

Proposed revisions to the Marlboro Zoning Regulations

Changes made to 1/10/2017 Draft following February 14, 2017, Public Hearing

KEY TO PROPOSED REVISIONS:

Text in gray highlight: Proposed additions or changes.

~~Strikethrough text:~~ Proposed deletions.

Text in italics, within heavy box: **Changes made since the February 14, 2017, PC public hearing.**

Changes made since the February 14, 2017, public hearing are in the following Sections:

Section 205.2

Section 305, Additional Standards (at end of Section)

Section 309, Commercial East District (COM-E), *Permitted Uses* (title)

Section 309, Commercial East District (COM-E), *Conditional Uses* (title)

Section 343.1 and 343.2

Section 351

Section 353.1 and 353.2

Section 354.3.c.

Section 371.1.d.

Section 452.1

Section 452.3.c

Section 453.2

Section 454.3.a.(1)

Section 456.5

Proposed Regulations begin on next page >>

- d. Proposed site grading and location of structures, sewage disposal facilities, water supply and land use areas;
- e. Proposed layout of roads, driveways, walkways, traffic circulation and parking spaces;
- f. Existing trees, shrubs and other vegetation to be preserved on the site;
- g. Proposed landscaping and screening.

Section 205 - Violations and Enforcement

1. Violations: The commencement or continuation of any land development, subdivision, or use that is not in conformance with the provision of these Regulations shall constitute a violation. All violations will be pursued in accordance with the Act. Any person who violates any provision of these Regulations shall be fined \$100 dollars for each offense. Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute in the name of the Town of Marlboro any appropriate action, injunction, or other proceeding to enforce the provisions of these Regulations. The Zoning Administrator may consult with and utilize the assistance of the Town attorney or other Town officials in carrying out this responsibility. All fines imposed and collected shall be paid over to the Town.
2. Notice of Violation: Pursuant to the Act, no action may be brought under this Section unless the alleged offender has had at least seven (7) days warning notice by certified mail that a violation exists. The seven-day warning notice shall state that a violation exists, that the alleged offender has the opportunity to cure the violation in seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seventh day. *A notice of violation shall also state: (a) the regulation, bylaw, or municipal land use permit condition alleged to have been violated; (b) the facts giving rise to the alleged violation; (c) to whom appeal may be taken and the period of time for taking an appeal; and (d) that failure to file an appeal within that period will render the notice of violation the final decision on the violation addressed in the notice. (4 V.S.A. §4451(a) (2))* Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of these Regulations after the seven-day notice period and within the next succeeding 12 months. In default of payment of the fine, such person, the members of any partnership, or the principle officers of such corporation shall each pay double the amount of such fine.
As used in this section "person" means an individual, partnership, corporation, unincorporated organization, trust, or other legal or commercial entity, including a joint venture or affiliated ownership, a Town or State agency, or individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from real estate except as derived in 24 VSA 4454 (D2).
Nothing in this section shall prevent any action, injunction or other enforcement proceeding by a Town under any other authority it may have, including a Town's authority under VSA title 18 relating to the authority to abate or remove public health risks or hazards.
3. Recording Requirements: Within thirty days of the issuance of a Violation, the Zoning Administrator shall deliver either the original or a legible copy of the Notice of Violation to the Town Clerk for recording in the Land Records.
4. Limitations on Enforcement: The Town shall observe any limitations on enforcements relating to municipal permits and approvals as set forth in the Act. Enforcement proceedings must be instituted within 15 years from the date the violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of municipal land use permit or approval issued after July 1, 1998, unless the Permit or a Notice of Permit has been recorded in the Town Land Records in accordance with section 223.
5. An interested person, as defined by the Act, may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Development Review Board or, if no such secretary has been elected, with the Town Clerk. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning

Building Coverage Maximum: 10 percent

Additional Standards

~~Building Design - Commercial Building design to be compatible with the architecture of the neighborhood.~~

~~Building Materials - Siding to be wood, brick, stone, or aluminum or vinyl clapboard style siding.~~

~~Exterior Lighting - Designed so as to illuminate structures and exterior areas only at levels necessary to ensure safety and security of persons and property; so that the light source (lamp) is not directly visible from public roads, adjacent residences, or distant vantage points; and so that the source light does not project above the lamp. All lighting fixtures serving parking areas shall be cut-off fixtures (shielded, with down light only).~~

~~Parking - To be located in the side and rear yards when possible. Front yard parking shall be single row only. Shared access drives and parking areas are encouraged. Side and rear setbacks may be waived for shared access and parking.~~

~~Site Design - PUDs with buildings grouped together in a village design with shared parking, open space, and integrated street, tree, and landscape design are encouraged. See Section 500.~~

Section 306 - Village (VIL)

District Description and Purpose: The Village District is defined as lands surrounding and inclusive of the existing town center and its corridor approaches. Due to Marlboro’s topography and road system, activities traditionally concentrated in the Village District are best suited along a number of road corridors surrounding the existing town center. The purpose of the District is to support and expand the traditional role of the village as the focus of many of the civic, social, and economic activities that support the surrounding community, and to provide for residential, commercial, and governmental uses that serve the needs of the community.

The greater district should include current and future community structures such as the Town school, fire station, library, cemetery, recycling center, town park, recreation facility, with parking and connecting walking and biking pathways. Homes and structures should be placed on lots with small frontage, clustered along existing roadways with posted and enforced restricted speed limits.

Permitted Uses (Only if located within 500 feet of a State Highway or Class 2, or 3 town road):

- | | |
|--|---|
| 1. Accessory Dwelling Unit.
See Definition (Dwelling Unit, Accessory) for requirement for Conditional Use Permit. | 8. Family Child Care Home serving no more than six children |
| 2. Accessory Uses and Buildings to Permitted Use | 9. Home Enterprise (See Sec. 450) |
| 3. Agriculture and Forestry* | 10. Museum/Gallery |
| 4. Assisted Living Facility | 11. Photovoltaic System - Individual, on existing or new structure |
| 5. Bed & Breakfast | 12. Professional Residence-Office |
| 6. Business Office | 13. Single or Two-Family Dwelling |
| 7. Community Building | * Also a permitted use beyond 500 feet of a State Highway or Class 2, or 3 town road. |

Conditional Uses (Only if located within 500 feet of a State Highway or Class 2, or 3 town road):

- | | |
|---|--|
| 1. Accessory Dwelling Unit
A Conditional Use Permit shall be required if one or more of the following is involved in the creation of an accessory dwelling unit: | 2. Accessory Uses and Buildings to Conditional Use |
| a. A new accessory structure, | 3. Cemetery |
| b. An increase in the height or floor area of the existing dwelling, or | 4. Conference Center/Retreat Facility |
| c. An increase in the dimensions of the parking areas. | 5. Dormitory/Hostel |
| | 6. Educational Facility (See Sec. 450) |
| | 7. Family Child Care Home serving no more than six full-time children and four part-time |

Building Footprint Maximum 4,000 sf
Building Coverage Maximum: 20 percent

Additional Standards:

- Building Design - Commercial Building design to be compatible with the architecture of the neighborhood.
- Building Materials - Siding to be wood, brick, stone, or aluminum or vinyl clapboard- style siding.
- Exterior Lighting - Designed so as to illuminate structures and exterior areas only at levels necessary to ensure safety and security of persons and property; so that the light source (lamp) is not directly visible from public roads, adjacent residences, or distant vantage points; and so that the source light does not project above the lamp. All lighting fixtures serving parking areas shall be cut-off fixtures (shielded, with downlight only).
- Parking - To be located in the side and rear yards when possible. Front yard parking shall be single-row only. Shared access drives and parking areas are encouraged. Side and rear setbacks may be waived for shared access and parking.

Commercial East District (COM-E)

Permitted Uses (Since the Commercial East district ~~is only 500' wide~~ extends back only a distance of 500 feet from the edge of each side of the highway right-of-way, the Wildlife Habitat Overlay District does not apply):

- | | |
|--|---|
| 1. Accessory Dwelling Unit.
See Definition (Dwelling Unit, Accessory) for requirement for Conditional Use Permit. | 9. Child Care Facility serving more than six full-time and four part-time children, which shall be subject to all applicable municipal bylaws |
| 2. Accessory Uses and Buildings to Permitted Use | 10. Health Care Facility (See Sec. 450) |
| 3. Agriculture and Forestry | 11. Home Enterprise (See Sec. 450) |
| 4. Assisted Living Facility | 12. Museum/Gallery |
| 5. Bed and breakfast | 13. Professional Residence-Office |
| 6. Business Office | 14. Photovoltaic System - Individual, on existing or new structure |
| 7. Community Building | 15. Single or Two-Family Dwelling |
| 8. Family Child Care Home serving no more than six children | 16. Veterinary Clinic |

Conditional Uses (Since the Commercial East district ~~is only 500' wide~~ extends back only a distance of 500 feet from the edge of each side of the highway right-of-way, the Wildlife Habitat Overlay District does not apply):

- | | |
|--|---|
| 1. Accessory Dwelling Unit
A Conditional Use Permit shall be required if one or more of the following is involved in the creation of an accessory dwelling unit: <ul style="list-style-type: none">a. A new accessory structure,b. An increase in the height or floor area of the existing dwelling, orc. An increase in the dimensions of the parking areas. | 8. Family Child Care Home serving no more than six full-time children and four part-time children. Shall require Site Plan approval based on these Zoning Regulations |
| 2. Accessory Uses and Buildings to Conditional Use | 9. Gasoline or Motor Vehicle Service Station (See Sec. 430) |
| 3. Campground | 10. Home Enterprise (See Sec. 450) |
| 4. Cemetery | 11. Hotel/Motel |
| 5. Conference Center/Retreat Facility | 12. Kennel |
| 6. Dormitory/Hostel | 13. Micro Hydro-electric Systems |
| 7. Educational Facility (See Sec. 450) | 14. Multi-unit Dwelling |
| | 15. Municipal or Fire Co. Facility |
| | 16. Planned Unit Development |
| | 17. Recreation - Active |
| | 18. Religious Institution (See Sec. 450) |

patches reduces the risk of local population extinctions by enabling migration, reproduction, and exchange of genes for many plant and animal species.

Section 341 - Establishment of District Boundaries

The Town of Marlboro has identified a number of wildlife road crossings as being critically threatened resources. The Wildlife Road Crossing Overlay District includes all lands identified as Wildlife Road Crossings on the Zoning Map - 2 of 4, Wildlife Overlays, adopted as part of these Regulations. All Wildlife Road Crossings extend 500 feet back from both sides of the road in the crossing areas. It is not the Town's intention to prevent development in these areas but rather to require that any such development will minimize impacts on sensitive wildlife resources and habitat.

Where the boundary of the Wildlife Road Crossing Overlay District divides a lot of record such that part of the lot falls within the Wildlife Road Crossing Overlay District and part of the lot falls outside of it, the provisions of this Article shall apply to only that portion of the lot that falls within the Wildlife Road Crossing Overlay District. This supersedes Section 411 of these Regulations.

Section 342 - Use Regulations and Land Development Subject to Review

The following uses and land development activities are subject to review under the Wildlife Road Crossing Overlay District:

1. The Wildlife Road Crossing Overlay District Standards (Section 344) shall apply to all uses in this district with the exception of "Exempted Uses" (Section 343). These standards shall be applied concurrently with the standards in the underlying district. In all cases, the more restrictive requirement(s) shall apply.
2. Within the Wildlife Road Crossing Overlay District, all changes of use and new construction shall require a Conditional Use Permit, including Conservation Commission review in accordance with Section 345.

Section 343 - Exemptions

The following development activities are exempted from review under the Wildlife Road Crossing Overlay District:

1. Repairs or alterations to a structure existing prior to the effective date of these Regulations **or to a structure installed in conformance with a Wildlife Road Crossing Conditional Use Permit** that do not expand the total building footprint of the structure by greater than 50% of the building footprint. **Note: Expansion of a structure existing prior to the effective date of these Regulations or to a structure installed in conformance with a Wildlife Road Crossing Conditional Use Permit by greater than 50% of the building footprint (whether at one time or over a series of expansions) will require a new Wildlife Road Crossing Conditional Use Permit.**
2. Repairs or minor alterations to non-structural items (including but not limited to the following examples: septic systems, wells, driveways, patios, utility lines, fences, gardens, yard areas, ponds, etc.) existing prior to the effective date of these Regulations **or installed in conformance with a Wildlife Habitat Overlay Conditional Use Permit.**
3. A project required to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
4. New small accessory structures (see Section 202.4.a), the closest point of which is not more than 25 feet from a principal structure.
5. Farming, silviculture, or forestry operations. See definitions for all three categories.

Section 351 - Establishment of District Boundaries

The Wildlife Habitat Overlay District includes all areas more than 500 feet from a State Highway or Class 2, or 3 town road. Areas within the Wildlife Habitat Overlay District are shown as Wildlife Habitat Overlay on the Zoning Map - 2 of 4, Wildlife Overlays. *It is not the Town's intention to prevent development in these areas but rather to require that any such development will avoid or minimize impacts on sensitive wildlife resources and habitat.*

Where the boundary of the Wildlife Habitat Overlay District divides a lot of record such that part of the lot falls within the Wildlife Habitat Overlay District and part of the lot falls outside of it, the provisions of this Article shall apply to only that portion of the lot that falls within the Wildlife Habitat Overlay District. This supersedes Section 411 of these Regulations.

Section 352 - Use Regulations and Development Subject to Review

The following uses and development activities are subject to review under the Wildlife Habitat Overlay District:

1. The Wildlife Habitat Overlay District Standards (Section 354) shall apply to all development activities and construction listed under subparagraph 2, following, in this district with the exception of those listed under "Exemptions" (Section 353). These standards shall be applied concurrently with the standards in the underlying district. In all cases, the more restrictive requirement(s) shall apply.
2. Within the Wildlife Habitat Overlay District, the following development activities shall require a Conditional Use Permit, including Conservation Commission review (Section 355): the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; any mining, excavation, or land fill; and any change in the use of any building or other structure, with the exception of those listed under "Exemptions" (Section 353).

Section 353 - Exemptions

The following development activities are exempted from review under the Wildlife Habitat Overlay District:

1. Repairs or alterations to a structure existing prior to the effective date of these Regulations *or to a structure installed in conformance with a Wildlife Habitat Overlay Conditional Use Permit* that do not expand the total building footprint of the structure by greater than 50% of the building footprint. *Note: Expansion of a structure existing prior to the effective date of these Regulations or to a structure installed in conformance with a Wildlife Habitat Overlay Conditional Use Permit by greater than 50% of the building footprint (whether at one time or over a series of expansions) will require a new Wildlife Habitat Overlay Conditional Use Permit.*
2. Repairs or minor alterations to non-structural items (including but not limited to the following examples: septic systems, wells, driveways, patios, utility lines, fences, gardens, yard areas, ponds, etc.) existing prior to the effective date of these Regulations *or installed in conformance with a Wildlife Habitat Overlay Conditional Use Permit.*
3. A project required to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
4. New small accessory structures (see Section 202.4.a), the closest point of which is not more than 25 feet from a principal structure.
5. Farming, silvaculture, or forestry operations. See definitions for all three categories.
6. Primitive camps.
7. Sugar houses.

Section 354 - Standards and Special Requirements for Development Activities in the Wildlife Habitat Overlay District

All development within the Wildlife Habitat Overlay District not exempted under Section 353 shall meet the following standards. In granting approval of a Conditional Use Permit, the Development Review Board may consider and impose appropriate conditions to ensure that the development complies with these standards. Conditions may be imposed with regard to development siting (road location, building coverage and envelopes), density, setbacks, land uses and the intensity and operation of the use.

1. Development should be located as close as possible to the State Highway or Class 2, or 3 town road unless a less disruptive option is available, such as locating development in close proximity to existing development in the Wildlife Habitat Overlay District. Development should be located to leave the greatest contiguous land area within the District as undisturbed forest to provide wildlife habitat.
2. Development shall be designed to minimize forest fragmentation and disruption. To this end, development shall:
 - a. Be designed to minimize forest fragmentation and minimize penetration into large forest blocks through careful placement of individual structures and clustering of multiple structures as close to other development sites and disturbed areas as is practical given the development suitability of the site.
 - b. Be located within defined development envelope(s) as shown on the Site Plan to ensure that clearing, accessory structures, and other site development is limited to a defined area;
 - c. Be designed so that the extension of roads, driveways, utility corridors, and infrastructure is minimized and, where practical, shared by multiple uses. Where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, consider following these features to minimize the fragmentation of forestland parcels.
 - d. Avoid bright exterior lighting or noise-creating equipment. Any necessary exterior lighting shall be as dim as possible and directed downward, especially avoiding illumination that shines horizontally, and, if adjacent to a WRC, shall be directed away from the WRC.
 - e. If immediately adjacent to a Wildlife Road Crossing, be designed, sited, and undertaken in a manner compatible with the continued viability of the adjacent Wildlife Road Crossing and the wildlife corridors that connect to the crossing.
 - f. Be configured, if forestland is being subdivided, to allow for ongoing forest management of the resultant parcels after subdivision, to the extent feasible. Lot boundaries and development envelopes shall be laid out to avoid the unnecessary fragmentation of productive timber stands. Provision for forest management access (e.g., existing or potential timber landing areas and logging roads) shall be a consideration of the final plan if active management is taking place.
 - g. Avoid disruptions of connectivity between wildlife road crossings.
3. A naturally vegetated buffer that is adequate to protect the following habitats from the impacts of development and associated activities may be required as a condition of approval. Buffer standards shall be as follows:
 - a. From rivers, streams, lakes, ponds, and wetlands: 300 feet
 - b. From deer wintering areas: 300 feet and a state biologist review
 - c. From mast stands: 1,300 feet and a state biologist review
 - d. From vernal pools: 600 feet

If the strict application of adequate buffer standard for a particular type of habitat would deny a landowner a reasonable use of their property, the Development Review Board may allow the minimum encroachment into the buffer area needed to allow for the reasonable use of the parcel. In allowing such an encroachment, the Development Review Board may place conditions on the use or management of the area of the parcel within the buffer to maintain ecological values.

Section 355 - Consultation with the Marlboro Conservation Commission

Before issuing a Conditional Use Permit in the Wildlife Habitat Overlay District, the Development Review Board shall consult with the Marlboro Conservation Commission and receive input on the proposed project's adherence to

- a. All land within the Wildlife Habitat Overlay District (see Section 351) that is within three hundred feet (300') of a stream or river identified as such on the Zoning Map - 4 of 4, Shoreland and Surface Water Buffer Overlays, and/or associated water body.
- b. All land outside of the Wildlife Habitat Overlay District that is within fifty feet (50') of a stream or river identified as such on the Zoning Map - 4 of 4, Shoreland and Surface Water Buffer Overlays, and/or associated water body.
- c. All land within one hundred feet (100') of water bodies of ten (10) acres or more, including, but not limited to Sunset Lake (North Pond), North Pond Road Wetlands (referred to by DEC as Halladay), South Pond, Hidden Lake, Marlboro Millpond, (referred to by DEC as Marlboro - 431), and an unnamed body of water on the north side of Shearer Hill Road referred to by DEC as Gates - NE.
- d. *If uncertainty exists with respect to the existence or location of a stream or river identified as such on the Zoning Map - 4 of 4, Shoreland and Surface Water Buffer Overlays, the existence or location of the stream or river shall be determined by the Zoning Administrator. If the applicant disagrees with the determination, he/she may appeal to the Development Review Board.*

The Surface Water Buffer Overlay District shall be measured from the top of bank of rivers and streams and from the normal mean high watermark of water bodies. The top of bank is the point along a stream or river bank where an abrupt change in slope is evident, and where the stream or river is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high-water stage. In areas where there are ponds contiguous to a stream or river the Surface Water Buffer Overlay District shall be measured from the top of bank of the pond.

2. **Exemptions.** These Regulations shall not apply to:
 - a. Required agricultural or accepted farming practices, as defined by the Commissioner of Agriculture, Food, and Markets, following Required Agricultural Practices or to accepted silvicultural practices, as defined by the Commissioner of Forests, Parks, and Recreation, following Acceptable Management Practices.
 - b. Maintaining existing buildings, driveways, gardens, and lawns, without enlarging them.
 - c. Reconstruction of existing impervious areas without increasing or changing the current footprint, such as rebuilding a house, deck, or driveway in the exact same footprint.
 - d. Removal of invasive species, nuisance plants, and noxious weeds.
 - e. Creation of a path no more than six feet wide.
 - f. Replacement, maintenance, repair or installation of septic systems and potable water systems.

Section 372 - Surface Water Buffer Overlay Standards:

1. **General standards.** It is the objective of these standards to promote the maintenance of areas of native vegetation and trees to reduce the impact of stormwater runoff, reduce sedimentation, and increase infiltration and base flows in the town's streams and ponds. Therefore, except as specifically permitted by the Development Review Board pursuant to the standards in Section 203 (Conditional Use Permit), all lands within the Surface Water Buffer Overlay District shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping with appropriate native species of vegetation to achieve these objectives shall be permitted. The specific standards for the vegetation and maintenance of Surface Water Buffers are as follows:
 - a. A buffer of healthy trees, shrubs, and ground cover shall be preserved, maintained, and enhanced by appropriate methods. The extent of any planting and/or seeding shall be sufficient to minimize soil erosion and to screen selectively the land use from the shoreline.
 - b. Any areas within the Surface Water Buffer Overlay District that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, and shall not be mowed more than one (1) time per calendar year after establishment.
 - c. The creation of new lawn areas within the Surface Water Buffer Overlay District is not permitted after the effective date of these Regulations.
 - d. Snow storage areas designated pursuant to Site Plan or Planned Unit Development (PUD) review shall

Section 450 - Home Enterprises

Home Enterprises in a rural residential zone may be allowed if such use complies with the requirements of this subsection:

1. In accordance with the Act, the use of a minor portion of an owner-occupied dwelling by the owner of the dwelling for an enterprise that is customarily conducted in residential areas and does not have an undue adverse effect upon the character thereof is a Permitted Use and shall not require a permit. See Home Enterprise definition.
2. A Conditional Use Permit shall be required for:
 - a. Use requiring two or more full-time employees or the equivalent who are not members of the family living on the premises.
 - b. Activity that generates traffic and parking in consistently larger amounts than would normally be expected in a residential neighborhood.
 - c. An enterprise that uses a substantial portion of the residence or accessory building(s).
3. Prohibited use:
 - a. Large commercial or industrial operations.
 - b. Operations which violate Section 460 as to noise, traffic, dust, odors, etc.

Home Enterprises in a commercial zone may be allowed so long as they do not violate Section 460.

Section 452 - Signs

Definitions:

1. SIGN: A "Sign" is any display, device, or representation that is designed or used to advertise or call attention to any thing, person, business, activity, or place, and is visible from any highway or other right-of-way. Whenever dimensions of a sign are specified they shall include panels and frames excluding the building to which a sign may be attached. When *a sign has more than a single face* ~~two sides of a sign are used~~, whether in sandwich board or not, the area ~~s of all faces both~~ shall be summed and included in the total allowed for the lot. Signs are allowed with regulations, restrictions, and prohibitions as detailed in these Regulations.
2. OFF-PREMISES SIGN: "Off-premises Sign" means a sign that directs attention to a business, profession, commodity, service, or entertainment carried on, sold, or offered that is not located on the same premises as the business, profession, commodity, service, or entertainment carried on, sold, or offered that is displayed on the sign. All Off-premises signs shall be set back from the edge of the traveled portion of the road or highway a minimum of eight (8) feet.
3. ON-PREMISES SIGN: "On-premises sign" means a sign that directs attention to a business, profession, commodity, service, or entertainment carried on, sold, or offered on the same premises. A sign, display, or device will be considered to be an on-premises sign if it meets the following requirements:
 - a. The sign must be located on the same premises as the activity or property advertised.
 - b. The sign must have as its purpose:
 - (1) The identification of the activity or its products or services, or
 - (2) The sale or lease of the property on which the sign is located.
 - (3) It shall not have the purpose of general advertising.
 - c. When *a sign has more than a single face* ~~two sides of a sign are used~~, whether in sandwich board or not, the area ~~s of all faces both~~ shall be summed and included in the total allowed for the lot.
4. PREMISES: The premises shall be that part of the owner's or occupant's real property to which the public is invited and on which the business, profession, commodity, service, or entertainment (to which an on-premises sign directs attention) is carried on, sold, or offered.

Section 453 - Allowed Off-Premises Signs

1. Official Business Directional Signs - Signs erected and maintained by the State to indicate to the traveling public the route and the distance to public accommodations, commercial services for the traveling public,

- and points of scenic, historic, cultural, educational, and religious interest. (See 10 V.S.A., Chapter 21.)
2. An off-premises sign giving directions to a home industry or other rural-residential use that is permitted in the Marlboro Zoning Regulations, Rural Residential District, Permitted Uses. Three (3) such **single-sided** signs are allowed, with the area of each sign not to exceed four square feet (2' x2 '), **for a total area of twelve (12) square feet for three single-sided signs. in total area for one side of a single sided sign.**
 3. No person may erect or maintain an off-premises sign, except as provided in 10 V.S.A., Chapter 21, or as described in Section 456, Sign Exceptions.

Section 454 - Allowed On-Premises Signs

1. On-Premises signs are allowed, provided the purpose is to advertise products sold in the Town of Marlboro or to advertise a service or commercial establishment within the Town. Certain exceptions are given in Section 456.
2. Pursuant to 10 V.S.A., Chapter 21, an on-premises sign shall be located not more than fifteen hundred feet from a main entrance from that highway to the activity or premises advertised. The fifteen hundred foot distance shall be measured along the center line of the highway between the sign and a main entrance. A main entrance shall be a principal, private roadway or driveway that leads from a public highway to the activity or premises advertised.
3. Zoning Permit Not Required:
 - a. In all districts, the following On-Premises signs are allowed without a zoning permit:
 - (1) One (1) professional or home enterprise sign, not exceeding sixteen (16) square feet in total area for one side of a single-sided sign **(no edge shall exceed four feet in length)**, or sixteen (16) square feet in total area for both sides of a two-sided sign **(no edge shall exceed three feet in length)**.
 - (2) One (1) temporary real estate sign offering sale or rental of the premises, entire or in part, and not exceeding twelve (12) square feet in total area for one side of a single-sided sign, or twelve (12) square feet in total area for both sides of a two-sided sign.
 - b. In commercial districts, interior window signs are allowed without a zoning permit, but with the following provisions:
 - (1) Such sign shall present a face that can be contained in a rectangular area no greater than four (4) square feet, whether or not the elements of the sign completely fill such a rectangle.
 - (2) Signs employing gas-discharge tube ("neon") displays are allowed, provided that they conform to the size limits given above, and that no more than six (6) such signs are displayed by any establishment.
4. Zoning Permit Required:
 - a. In residential districts, the following On-Premises signs require a zoning permit:
 - (1) Signs identifying any allowed non-residential Conditional Use, not exceeding twenty (20) square feet in total area for one side of a single-sided sign, or twenty (20) square feet in total area for both sides of a two-sided sign.
 - b. In commercial districts: the following On-Premises signs require a zoning permit and site plan review and approval from the Development Review Board:
 - (1) No more than three (3) single-sided business signs, not larger than thirty-two (32) square feet each (total of 96 sq. feet). No more than two (2) of these signs (which can be combined to form one double-sided sign) are to be located within twenty-five (25) feet of the edge of the traveled portion of the road or highway.
 - (2) Signs may be externally illuminated, provided that the source of illumination is carefully shielded to prevent traffic hazards.

Section 455 - Prohibited Signs

The following signs shall not be allowed in any district:

1. A sign that interferes with, imitates or resembles any official traffic control sign, signal, or device, or attempts or appears to attempt to direct the movement of the traffic.

2. A sign that prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
3. A sign that contains, includes, or is illuminated by any flashing, intermittent, or moving lights, or moves, or has any animated images or moving parts, except that this restriction shall not apply to a traffic control sign.
4. A sign that is argon or neon in any exterior application, or similar types of lighting.
5. A sign that is located upon a tree, or painted or drawn upon a rock or other natural feature.
6. A sign that is reflective.
7. A sign that is attached to buildings when such signs are more than twenty-five (25) feet in height from the top of the sign, are extended more than twenty-five feet above ground level or attached to the roof of a building, or extend above the eaves of that part and side of the building to which the sign is attached.
8. A sign that is freestanding in excess of twenty (20) feet in height.
9. A sign that is located within twenty-five (25) feet of the center line on the road or within one hundred fifty (150) feet of any intersection of streets unless part of the main structure of a building.
10. A sign that is Portable, except as allowed in Section 456.5.
11. A sign that is not in good repair.
12. A sign that remains after the business or activity has closed. If the business or activity changes, the proprietor or owner of the property will have 60 days to alter the sign in order to reflect the new business or activity. If, after 60 days, no such alteration occurs or the premises are vacant of a business or activity for a 60-day period, the sign becomes a violation.
13. Internally illuminated signs.
14. An exterior sign containing the registered trademark of a specific commodity or product that occupies more than twenty percent (20%) of the area of the sign, except that if the sale of the commodity or product is the major business conducted on the premises, there shall be no such restriction.

Section 456 - Sign Exceptions

The following On- and Off-Premise signs are allowed without a zoning permit:

1. Official Business Directional Signs - Signs erected, maintained, or administered by the municipality or by the State of Vermont under Title 10, Chapter 21. Reflective signs are allowed within this category.
2. Signs without advertising displayed for the direction, instruction, or convenience of the public, including signs that identify rest rooms, freight entrances, posted areas, or the like, not exceeding four (4) square feet in total area.
3. Signs announcing events such as fairs or expositions, auctions, campaign drives, or events sponsored by a civic, political, religious, or philanthropic service organization. Such signs may not exceed sixteen (16) square feet in total area for one side of a single-sided sign, or sixteen (16) square feet in total area for both sides of a two-sided sign, and must be removed by the owners, sponsors, or proprietors promptly after the announced event. Tradesmen's signs while work is performed on the premises shall fall under this category.
4. Signs in or on the rolling stock of a common carrier while in use as such, and signs painted on or attached to registered and inspected vehicles so as not to change the exterior dimensions of such vehicle, provided that any such vehicle is in use as a vehicle. This exemption does not extend to rolling stock or vehicles when one of the principal uses has become that of advertising by its having advertising matter painted or posted thereon. No rolling stock or vehicle with advertising matter painted or posted thereon shall remain parked and visible from a public way for longer than 24 hours.
5. One double-sided portable sign of no more than sixteen (16) square feet (each side) that is placed and removed daily. *No edge shall exceed four feet in length.*
6. Signs identifying the 911 address of the premises.

Section 458 - Visibility At Intersections

In order to provide unobstructed visibility at intersections, no sign, fence, wall, or other structure, or hedge or planting of more than three (3) feet above the established road grade shall be erected, placed or maintained within the triangular area formed by the intersection's road edge lines and a straight line joining said road edge lines at