habitation, the recreational resources and the development within it, the natural resources to be preserved, and the goals of the Town Plan for that District.

Are there standards for signs or parking?

Signs? **What does Johnson want?** and parking, yes, standards are contained in Parking Standards and on the BES.

Does the Regulation contain sewage and septic standards?

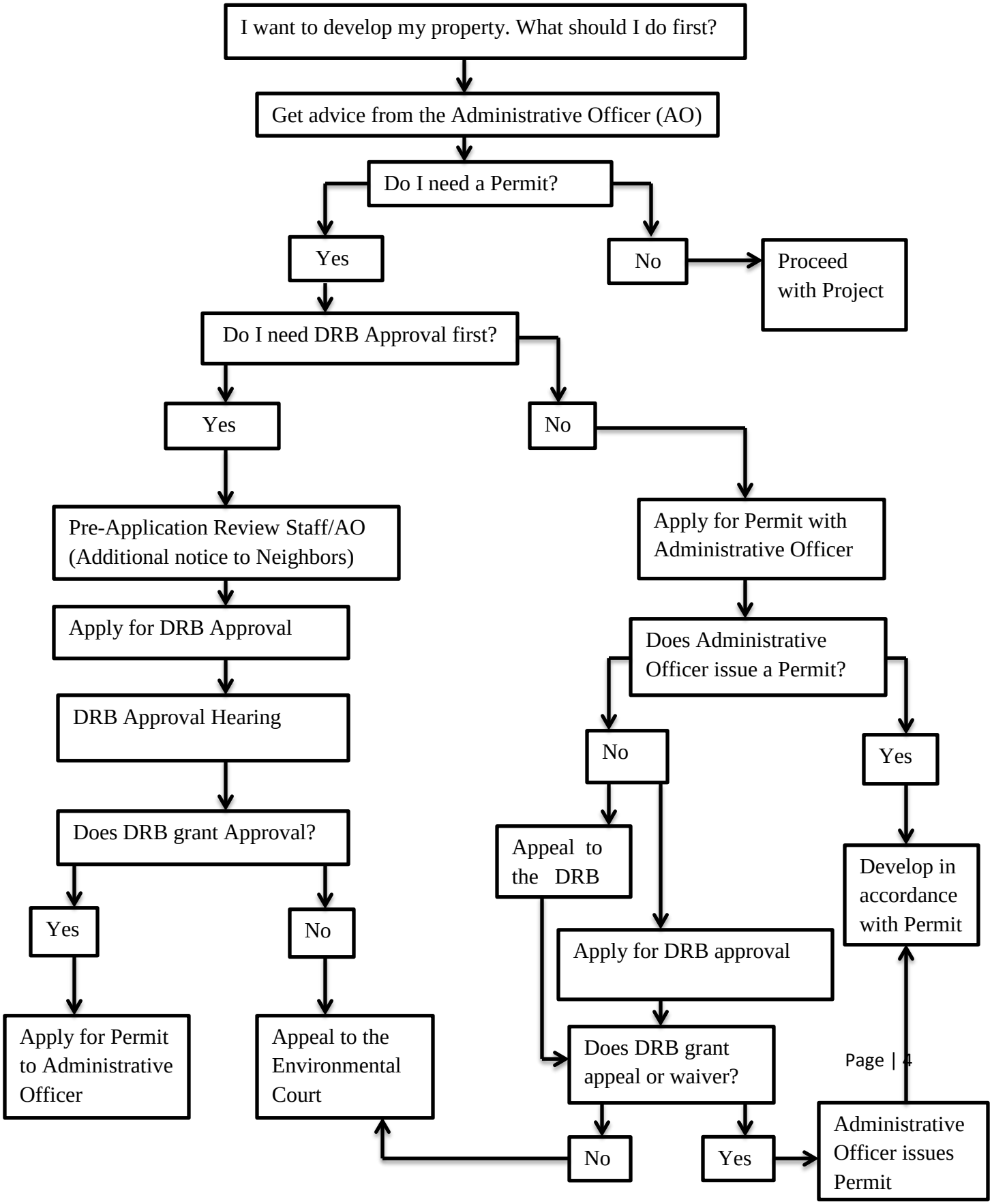
No. The Vermont Department of Environmental Conservation issues water and wastewater permits.

Will I need other permits?

All people planning a development should consult with the Vermont Department of Environmental Conservation offices at 111 West Street, Essex Junction, VT (802-879-5676) for any applicable state permit requirements. (http://www.anr.state.vt.us/dec/ead/pa/index.htm)

As you read the Regulation, you will see little blocks in the margins containing definitions and other references. If you are not sure how to proceed, please contact the Administrative Officer for help.

Development Flowchart



Article I General:

Section 1.01Authority, Purpose, Maps:

A. This Johnson Land Use Regulation (this "Regulation"), is adopted as provided for in the Vermont Planning and Development Act, Chapter 117 of Title 24 of Vermont Statues Annotated (the "Act"). The purposes of this Regulation are to implement the Town Plan
B. The following maps are incorporated in this Regulation:
    1. Regulating Maps contained in Addendum C.
    2. Fluvial Erosion Map, Special Flood Hazard Area (FIRM)
C. Nothing in this Regulation shall invalidate any existing permit, and approved land plat and survey, the terms and conditions of which shall still be in effect.
D. State regulated utilities and agricultural and silvicultural practices (24 V.S.A. Sec. 4413(d)) do not require a permit, although farmers must notify the Administrative Officer in writing of any planned construction activity in advance.

Article II Permits and Appeals.

Section 201 Applicability

A Land Use Permit ("Permit") is required for all land development that is not exempted under Section 2.02. In addition, DRB Approval is required for certain types of development specific to each Land Use District, for subdivisions of property, except where exempt, and for appeals to the DRB from actions of the Administrative Officer, as well as for variances. In those cases where DRB Approval is required, the property owner may obtain a Permit only after DRB Approval is granted. Before applying for a Permit or seeking DRB Approval, a landowner should look in section in Article IV below for the Land Use District ("District") where the land is located.

Section 202 Administrative Officer and Development Review Board (DRB)

A. The Select Board shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three (3) years in accordance with Title 24 VSA §4448. The Select Board may remove an Administrative Officer for cause at any time after consultation with the Planning CommissionPedestrian, bicycle, ski and snowmobile trails do not require a Permit.

B. The Administrative Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.
C. Development Review Board: The Development Review Board (DRB) shall consist of not less than five (5) nor more than nine (9) members appointed by the Select Board for specified terms in accordance with Title 24 VSA §4460(b) and §4460(c). The Select Board also may appoint alternates, for specified terms, to serve on the DRB in situations when one or more members of the DRB are disqualified or are otherwise unable to serve. Any member of the DRB may be removed for cause by the Select Board upon written charges and after public hearing.
D. The DRB shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under Title 24 VSA §4461(a) and Vermont's Open Meeting Law. The DRB shall have all powers and duties as set forth in Title 24 VSA, Chapter 117 to administer the provisions of these regulations, including but not limited to the power to hear and act upon: **INTENTIONALLY LEFT BLANK**

Section 202: Exemptions from the Permit Requirement:

No zoning permit shall be required for the following activities:

A. Accepted agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with Title 24 VSA §4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-or-way, property lines, and surface waters shall be submitted to the Administrative Officer prior to any construction, as required for accepted agricultural practices. Such structures shall meet all setback requirements under these regulations, unless specificallywaived by the Secretary.
B. Accepted management practices for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with Title 24 VSA §4413(d).
C. Power generation and transmission facilities, which are regulated under Title 30 VSA §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan.
D. Hunting, fishing, and trapping as specified under Title 24 VSA §2295 on private or public land. This does not include facilities supporting such activities, such as firing

ranges or rod and gun clubs, which for the purposes of these regulations are defined as recreation facilities.

E. Normal maintenance and repair of an existing structure which do not result in exterior alterations or expansion or a change of use.
F. Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use. Change in use means a change in the use of the property as a whole.
G. Entry stairs (excluding decks and porches), handicap access ramps, landings less than 25 sq ft, bulkheads, and walkways.
H. Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities regulated under §335 or changes in contours which result in new drainage patterns.
I. Small detached accessory buildings associated with residential uses which are less than 64 square feet of floor area and less than twelve (12) feet in height, and are not located within required setback areas.
J. Garage sales, yard sales, auctions, or similar activities that do not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year. All garage sales, yard sales, auctions, or similar activities that do exceed twelve (12) total days in any calendar year shall be considered a retail business and an appropriate permit shall be required.
K. Firewood sheds that are used EXCLUSIVELY for protecting split and blocked firewood from the elements.
L. Temporary carports/garages, provided that every fall they are erected no sooner than October 15th and every spring they are dismantled no later than May 15th.
M. Highway signs regulated by the State.
N. All onsite equipment needed for the customer's personal use to communicate with a wireless service.

Section 203 Application and Fee:

1. To obtain a Permit the landowner, lease holder or an authorized agent, submits an application to the Administrative Officer on the Permit Application form.
2. Required application fees, as set by the Select Board, also shall be submitted with each application.

Section 204 Application contents:

A. The Permit application contains:
    1. A simple statement(s) of what the applicant is seeking approval for.
    2. The name of the applicant(s), property, and tax ID numbers.
    3. A sufficiently detailed map (at least 8 ½" X 10"), to show:
        a. The shape, dimensions, location of the lot noting principle relevant features, including existing structures, and lot boundary markings.
        b. The shape, size, height and location of all structures to be erected, altered or moved.
        c. The location of existing and proposed utilities and accesses (curb cuts, driveways and parking areas).
        d. The location of any required setbacks, "build to" zones, existing permits and existing and proposed wells, well shields and septic fields.
        e. The location of any existing or proposed easements.
        f. Any additional requirements prescribed for the District where the property is located.
    4. Copies of any legal restrictions or covenants, existing town subdivision approval conditions, any state or federal permit applications or approvals and copies of a State Project Review Sheets applicable to the property.
    5. A description of all existing development on the property.
    6. Any DRB Approval relating to the Permit application.
    7. The application fee.

B. The Administrative Officer may reject the application if any of the required information is not provided. The Administrative Officer may waive any of the above requirements if the requested information is not relevant to what applicant is seeking approval for.

Section 205: Action on Permit Application:

A. Within 30 days after the Administrative Officer's acceptance of a complete application, the Administrative Officer approves the application, denies it, or requests additional information. Within 30 days after additional information is provided, the Administrative Officer approves or denies the application. Failure of the Administrative Officer to act within this timeframe shall constitute automatic approval. If the Permit is approved, the Administrative Officer promptly issues a Permit with any conditions required by this Regulation and DRB Approval. In considering whether to issue or deny a Permit, the Administrative Officer applies the standards of this Regulation, including those of the District, and overlay District, where the property is located.

B. The Permit shall contain a statement that the applicant should contact state agencies to determine what state permits may be required before commencing development, as required by 24 V.S.A. Sec. 4449(e): "Before beginning development, the applicant is obligated to identify, apply for and obtain all necessary state permits relating to this project by contacting the Vermont Agency of Natural Resources Office, 111 West Street, Essex Junction, VT; 802-879-5676." Note: http://www.anr.state.vt.us/dec/ead/pa/index.htm
C. Within one day following the issuance of a Permit, the Administrative Officer shall:
    1. Deliver a copy of the Permit to the town Listers.
    2. Post a copy of the Permit in a public place in Johnson Town Offices for 15 days, at least.
    3. Deliver copies to the Town Clerk for recording in the land records and for filing in the Permit records.
    4. Post a copy of the Permit on the Town's website.
D. On the day of approval, the Administrative Officer shall post a notice of the Permit on the property within view of the nearest public road for 15 days from the date of issuance and shall ensure that it remains posted for the 15 days.
E. Neighbors or other interested parties as defined by 24 V.S.A. Sec. 4465(b) may appeal, in accordance with 24 V.S.A. Sec. 4465, the granting of a Permit by giving written notice to the Administrative Officer within the 15 days. The appeal shall state the objections to the granting of the Permit with reference to this Regulation. Timely appeals will be heard by the DRB as provided in Section 207.
F. The Permit shall not take effect until 15 days following the issuance of the Permit during which appeals can be filed as provided in Article II, Section 207 below. **In no event shall any development, including site preparation, occur until the Permit is issued and takes effect.** In the event that an appeal is filed, the Permit is suspended until the appeal is decided by the DRB, and all further appeals are exhausted.

Section 2.06 Certificate of Occupancy:

When development is completed, but before its occupancy or use, the holder of the Permit must obtain a Certificate of Occupancy, issued by the Administrative Officer. The Administrative Officer may inspect the property to confirm compliance with the requirements and conditions of the Permit. Within 15 days of the Permit holder's request for a Certificate of Occupancy, the Administrative Officer shall either issue the Certificate of Occupancy or provide the Permit holder a statement listing the items of non-compliance. After the holder of the Permit has remedied the items of non-

compliance, and re-applied, the Administrative Officer shall issue a Certificate of Occupancy.

Section 2.07 Appeal:

The applicant or an interested party, as defined in 24 V.S.A. Sec. 4465(b), may file an appeal of a decision by the Administrative Officer within 15 days from date of the decision. The appeal must be filed at the Town Offices, must be in writing and specify the objections of the party making the appeal to the Administrative Officer's decision. The filing fee must accompany the appeal. The hearing before the DRB on the appeal will be held with the same formalities as with a hearing for DRB Approval. The DRB may deny the appeal or grant it, with or without conditions. As with all DRB Approvals, a DRB decision concerning an appeal specifies the reasons for its decision referencing applicable law and regulations.

Section 2.08 Variance

A landowner may request a variance of this Regulation from the DRB using the same procedure as with appeals from the decision of an Administrative Officer. A variance will only be granted if facts are found that satisfy the criteria in 24 V.S.A. Section 4469(a) with respect to the District where the property is located. In addition, variances in the Flood Hazard District will only be granted after complying with the criteria and insurance notice requirements of Section 60.6 (a) of the National Flood Insurance Program Floodplain Management Regulations (http://www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-sec60-6.pdf).

Section 2.09: Permit Expiration:

Permits expire two years from the effective date of the Permit, extended if the Permit is being appealed. The applicant may also obtain a one-year extension by request to the Administrative Officer before the end of the initial two years.

Article III DRB Approval:

Section 3.01: When DRB Approval Required:

A. Where the Administrative Officer determines that an application cannot, because of special circumstances, comply with the applicable Building Envelope Standards, the applicable Street Typology, Nonconformities Standards, Public Works requirements and Fire Department requirements, and the requirements of other city ordinances, if applicable, or the Administrative Officer determines (for any reason) that additional review is required, or upon the request of the applicant, the Administrative Officer shall refer the application to the Development Review Board for consideration specifying the reason(s) for the a Special Requirement approval.
    1. In the hearing on the Special Requirement approval referral, the authority of the Development Review Board shall be limited to those reason(s) specified in applicant's appeal or in the Administrative Officer's reason(s) for referral.
    2. In no event is the Development Review Board allowed to inquire about, or attempt to exercise authority beyond, the reasons set forth in the applicant's request or in the Administrative Officer's reason(s) for referral.
    3. In its consideration of referral where the reason for the referral concerns applicable Building Envelope Standards, the Development Review Board shall be limited in the exercise of its discretion regarding Building Envelope Standards to modification of build-to lines, frequency of door, height and percentage of glazing and shall otherwise enforce the Building Envelope Standards strictly. Likewise, where the reason(s) concern general site constraints, environmental conditions (e.g, wetlands) or requirements of the public works or fire department or other Village ordinances, the Development Review Board review shall be limited strictly to the reason given. In no event shall a referral be a license to inquire into matters unrelated to the reasons(s) for the referral.

Section 3.02 DRB Approval Requirement for Subdivsions:

INTENTIONALLY LEFT BLANK. What does Johnson want to do?

Section 3.03 Pre-Application Review:

A. For all development subject to DRB Approval, a Pre-Application Review is the first step. The purpose is to acquaint the Administrative Officer, Town/ Village dpartments (Fire, Public Works, and the applicant's neighbors, with the proposed development without requiring the presentation of extensive, and often expensive, surveying, engineering and design data by the applicant. The plans should be presented in an informal way that invites comment and discussion of alternatives. The applicant (the owner or appointed representative) should request a Pre-Application Review by submitting the Pre-application checklist and accompanying documents to the Administrative Officer. Such submission grants permission to the municipal staff to visit the property concerned with prior coordination with the applicant.
B. During Pre-Application Review, the applicant and staff shall explore development options that are consistent with this Regulation and the goals of the Town Plan. The representations of the applicant and staff shall not be binding in future DRB Approval hearings.
C. The goals of the Pre-Application Review are to:
    1. Explore options and hone in on the details of applicant's development to produce the best development plans possible.
    2. Provide the applicant with a clear understanding of whether approval of his development is likely and with what terms and conditions.
    3. To familiarize neighbors and other interested parties with applicant's development plans, and to acquaint the applicant and the Town/Village with the nature of their concerns or their opposition.
    4. To make the DRB approval hearing process thorough, efficient and successful.
D. During, or shortly after, the conclusion of the Pre-Application Review the Administrative Officer shall provide the applicant with a short summary of the development plans and any recommendations of staff. While the Pre-Application Review does not suggest approval or rejection of applicant's development plans, the Pre-Application Review may give an indication of what evidence in the Regulation that may be required for DRB Approval, such as a wetlands delineation, a wildlife habitat study, a storm water plan, a shared parking or traffic study, or a clustered housing plan.

Section 3.04 DRB Approval procedures:

A. After Pre-Application Review, the owner of the property, or appointed representative, may apply for DRB Approval. The applicant shall specify why DRB Approval is requested.
B. The applicant shall provide the information required for a Permit application.
    1. For DRB Approval of a Special Requirement approval., the application shall include, in addition to any requirements in the District standards:
        (a) A detailed description of the intended special requirement,
        (b) How the Special Requirement or Special Standard will meet the applicable criteria in District standards, and,
        (c) What effect the use will have on the character of the neighborhood.
    2. The applicant shall also provide any items required by District standards. However, any item may be waived at the Pre-Application Review if the staff and Administrative Officer views the item as not being relevant to the proposed development. In addition, the DRB may request:
        a. Copies of proposed deeds, agreements or other documents showing the manner in which trails, sidewalks, streets, open space, including park, common gardens, recreation areas and school site areas, are to be dedicated, reserved, and maintained. A certificate from a consulting engineer as to the completion of all improvements required by the DRB. In addition the DRB may require a performance bond to secure completion of such improvements and their maintenance for a period of two years.
        b. Any other documents requested by the Administrative Officer or staff during the Pre-Application Review.
C. The Administrative Officer may waive requirements referred to above, or add additional ones, at Pre-Application Review.
D. Within 14 (business) days after submission of the application, the Administrative Officer shall review it for completeness. In the event that the application is incomplete, the applicant is to be promptly notified and have the option of withdrawing the application or submitting the missing items. A public hearing will be scheduled on the application 20 days or more following the submission of the application or the submission of the missing items. Notice of the public hearing must be made 7 days or more prior to the hearing by publication in a newspaper of general circulation in Johnson, by posting the notice in three public places in Johnson, on the Town website, and by written notice to adjoining property owners. The notice to the adjoining property owners shall include a brief description of the proposed

development, that additional information is available at the Town offices and that participation in the hearing is required to become an interested party, as defined by 24 V.S.A Sec. 4465(b).

E. The public hearing shall be recorded. The Chair shall open the hearing and ask whether any DRB members must excuse themselves because of a conflict of interest or because of having ex parte contacts with the applicant concerning the application. The Chair shall state that the purpose of the hearing is for the DRB to take statements and evidence, along with the application for consideration by the DRB. The Chair shall remind those who would like to speak that statements should address the merits of the proposed development and whether it complies with the specific requirements of this Regulation. The applicant and/or representatives may make statements introducing the application and then interested parties may make statements and present relevant evidence. Questions from members of the DRB to those making statements, including the applicant, should be directed through the Chair. The Chair may set and enforce time limits on oral statements.

F. The DRB may recess the hearing for the submission of additional information, but in no event more than 45 days without the agreement with the applicant. At the conclusion of the statements, questions by DRB members and submission of additional information, the Chair will close the public hearing. Within 45 days from the close of the hearing the DRB will deliberate and issue a findings of fact, conclusions of law and decision either denying or granting the application, with or without conditions.

G. In considering an application, the DRB shall weigh the following criteria, if relevant to the proposed development:

1. The criteria specified for the District where the property is located.
2. The provisions made in the application and the anticipated impact of the proposed development on transportation (cars, bicycles, pedestrian, trucks and other commercial vehicles, emergency vehicles).
3. The impact of the proposed development on municipal services and facilities, including roads and schools. The DRB would normally require a statement from the school district can absorb the anticipated number of new students resulting from the development.
4. New or altered roads or other public facilities and provisions for long term maintenance and improvement.
5. Water supply and wastewater disposal, including conditioning future Town Permits on obtaining required state permits.
6. Soil erosion and control and storm water runoff management, including and storm water erosion control practices during

4.21.15

Johnson Form Based Code Nonconformities Language

A. Purpose

The purpose of this section is to establish regulations and limitations on the continued existence of uses and structures established prior to the effective date of this Code that do not conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Section are designed to limit investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Code.

B. Nonconforming Uses

1. Authority to Continue

   a. The lawful use of any building or land existing prior to the effective date Johnson Village Form Based Code may be continued even if such use does not conform to the provisions of Johnson Village FBC.

2. Replacement, Refurbishment/improvement, Repair and Maintenance

   a. Replacement, refurbishment/improvement repair and maintenance may be performed on any structure that is devoted in whole or in part to a nonconforming use. All necessary building permits are still required.

      i. Replacement, refurbishment or improvement greater than 35% of "primary front" façade shall comply with the façade standards described in the BES applicable to the district's designation (excluding build-to line and level/story requirements).

      ii. Replacement, refurbishment or improvement greater than 35% of gross square footage shall comply with the façade standards described in the BES, site standards, parking design standards and storm-water standards applicable to the district's designation (excluding build-to line and level/story requirements).

   b. Complete replacement, refurbishment or improvement shall comply with the Building Envelope Standards (BES), site standards and parking design standards applicable to the district's designation described in the Johnson Village FBC.

3. Extensions/Expansions

   a. A nonconforming use cannot be extended, expanded, enlarged or increased in size, footprint or coverage.

   b. No nonconforming use may be extended to displace a conforming use.

4. Change in Use

   A nonconforming use may not be changed to another nonconforming use. A nonconforming use that is changed to a conforming use may not revert back to any nonconforming use. Any nonconforming use may be changed to a conforming use.

5. Continuance and Restrictions.

   a. Any lawful structure or any lawful use of any structure or land existing at the time of the enactment of these regulations may be continued, although such structure or use does not

conform with the provisions of these regulations, provided the conditions in this Section XXX are met.

b. A nonconforming use may be continued provided that such structure shall not be enlarged or extended unless the use therein is changed to a conforming use.
c. A nonconforming structure that is devoted to a conforming use may be reconstructed, structurally altered, restored or repaired, in whole or in part, with the provision that the degree of nonconformance shall not be increased.
d. A nonconforming use shall not be extended or enlarged, nor shall it be extended to displace a conforming use, nor shall it be changed to another nonconforming use, nor shall it, if changed to a conforming use, thereafter be changed back to a nonconforming use.
e. Nothing in these Regulations shall be construed to prevent the owner of a multi-tenant building containing one or more nonconforming uses from utilizing a portion of the building for a conforming use, provided there is no expansion or extension of a nonconforming use or uses as part of such a change in use.

C. Nonconforming Structures

1. Authority to Continue

a. Any lawful structure existing prior to the effective date Johnson Village FBC may be continued even though the structure does not conform to the provisions of the Johnson Village FBC.

2. Replacement, Refurbishment/improvement, Repair and Maintenance

a. Replacement, repair and maintenance may be performed on any nonconforming structure. All necessary building permits for such work are still required.

i. *Replacement, refurbishment or improvement greater than 35% of "primary front" façade shall comply with the façade standards described in the BES applicable to the district's designation (excluding build-to line and level/story requirements)*

ii. *Replacement, refurbishment or improvement greater than 35% of gross square footage shall comply with the façade standards described in the BES, site standards, parking design standards and storm-water standards applicable to the district's designation (excluding build-to line and level/story requirements).*

b. *Complete replacement, refurbishment or improvement shall comply with the Building Envelope Standards (BES), site standards, parking design standards and storm-water standards applicable to the district's designation described in the Johnson Village FBC.*

3. Extensions/Expansions

a. Any nonconforming structure may be enlarged, maintained or altered; provided, however, that no enlargement, maintenance or alteration creates any additional nonconformity or increases the degree of the existing nonconformity of all or any part of such structure.

b. Any new construction which occurs on a site with a nonconforming structure or any expansion of a nonconforming structure shall comply with the requirements in Section ____ (see graphic.)

4. Relocation

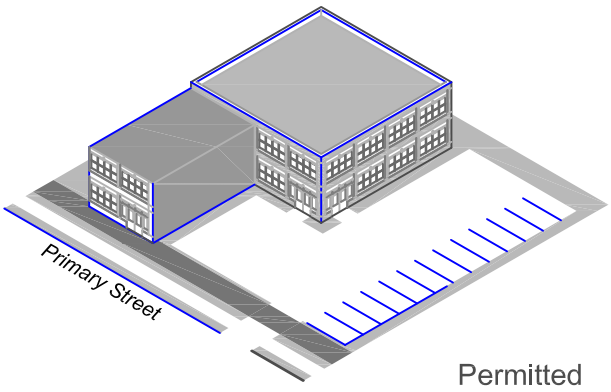
No nonconforming structure may be relocated in whole or in part to any other location on the same or any other lot unless the structure and its location conform to this Code.

5. Unsafe Structures

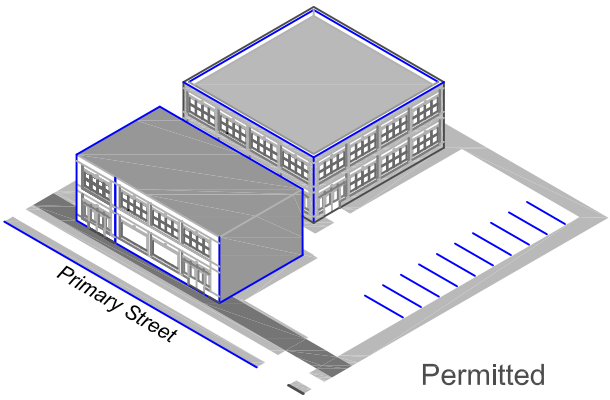
Any nonconforming structure or portion of that structure determined to be unsafe by the _____- may be restored to a safe condition, unless otherwise determined by the _____.

Johnson Non-conformity Build-to requirements

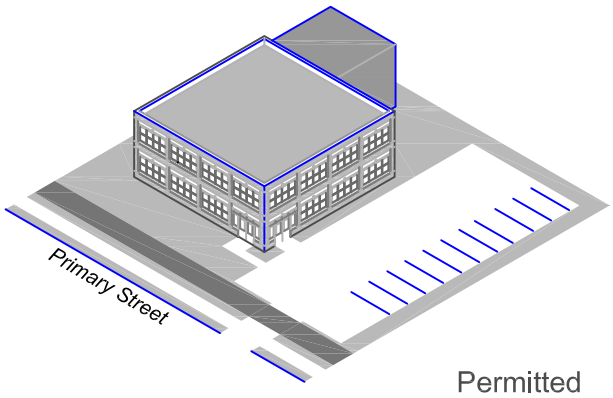
A. FRONT: ADDITION
Any addition to the front must be placed in the build to zone. The addition does not have to meet the build-to percentage for the lot.



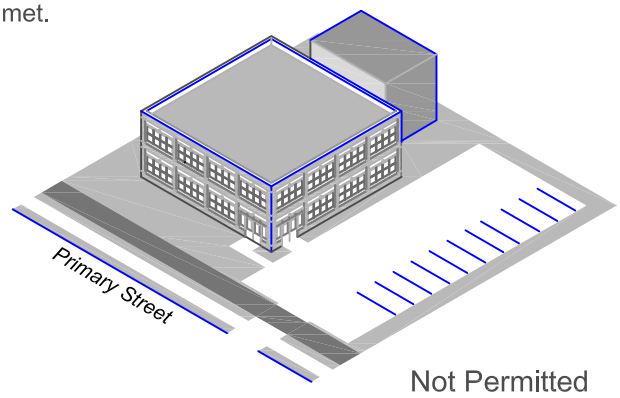
A. FRONT: New Building
A new building must be placed in the build to zone until the build-to percentage for the lot has been met.



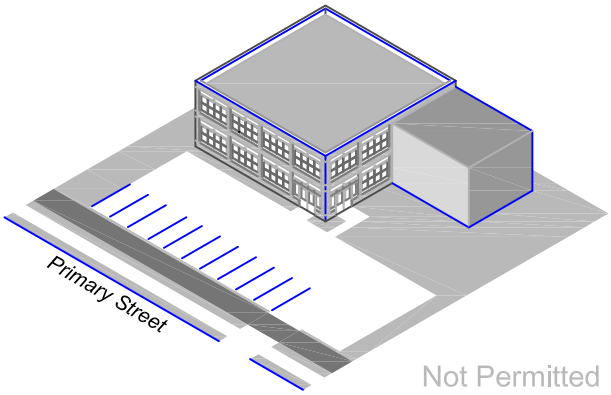
B. Rear: Addition
Rear additions are allowed because the extension does not increase the degree of the non-conformity.



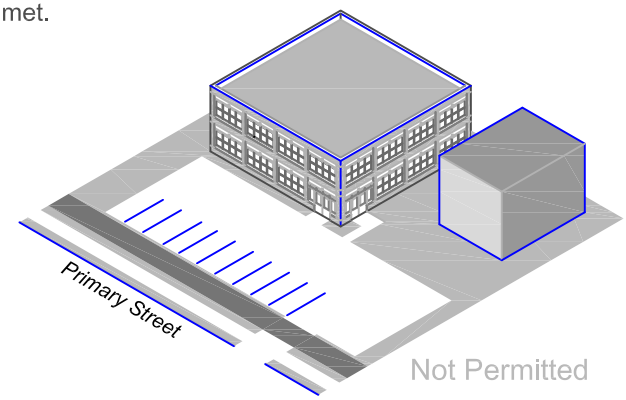
B. Rear: New Building
New Buildings located outside of the build-to zone are not allowed untill the build-to percentage of the lot has been met.



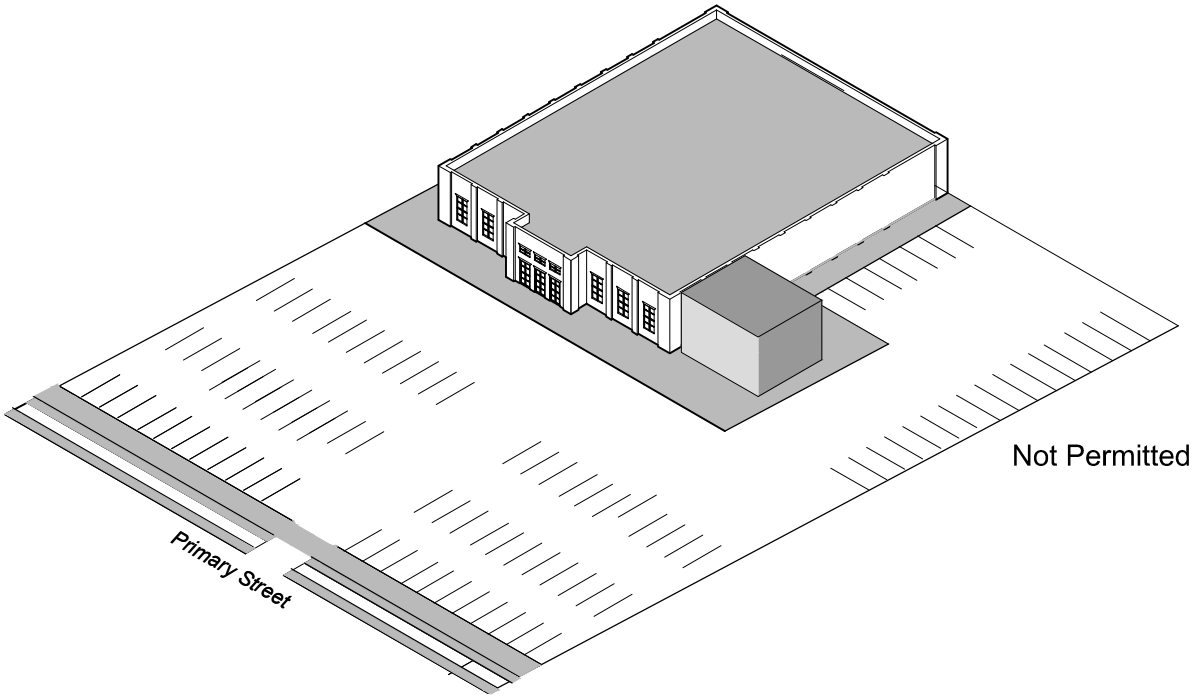
C. Side: Addition
Side additions are not allowed because the extension increases the width of the building not in the Build-to zone.



C. Side: New Building
New Buildings located outside of the build-to zone are not allowed untill the build-to percentage of the lot has been met.

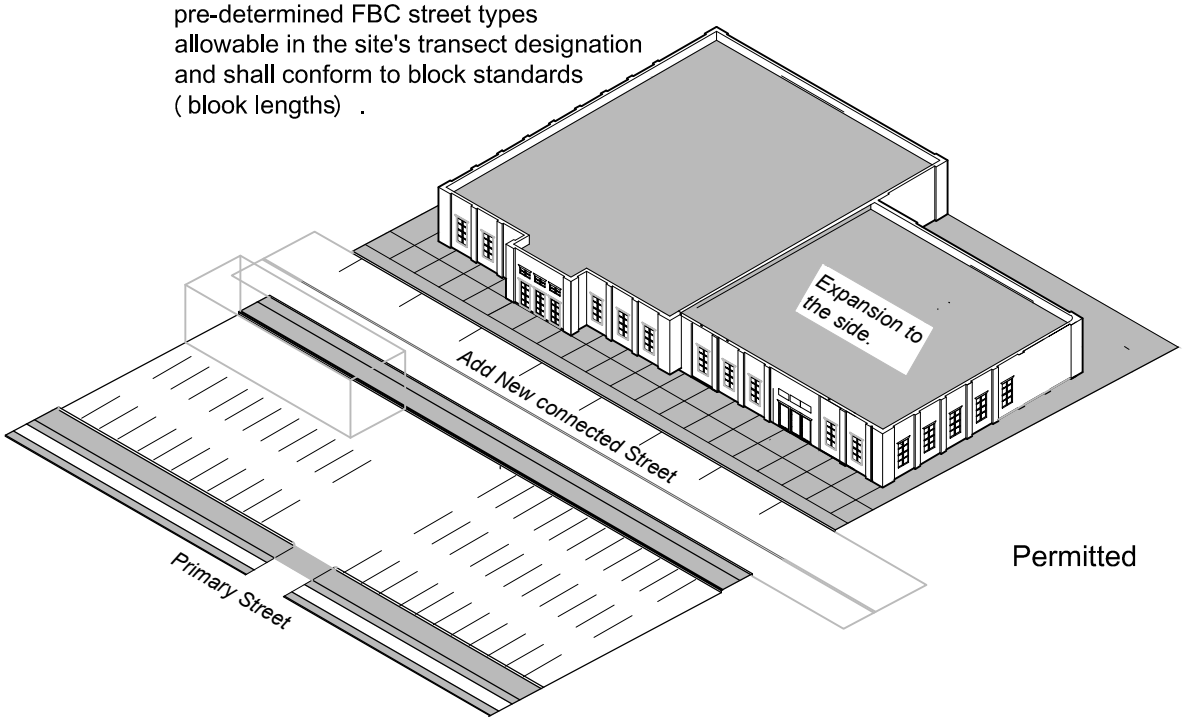


D. Side: Addition (Large Building)
Side additions are not allowed because the extension increases the width of the building not in the Build-to zone.



D. Side: Addition (Large Building)
Add new *connected* street* and side additions are allowed because the new street establishes a new Build-to line.

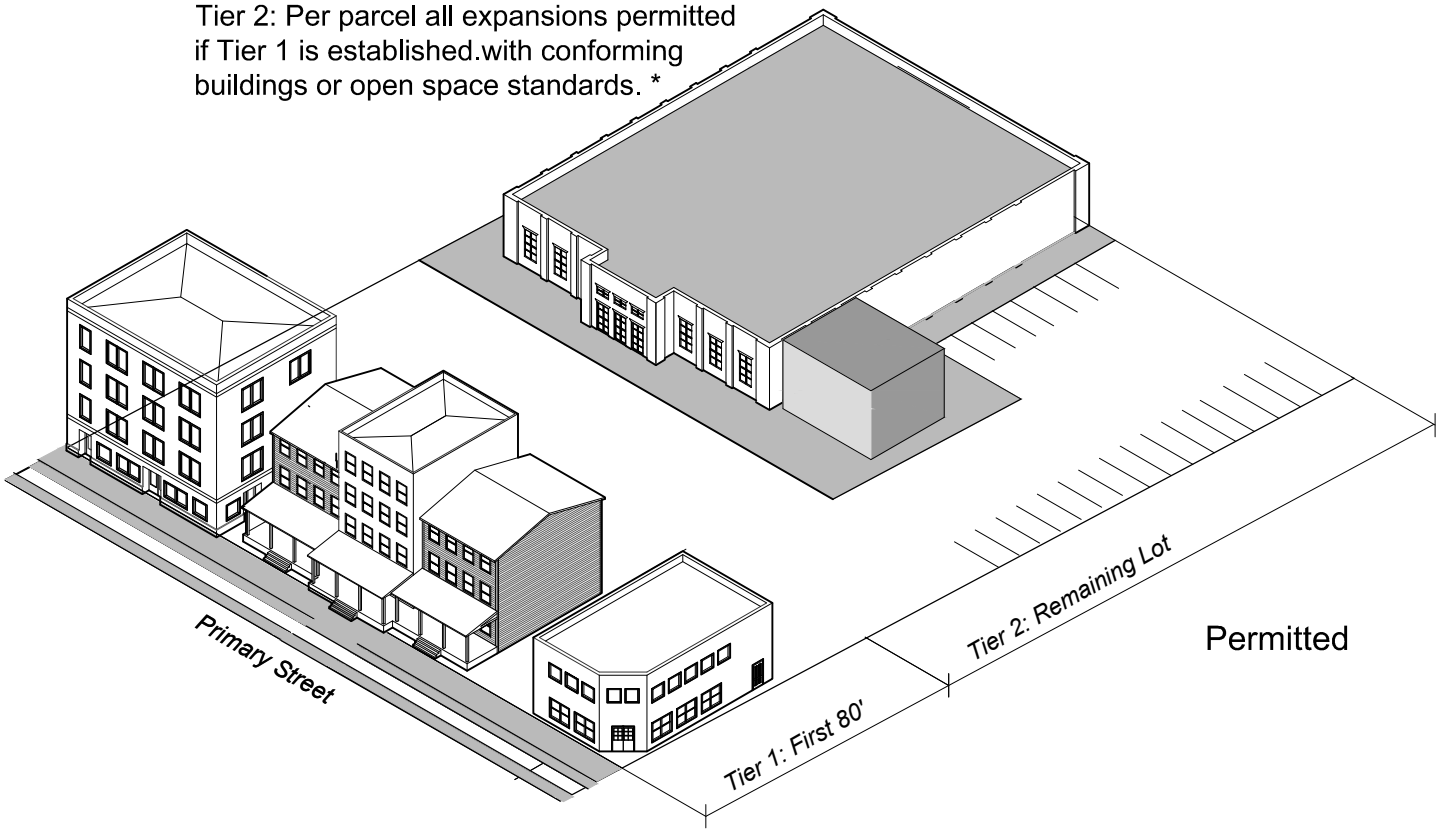
*New street shall be selected from the pre-determined FBC street types allowable in the site's transect designation and shall conform to block standards (blook lengths) .



E. Tiers

Tier 1: Conformity with Build-to required. Conformity shall be achieved by BES (Build-to, glazing and frequency of doors) , FBC open space standards and/or combination of the two. Surface parking is not conforming.

Tier 2: Per parcel all expansions permitted if Tier 1 is established.with conforming buildings or open space standards. *



* Large parcels: Parcels with street frontages greater than 300' may expand laterally the percentage of the build out at Tier 1 in the same lateral location of the conforming build out.

Parking

A. Applicability

1. General

a. All parking requirements shall be behind the building. Surface parking on the street front is prohibited.
b. No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of this Code.

2. Additions

a. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.
b. When a building, use or site is increased in gross floor area or improved site area, parking is required for the additional floor or site area only.
c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this Code.

3. Change in Use

a. A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.
b. Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

B. Vehicle Parking

1. Minimum parking spaces are required unless an alternative is approved by the _____(ZA)

Use	Required Spaces
Residential Uses	
Dwelling, one family	2 per unit
Dwelling, multifamily: 0-1 bedroom	1 per unit + 1 per 5 units for visitors
Dwelling, multifamily: 2+ bedrooms	2 per unit + 1 per 5 units for visitors
Public/Civic Uses Area of public assembly, Church, rectory (place of worship)	1 per 4 seats in principal assembly room
Commercial Uses	
All Uses	1 per 1000 square feet of gross floor area*

*One required parking space parking may be waived for every 10 bike parking spaces provided

4.21.15

C. Bicycle Parking????

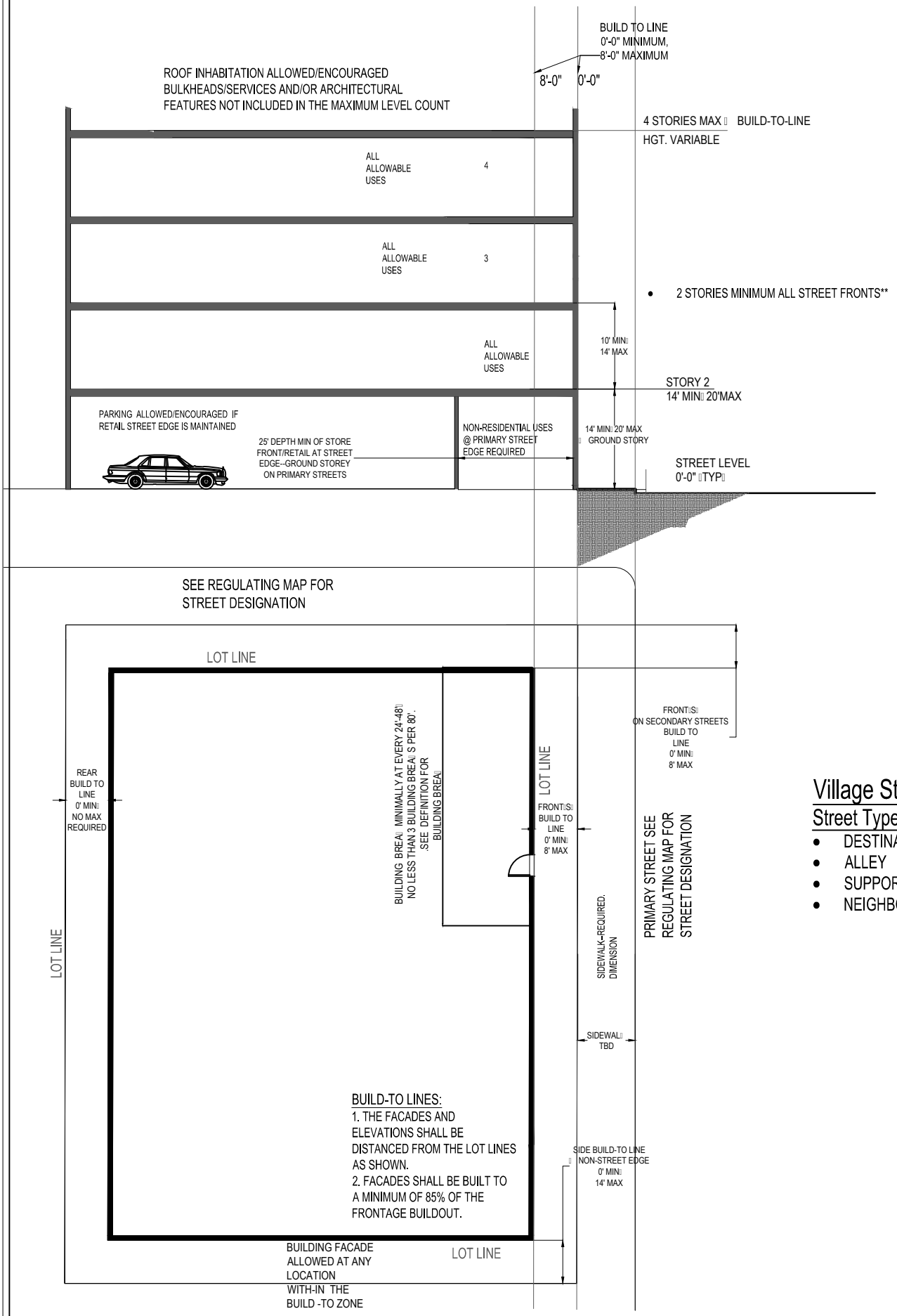
construction. See the Low Risk Site Handbook Erosion Prevention and Sediment Control by Vermont Department of Environmental Conservation. http://www.vtwaterquality.org/stormwater/docs/construction/sw_low_risk_site_handbook.pdf

7. Enforcement of the requirements and conditions of the Permit and whether a bonding and financing agreement is necessary.
8. Consistency with the Town Plan, including its goals of sustaining the Village's rural character, supporting recreation and fostering economic development.

Section 3.05 Appeals:

The applicant or an interested party may appeal a decision of the DRB within 30 days to the Environmental Court, which is a division of the Vermont Superior Court. The standards for appeal and who qualifies as an interested party are provided in 24 V.S.A. Sec.4471 (and in the Rules of the Environmental Division, the Vermont Rules of Appellate Procedure and otherwise by law).

Village Storefront BUILDING ENVELOPE STANDARDS (BES)



Village Storefront Allowable Street Types

- DESTINATION STREET
- ALLEY
- SUPPORT STREET
- NEIGHBORHOOD NARROW

Village Storefront: Generally Main Street-like, with high volume foot traffic and a lively street life/ public realm. Retail uses on the ground floor and mixed use above; very pedestrian. Note: Main Street is a 5 rod road or 82'-6"

Village Storefront key features/requirements:

- **Lot size:** no minimum
- **Percentage of lot coverage:** no maximum
- **Units per acre:** no maximum
- **Building levels**
  - 2 required minimum levels
  - 4 maximum levels
- **"Build-to-line" range:** 0'-4'
- **Percentage of building frontage:** 85%
  - 75% of the total building frontage shall be built at the principal Build-to-line.
  - The remaining 25%of the building frontage *may* be built at the secondary Build-to-line.
- **Frequency of public (operable) entrances on primary front:** Every 24'
- **Percentage of glazing on ground level:** 80%
  - glazing includes doors and windows
- **Ground level Height –floor to ceiling:**
  - 14' minimum
  - 20' maximum
- **Building Breaks:** Minimum 3 breaks every 70', no single span greater than 45'

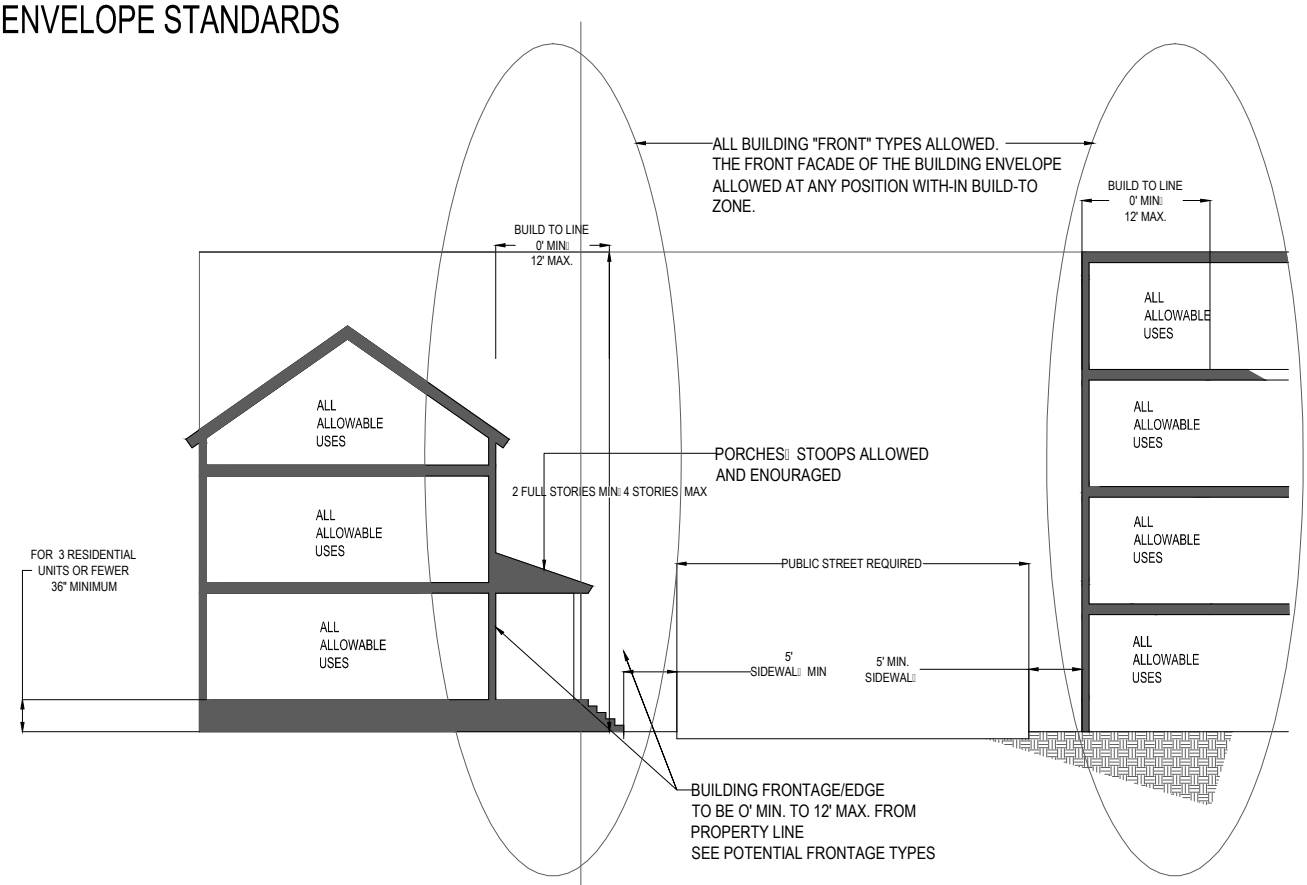
Additional questions for consideration: Maximum block width? Maximum block perimeter? Minimum units per acre?

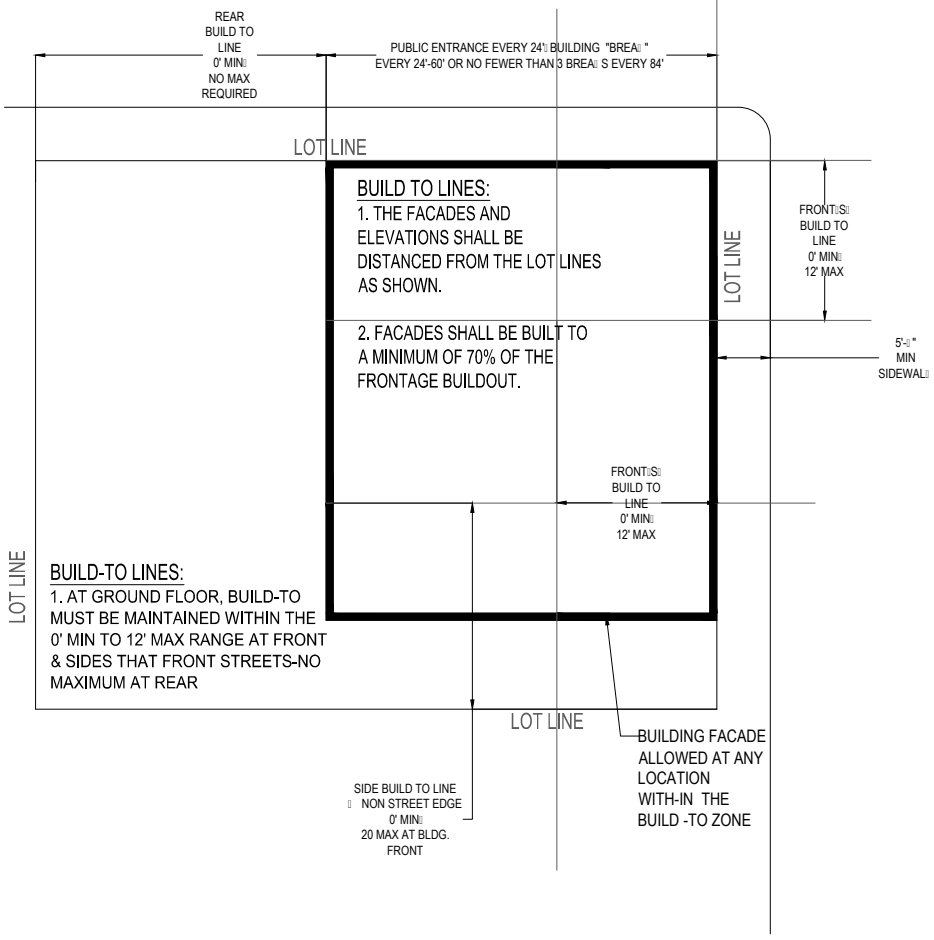
Other?

DRAFT

VILLAGE GENERAL "MULTI-USE"

BUILDING ENVELOPE STANDARDS





VILLAGE GENERAL ALLOWABLE STREET TYPES

- DESTINATION STREET
- ALLEY
- SUPPORT STREET
- NEIGHBORHOOD STREET
- NEIGHBORHOOD NARROW
- NEIGHBORHOOD ST/BIKE BOULEVARD
- LANE
- PATH

Village General: generally a multi-use, mixed use dense downtown built environment—typical of areas adjacent to and supportive of Main Street(s). Housing, commercial and retail uses are typical; parking facilities are also allowed. The built environment can be a mix of freestanding buildings and shared wall buildings. Village General is multimodal oriented with a strong emphasis on pedestrianism.

Village General key features/requirements:

- **Lot size:** no minimum
- **Percentage of lot coverage:** no maximum
- **Units per acre:** no maximum
- **Building levels**
  - 2 required minimum levels
  - 4 maximum levels
- **"Build-to-line" range:** 0'-4'
- **Percentage of building frontage:** 70%
  - 75% of the total building frontage shall be built at the principal Build-to-line.
  - The remaining 25%of the building frontage *may* be built at the secondary Build-to-line.
- **Frequency of public (operable)entrances on primary front:** every 36'
- **Percentage of glazing on ground level:** 40%
  - glazing includes doors and windows
- **Ground level height floor to ceiling:** 16' maximum
- **Building Breaks:** Minimum 3 breaks every 65', no single span greater than 40'

Additional questions for consideration: Maximum block width? Maximum block perimeter? Minimum units per acre?

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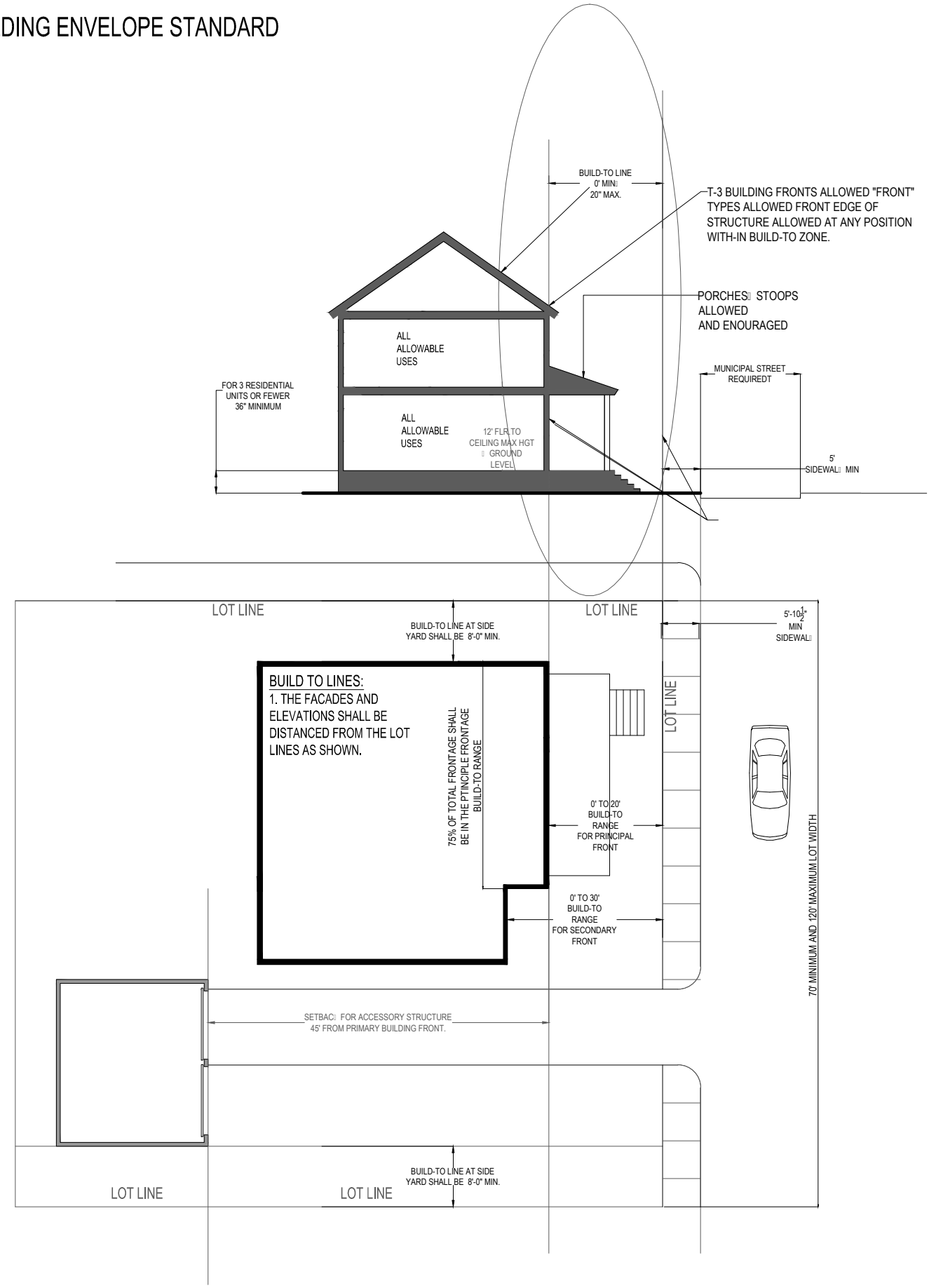
VILLAGE NEIGHBORHOOD RESIDENTIAL MIXED USE

BUILDING ENVELOPE STANDARD



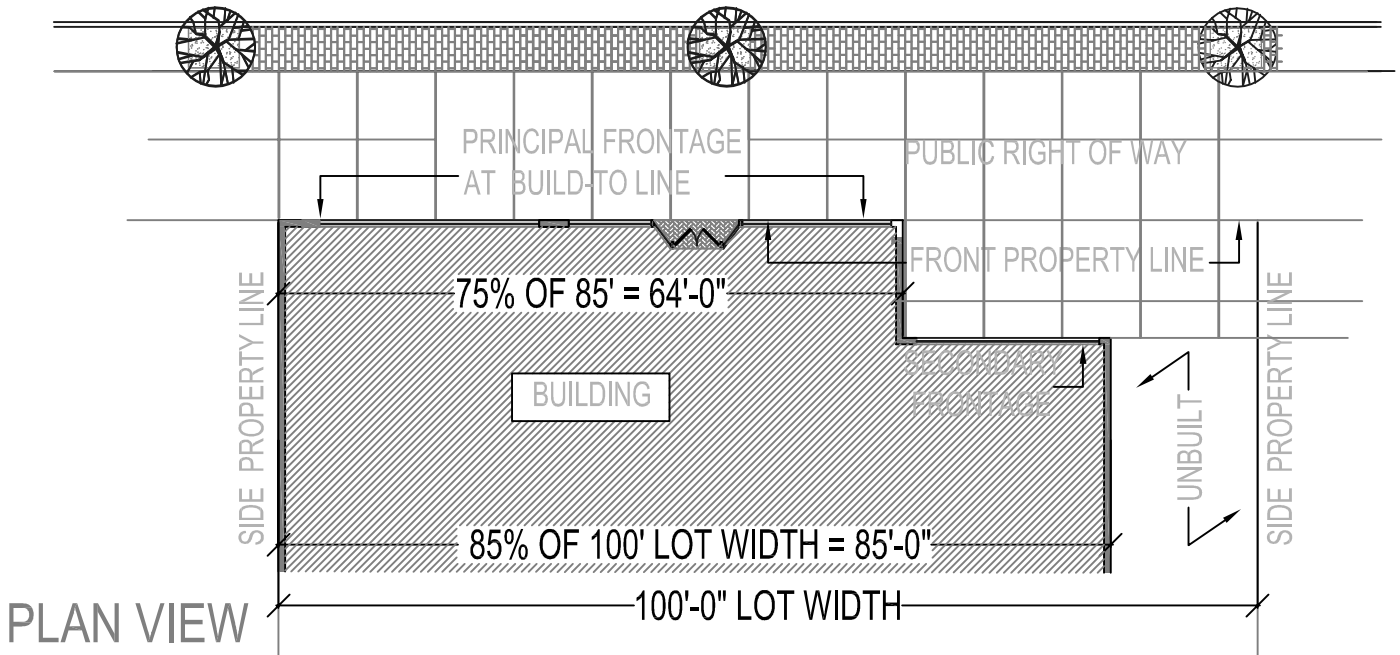
Village Neighborhood: generally a multi-use neighborhood, typically detached/free standing single family residences and the occasional apartment building, corner stores and medium to small scale commercial uses. Pedestrian oriented but ultimately mode neutral.

Village Neighborhood key features/requirements

- **Lot width:**
  - Minimum 70'
  - Maximum 150'
- **Units per acre:**
  - No maximum
  - 4 units per acre minimum
- **Block Perimeter:** 3000'maximum
- **Building levels**
  - 1.5 required minimum levels
  - 3.5 maximum levels
- **Front "Build-to-line" range:** 8'-24"
- **Percentage of building frontage:** N/A
- **Frequency (operable) entrances on primary front:** one per structure
- **Percentage of glazing on ground level:** 30%
  - glazing includes doors and windows
- **Ground level Height –floor to ceiling:** 16' maximum
- **Building Breaks:** Minimally every 24'

Additional questions for consideration: Connectivity requirements? Block requirement? Number33 of structures (principle and accessory)? Other?

PRINCIPAL FRONTAGE/ SECONDARY FRONTAGE DIAGRAM



PLAN VIEW

EXAMPLE OF (T-5) FRONTAGE REQUIREMENTS:
85% OF LOT WIDTH IS REQUIRED TO BE BUILT.
75% OF THE TOTAL BUILDING FRONTAGE (THE "PRINCIPAL" FRONTAGE) IS REQUIRED TO BE BUILT AT PRINCIPAL FRONTAGE BUILD-TO LINE. THE REMAINING 25% OF THE BUILDING FRONTAGE MAY BE BUILT AT THE SECONDARY BUILD-TO LINE

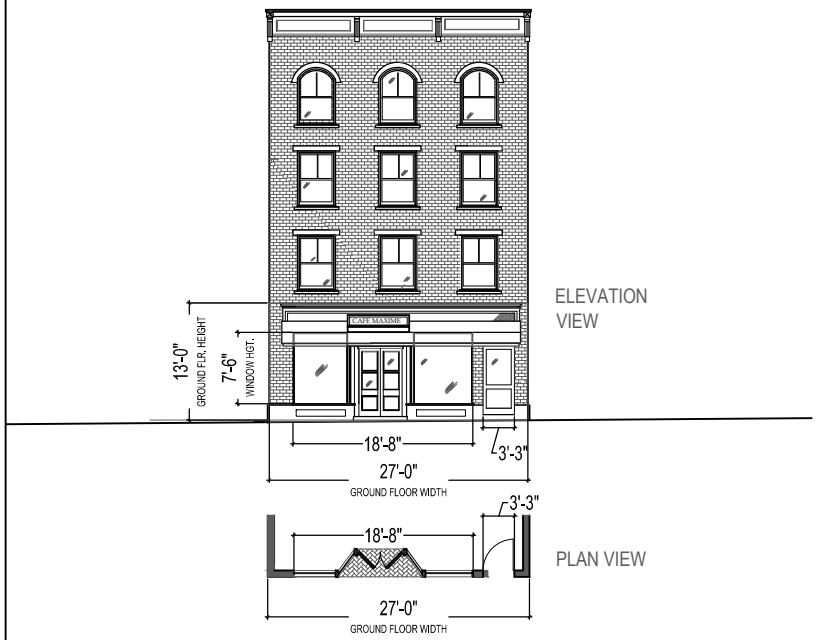
LOT WIDTH = 100'.

- 85% X 100' = 85'-0" MINIMUM REQUIRED BUILDING FRONTAGE.
- 75% X 85' = 64'+/- MINIMUM REQUIRED AT PRINCIPLE BUILD-TO LINE.

GROUND FLOOR HEIGHT =13'.

- 60% X 13' = 7'-8" REQUIRED GLAZING HEIGHT.
- 7'-8" GLAZING/OPENING HEIGHT IS PROVIDED.

GLAZING STANDARDS



EXAMPLE OF GLAZING REQUIREMENTS:
80% OF GROUND FLOOR BUILDING WIDTH . TOTAL REQUIRED GLAZING AMOUNT CAN BE ACHIEVED BY DOORS AND WINDOWS. APPLIES TO ALL BES.

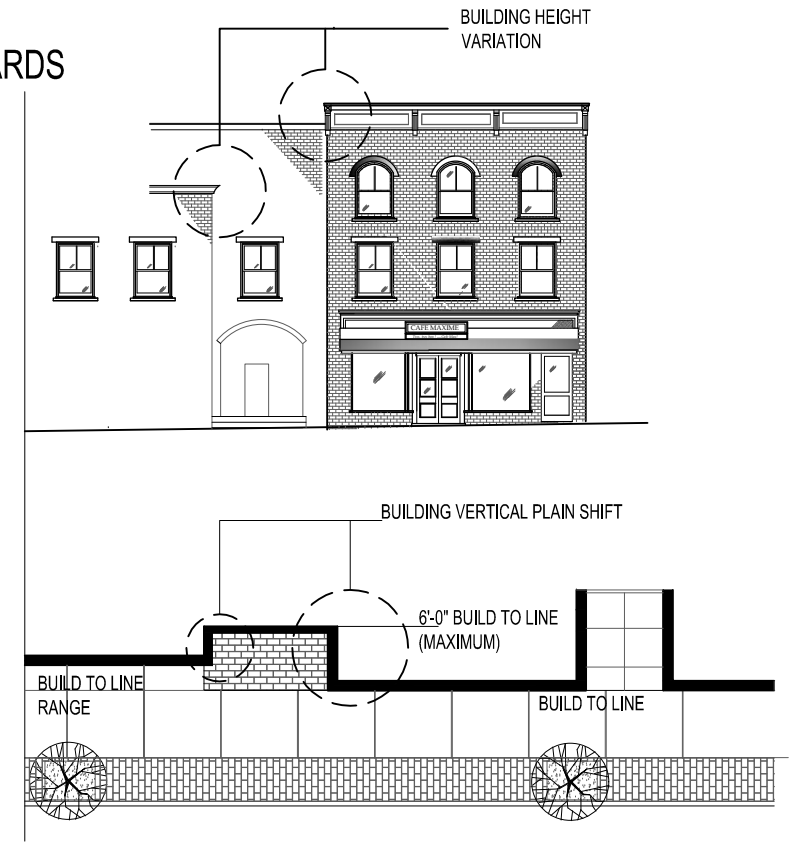
BUILDING FRONT WIDTH = 27'.

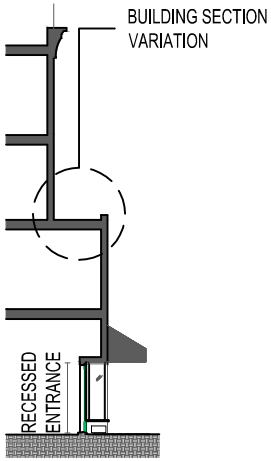
- 80% X 27' = 21'-6" REQUIRED GLAZING WIDTH .
- 21'-11" GLAZING/OPENING WIDTH IS PROVIDED.

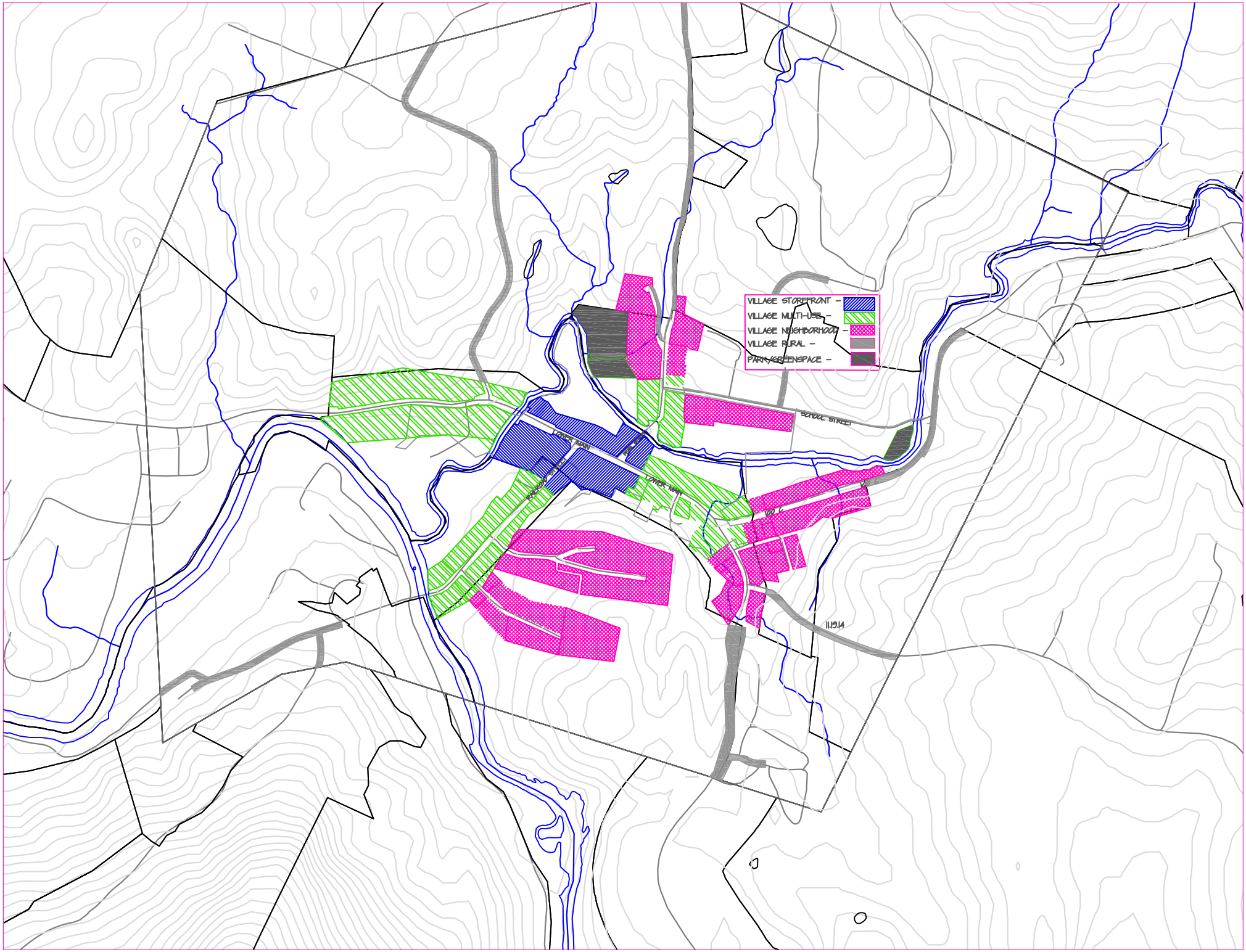
GLAZING HEIGHT

- T-5 =7'-6"
- T-4 AND T-3 WINDOWS SHALL BE TALLER THAN THEY ARE WIDE

BUILDING BREAK STANDARDS






VILLAGE STOREFRONT –
VILLAGE MULTI-USE –
VILLAGE NEIGHBORHOOD –
VILLAGE RURAL –
PARK/GREENSPACE –
SCHOOL STREET
LOWER MAIN
LOWER MAIN
11.19.14