

ARTICLE 3. GENERAL REGULATIONS

Section 3.1 Applicability

The following general standards, including provisions required under the Act [§4412, §4413], apply to all uses and structures as specified within the Town of Hardwick.

Section 3.2 Damaged Structures

(A) No zoning permit is required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses (e.g., fire, collapse, squatting); nor for the timely repair or reconstruction of damaged structures to the extent of their prior condition and use, provided such stabilization, repair or reconstruction occurs within 12 months of the date the structure is damaged. Reconstruction that results in changes in density, dimension or use under applicable provisions of these regulations shall require a zoning permit issued in accordance with Section 7.1.

(B) If an owner has not stabilized, repaired or reconstructed a structure that has been demolished, destroyed, or substantially damaged within 12 months of the date of damage or demolition, and the structure is determined by the Town Health Officer to present a hazard to public health and safety, the owner shall remove all materials from the site, restore the site to a normal grade, and establish ground cover sufficient to prevent erosion.

Section 3.3 Access & Frontage Requirements

(A) In accordance with the Act [§4412(3)], no land development may be permitted on lots which do not have either frontage on a public or private road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement, right-of-way or fee-simple ownership at least 50 feet in width. In granting approval under this Section, the Commission shall consider the intended use and shall ensure the proposed access does not pose a hazard to traffic and pedestrian safety.

(B) Access onto public roads is subject to the approval of the Hardwick Selectboard, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with all municipal land use regulations is required. Access permits must be obtained prior to the issuance of a zoning permit.

(C) With the exception of parcels in agricultural or forestry use, no lot created after the effective date of these bylaws shall be served by more than one (1) access or driveway unless otherwise approved under conditional use review in accordance with Section 5.2. The consolidation of existing accesses and/or shared access between adjoining lots is encouraged and may be required as a condition of such approval. Access widths shall be limited to that approved, and not extend along the length of road frontage.

(D) No driveway intersection with a public road shall be located within seventy-five (75) feet of a street line intersection.

Section 3.4 Conversions & Changes of Use

(A) Conversions or changes in the use of land, existing buildings, or other structures are subject to the following:

- (1) The proposed use shall be subject to all the requirements of these bylaws pertaining to such use, including but not limited to any district, general or specific requirements, as well as all other municipal regulations currently in effect.
- (2) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a separate lot which conforms to lot size, setback, parking and other requirements applicable to the proposed use, independent of the principal use or structure on the lot (see Section 3.8). Such a conversion requires a zoning permit issued by the Zoning Administrator in accordance with Section 7.1.
- (3) A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space or outdoor storage space, requires additional on-site parking, or has different minimum lot size or dimensional requirements, will require a zoning permit issued by the Zoning Administrator under Section 7.1.
- (4) A conversion or change from a permitted use to a conditional use, or from a conditional use to a different conditional use, shall be approved by the Board of Adjustment subject to conditional use review under Section 5.2. Such a change of use shall constitute the discontinuance of a previously approved conditional use unless the Board specifically authorizes the continuation of the prior use as part of its approval under Section 5.2. A landowner may not reconvene the discontinued use without Board approval.
- (5) A conversion or change of use involving a nonconforming use and/or Nonconforming structure is also subject to review under Section 3.9.

Section 3.5 Equal Treatment of Housing

(A) In accordance with the Act [§4412(1)]:

- (1) No provision of these regulations shall have the effect of excluding mobile homes, modular housing or other forms of prefabricated housing from the Town of Hardwick except under the same terms and conditions as conventional housing is excluded. A mobile home shall be considered single family dwelling, and must meet the zoning requirements for such dwelling, except when located in an approved mobile home park (see Section 4.11) or sales establishment, or allowed as a temporary structure (see Section 4.16).
- (2) No provision of these regulations shall be construed to prevent the establishment of a mobile home park pursuant to state statute [10 V.S.A., Chapter 153] and local standards within designated zoning districts (see Article 2).
- (3) No provision of these regulations shall have the effect of excluding for review, as a conditional use, one dwelling unit constructed within or attached to a primary single family residence located in a district in which single family residences are a permitted or conditional use, if the accessory unit meets statutory requirements [§4412(1)]. Accessory dwellings are provided for under these regulations in accordance with the requirements of the Act (see Section 4.2).

Section 3.6 Existing Small Lots

(A) In accordance with the Act [§4412(2)], any lot in individual and non-affiliated ownership from surrounding properties legally in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, if such lot is at least one-eighth (c) of an acre in area with a minimum width or depth of forty (40) feet. Development of the existing lot shall be subject to all other applicable requirements.

(B) Existing small lots in affiliated or common ownership or such lots which subsequently come under common ownership with one or more contiguous lots, shall be deemed merged with the contiguous lots for the purpose of these regulations. However, such lots shall not be deemed merged, and may be separately conveyed, if in accordance with the Act *all* of the following requirements are met:

- (1) the lots are conveyed in their pre-existing, nonconforming configuration; and
- (2) each lot had been developed with a water supply and wastewater disposal system; and
- (3) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and,
- (4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, pursuant to the Act [§4412(2)].

Section 3.7 Height Requirements

(A) The maximum height of structures in all districts shall not exceed the district maximum, except as permitted under Subsection (B), or for the following which are specifically exempted from the height requirements of these bylaws:

- (1) agricultural structures in accordance with the Act [§4413(D)];
- (2) steeples, spires, belfries, bell and clock towers;
- (3) accessory structures associated with residential use which are less than fifty (50) feet in height above the lowest grade at ground level at the base of the structure, including antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures.

(B) The Board of Adjustment may permit structures in excess of the district standard subject to conditional use review under Section 5.2, upon finding that:

- (1) the structure does not constitute a hazard to public safety, or to adjoining properties;
- (2) that portion of the structure above the district maximum height shall remain unoccupied except for normal maintenance;
- (3) the structure is not to be used for advertising purposes;
- (4) lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to the minimum required for security and safe operation; and,
- (5) the proposed building height and scale are consistent with the character of the immediate surroundings.

(C) Notwithstanding these requirements, or the district maximum height standards, telecommunications facilities shall meet the standards set forth in Section 4.15, including those standards which relate to maximum height.

Section 3.8 Lot & Yard Requirements

(A) Only a single principal use or structure may be located on a single lot, unless permitted within the specific district as:

- (1) an accessory use to a principal use (e.g., a home occupation, home child care);
- (2) a mixed use (see Section 4.10);
- (3) agricultural and forestry uses;
- (4) the adaptive reuse of a historic structure in accordance with Section 4.3; or
- (5) as otherwise approved by the Planning Commission as part of a Planned Residential Development (PRD) in accordance with Section 5.4.

(B) Notwithstanding subsection 3.8(A), above, the Zoning Administrator may permit two single family dwellings on a single parcel under Section 7.1 provided:

- (1) the parcel meets all applicable lot size, density and dimensional standards for the district in which the parcel is located;
- (2) the dwellings are set back from one another a minimum of twice the side yard setback distance for the district in which they are located; and
- (3) the Zoning Administrator determines that if the parcel were subdivided into two parcels each would meet all requirements for a conforming use and conforming structure under these bylaws.

(C) An accessory structure or use must conform to all lot setback, coverage and other dimensional requirements for the district in which it is located, unless otherwise exempted under Section 7.2.

(D) No lot shall be so reduced in area that it cannot conform to area, setback, frontage, coverage and other dimensional requirements as prescribed in these regulations, except as approved by the Planning Commission for PRDs in accordance with Section 5.4.

(E) Any interior lot which does not have frontage on a public or private road or public waters shall meet minimum setback requirements equal to the front yard setback distance for the district in which it is located from all adjacent property boundaries.

(F) Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front and side yards.

Section 3.9 Nonconforming Structures & Nonconforming Uses

(A) **Nonconforming Structures.** Any pre-existing structure or part thereof which does not conform to the provisions of these regulations concerning density, setbacks, height, lot size or other dimensional standard, or which does not meet other applicable requirements of these regulations, shall be deemed a Nonconforming structure. In accordance with the Act [§4412(7)], Nonconforming structures legally in existence on the effective date of these regulations including a structure improperly authorized as a result of error by the administrative officer may be allowed to continue indefinitely, but shall be subject to the following provisions. A Nonconforming structure:

- (1) may undergo normal repair and maintenance provided that such action does not increase the degree of nonconformity (see definition of degree of nonconformity in Article 10.2);

- (2) may be restored or reconstructed after damage from any cause, in accordance with Section 3.2 and provided that the reconstruction does not increase the degree of nonconformity which existed prior to the damage;
- (3) may be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformity;
- (4) may, subject to conditional use review under Section 5.2, undergo alteration or expansion which would increase the degree of nonconformity solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards).

(B) **Nonconforming Uses.** Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§4412(4)], nonconforming uses which legally exist on the effective date of these regulations including a use improperly authorized as a result of error by the administrative officer may be continued indefinitely, but shall be subject to the following provisions. A nonconforming use:

- (1) shall not be re-established or continued following abandonment or discontinuance resulting from structural damage from any cause, unless the nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the use is reinstated within one year of such damage;
- (2) shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of 12 months, regardless of the intent to re-establish such prior use;
- (3) shall not be changed to another nonconforming use without the approval of the Board of Adjustment in accordance with Section 5.2, and then only to a use which, in the opinion of the Board, is of the same or a more restricted nature;
- (4) shall not be moved, enlarged, or increased by any means whatsoever, except with the approval of the Board of Adjustment subject to conditional use review under Section 5.2. In no case shall a nonconforming use be moved to a different lot within the same district in which it is located.

Section 3.10 Parking & Loading Requirements

(A) Off-street parking spaces shall be provided in accordance with this section when any use is established or enlarged unless otherwise approved by the Board of Adjustment or waived under subsection 5.2.

- (1) In the CB District, off-street parking will be required only for employees, on the basis of one space per two (2) employees per shift, and for dwelling or lodging units as provided for in Table 3.1, or as otherwise allowed by the Board of Adjustment in accordance with a parking plan submitted by the applicant and approved in accordance with Section 5.2. In all other districts, off-street parking shall be required to accommodate business-owned vehicles and the vehicles of all owners, occupants, employees, customers or other persons expected to be on the premises in accordance with Table 3.1.
- (2) All required parking spaces shall have a minimum width of nine (9) feet, and a minimum length of eighteen (18) feet, excluding access and maneuvering room.
- (3) In addition to the requirements listed in Table 3.1, meeting standards to address the needs of people with disabilities (e.g., Americans with Disabilities Act) may also be required by state or federal agencies.
- (4) Non-residential parking areas shall be located to the side or rear of buildings unless otherwise

approved under site plan or conditional use review and shall be screened from adjoining residential properties.

Use	Parking Spaces
Dwelling Unit/ Single or Two-Family	2 per unit
Dwelling Unit/ Accessory	1 per unit
Dwelling Unit/ Multi-Family	1.5 per unit
Home Occupation/Home-Based Business	2 per unit, and 1 per additional employee
Bed & Breakfast	2 per unit, and 1 per guest room
Lodging Facility (Inn, Motel, Boarding House)	1 per lodging unit, and 1 per employee on largest shift
Office/Personal Service	1 per 300 sq. ft. of gross floor area
Retail	1 per 300 sq. ft. of gross floor area
Restaurant/Bar	1 per 3 seats, and one per employee on largest shift
Public Assembly (Church, Theater, etc.)	1 per 4 seats
Warehouse/Manufacturing/Industry	1 per 2 employees on the largest shift
Other	As determined under site plan or conditional use review

(B) **Loading and Service Areas.** In all zoning districts other than the Central Business District, off-street loading space shall be provided for commercial, industrial or institutional uses which will receive shipments in vehicles too large for a standard parking space. Space provided shall be specifically for off-street loading and shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time. Service areas also may be required for development subject to site plan or conditional use review to accommodate emergency vehicles, waste collection and disposal areas, transit service, or other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct access or sight visibility at intersections.

(C) **Waivers.** On-site parking, loading, and/or service area requirements may be reduced or waived by the Planning Commission under site plan review based upon a determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary:

- (1) suitably landscaped vacant land is set aside and maintained as open space for future conversion to parking, loading or services area in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need; or
- (2) shared use of parking, loading and/or service areas on the same or contiguous lots by two or more establishments is proposed; or
- (3) adequate off-site public parking exists within reasonable walking distance of the establishment;
- (4) sufficient off-site parking has been procured (e.g., through lease agreements) in a private or municipal parking lot; or
- (5) the proposal is specifically for the development of elderly housing.

Section 3.11 Performance Standards

(A) In accordance with the Act [§4414(5)], the following performance standards must be met and maintained for all uses in all districts, except for agriculture and forestry, as measured at the property line. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns; in the case of appeals to the Zoning Administrator alleging a violation of one or more of the following standards, the burden of proof shall rest with the appellant. No use, under normal conditions, shall cause, create or result in:

- (1) **regularly occurring noise** in excess of 65 decibels, or 70 decibels within the Industrial District, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
- (2) **releases of heat, cold, moisture, mist, fog** or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;
- (3) **any electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from telecommunications facilities which are specifically licensed and regulated through the Federal Communications Commission);
- (4) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;
- (5) **liquid or solid waste or refuse** in excess of available capacities for proper disposal which cannot be disposed of by available existing methods without undue burden to municipal or public disposal facilities; which pollute surface or ground waters; or which is otherwise detrimental to public health, safety and welfare;
- (6) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties; or which results in a significantly increased burden on municipal facilities and services.
- (7) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments; or
- (8) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;

(C) Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Department of Agriculture (see Section 10.2).

(D) Forestry operations shall at minimum observe Acceptable Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks and Recreation (see Section 10.2). Such AMPs include *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*.

Section 3.12 Protection of Water Resources

(A) **Surface Waters.** To prevent soil erosion and sedimentation of surface waters, maintain water quality and protect wildlife habitat, the following standards shall apply to all streams and rivers:

- (1) All septic systems shall meet all applicable state standards and regulations;
 - (2) All structures shall be setback a minimum of 75 feet from all streams, rivers and public lakes, although the Board of Adjustment may, in accordance with conditional use review under Section 5.2, approve the placement of a structure within the 75 feet setback providing it meets the following standards:
 - (a) the structure is located within the Central Business District or the Village Neighborhood District; and
 - (b) the building placement will better reflect the historic settlement pattern and character of the surrounding area; and
 - (c) reasonable provision is made for the protection of water quality such as, but not limited to, the planting of shade trees adjacent to streambanks, the establishment of vegetated buffer areas along streambanks, and/or stormwater management provisions to collect and disperse stormwater away from the stream or river.
 - (3) An undisturbed, vegetated buffer strip shall be maintained for a minimum of 25 feet from all streams, rivers and lakes. The 25 feet buffer strip shall be measured from the top of the streambank. No development, excavation, filling, clearing or grading shall occur within the buffer strip, with the exception of clearing and associated site development necessary to accommodate the following:
 - (a) road, driveway and utility crossings;
 - (b) streambank stabilization and restoration projects, in accordance with applicable state and federal regulations;
 - (c) bicycle and pedestrian paths and trails;
 - (d) recreation facilities, including structures, and improved lake or pond accesses;
 - (e) landscaping associated with a residential use;
 - (f) agriculture in accordance with Acceptable Agricultural Practices (AAPs) as defined by the Commissioner of Agriculture, Food and Markets, and forestry in accordance with *Acceptable Management Practices (AMPs) For Maintaining Water Quality on Logging Jobs in Vermont*, published by the Vermont Department of Forests, Parks and Recreation; or
 - (g) any use exempted in subsection (2), above.
 - (4) The expansion or enlargement of any structure in existence prior to the effective date these bylaws and not in compliance with this Section is permitted with approval of the Board of Adjustment pursuant to Section 5.2 regarding Nonconforming structures.
 - (5) No alteration of the natural course of any stream shall be allowed unless a stream alteration permit has been issued by the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 41. Such alterations within the Flood Hazard Area Overlay District are subject to state agency and municipal referral requirements under Section 7.1.
- (B) **Source Protection Areas.** In order to protect community water supplies, the following potential sources of contamination are specifically prohibited within designated Source Protection Areas, unless it is demonstrated to the satisfaction of the Board of Adjustment under conditional use review (Section 5.2) that no potential for contamination of a water supply exists:
- (1) gasoline and motor vehicle service and repair facilities;
 - (2) machine and body shops;
 - (3) car washes;
 - (4) the outdoor storage of road salt and other de-icing chemicals;

- (5) public or community wastewater treatment facilities;
- (6) fuel storage except for agricultural or residential use;
- (7) underground storage tanks;
- (8) solid waste disposal facilities and sanitary landfills;
- (9) dry cleaning, furniture stripping, metal plating, and photographic processing activities;
- (10) junk and salvage yards;
- (11) extraction and quarrying activities;
- (12) cemeteries;
- (13) lawn and garden stores;
- (14) power plants and substations; and/or
- (15) any other use which involves the generation, use, storage, treatment, transportation or disposal of potential contaminants greater than normal household use.

An application for development within delineated Source Protection Areas which is subject to conditional use review shall also be forwarded for review by the local fire or water district having jurisdiction prior to the issuance of a permit. Development within a source protection area shall be managed in accordance with the adopted source protection plan for that area. Conditions may be attached as appropriate, in consultation with the local district and/or state.

Section 3.13 Sign Regulations

(A) **Applicability.** A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, except for signs which are specifically exempted from these provisions, or specifically prohibited as listed under Table 3.2, or the replacement of any sign face communicating a change in ownership, management or brand associated with any sign that meets all applicable standards of this section [See subsection (12)].

(B) **General Standards.** All signs, other than those specified in subsection (A) of Table 3.2, shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:

- (1) No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise use in those districts where such uses are permitted.
- (2) There shall be only one free-standing or hanging wall mounted sign per principal business or service per lot front except as allowed for gasoline pricing signs in accordance with Section 4.12.
- (3) No sign located within the Central Business District and Village Neighborhood District shall exceed more than 16 square feet per face. The Board of Adjustment may, however, approve a sign of up to 25 square feet per face as a conditional use in accordance with Section 5.2.
- (4) No sign located within the Highway Mixed Use District or the Industrial District shall exceed 32 square feet per face..
- (5) No sign in the Compact Residential District, Rural Residential District or the Forest Reserve District shall exceed 9 square feet per face.
- (6) No sign, including mounted or freestanding supporting structures, shall exceed 16 feet in height. The Board of Adjustment may, however, approve a sign of up to 20 feet in height as a conditional use in accordance with Section 5.2.

- (7) No sign shall be closer than 10 feet to the nearest part of the traveled portion of any road, except within the Central Business District.
- (8) No sign shall be placed at any road intersection in a manner to obstruct the line of site from such intersection.

Table 3.2
Exempted & Prohibited Signs

(A) **Exempt Signs.** No zoning permit shall be required for the following types of signs, which are exempt from these regulations:

- (1) Signs erected by the state or town on public roads.
- (2) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 4 square feet in area.
- (3) Signs offering real estate for sale, not to exceed 4 square feet and placed in accordance with subsection (B)(8).
- (4) One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
- (5) Signs relating to trespassing and hunting, each not to exceed 2 square feet in area.
- (6) Temporary auction, yard, or garage sale signs not to exceed 2 in number or 6 square feet in total area, which shall be removed immediately following the event or sale.
- (7) Temporary election signs to be posted and removed in accordance with state law.
- (8) Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property with the prior permission of the Selectboard, which shall be removed immediately following the event.
- (9) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area, or 6 feet in height above ground level.
- (10) Unlit signs associated with farm operations, not to exceed one per establishment or 16 square feet in area.
- (11) Unlit wall-mounted or freestanding signs advertising a home occupation, home industry or home child care facility, not to exceed one per residential dwelling or 4 square feet in area.
- (12) On-premise historic or landmark signs, not to exceed one in number or 6 square feet in area.
- (13) Wall murals intended solely for artistic, non-advertising purposes.
- (14) Up to one flag displaying messages such as "open" and/or "sale."
- (15) Window signs and wall graphics affixed directly to the face of a wall or window within the Central Business (CB) and Highway Mixed-use (HM) Districts.
- (16) One temporary construction sign, not to exceed 16 square feet in total area or 10 feet in height, providing such sign is promptly removed immediately following completion of construction.

(B) **Prohibited Signs.** The following signs are prohibited in all districts:

- (1) Signs which impair highway safety.
- (2) Signs which are flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare.
- (3) Permanent signs which project over public rights-of-way or property lines, except in instances in which a building abuts a public sidewalk.
- (4) Signs located on motor vehicles which are used primarily as a support or foundation.
- (5) Off-premises signs, except for those which conform to state laws.

- (9) Signs shall be illuminated so as not to produce undue glare, hazards, or distractions. A constant, shielded light source may be used for indirect lighting, provided that the light fixture is mounted on the top or side of the sign, is directed onto the sign surface, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads.
- (10) Signs shall not be constructed to include blinking lights, moving parts, or any device capable of emitting noise unless specifically approved by the Board of Adjustment as a conditional use in accordance with section 5.2.
- (11) All signs shall be maintained in a secure and safe condition. Nothing in these regulations shall prevent normal sign maintenance and repair, including the replacement of broken parts. If the Zoning Administrator is of the opinion that a sign is not secure, safe, or in a good state of repair, a written warning and/or notice of violation under Section 7.5 may be issued with a request that any defect in the sign immediately is corrected.
- (13) No nonconforming sign may be replaced, expanded, or the message altered to advertise a different owner, management or brand, unless such altered sign is brought into conformance with these standards.
- (C) **Measurement.** The area of measurement of any sign shall be the total area of the sign face to the outer edge, including any supporting frames or panels. Signs consisting of freestanding characters shall include any intervening spaces (the entire message area) in the calculation of total sign area. The height of the sign shall be measured to the highest point of the supporting structure.

Section 3.14 Steep Slopes & Erosion Control

- (A) Development shall not take place on slope gradients in excess of 25% with the exception of limited site improvements necessary to facilitate development on contiguous land less than 25% gradient.
- (B) Accepted agricultural practices and forestry, as defined in Article 7, are exempted from this Section in accordance with Section 6.2

Section 3.15 Storage of Hazardous Materials

- (A) The storage of any highly flammable or hazardous liquid or gas in tanks above ground with unit capacity greater than 550 gallons shall be prohibited, unless such tanks up to and including 10,000 gallon capacity are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000 gallon capacity are placed not less than 200 feet from all property lines. All storage tanks shall comply with all applicable state and federal regulations.
- (B) All tanks (containing flammable liquids) located above-ground and having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than 1.5 times the capacity of the tanks surrounded.