

DRAFT

10/02/01, REV. 11/5/01, 11/9/01, 5/29/02

RIDGELINE AND HILLSIDE PROTECTION ZONE ZONING REGULATIONS

NOTE: THE REGULATION'S MAIN EMPHASIS IS TO PROTECT RIDGELINES FROM BEING BROKEN BY HOUSES AND CLEARINGS. IF THIS REGULATION IS SUCCESSFUL, A PERSON ON A ROAD IN A VALLEY WILL NOT SEE HOUSES PERCHED ON THE TOP MOST POINT OF THE HILLS THAT DEFINE THE VALLEY. THIS REGULATION IS ALSO INTENDED TO PREVENT PEOPLE FROM VIEWING THE ROOF LINES OF HOUSES THAT ARE ON THE OPPOSITE SIDE OF THE HILL. PEOPLE MAY, HOWEVER, SEE HOUSES ON THE SIDES OF THE HILL AND, FROM SOME VANTAGE POINTS, HOUSES THAT DO EXTEND ABOVE A RIDGELINE.

THESE REGULATIONS ARE MEANT TO BE RELATIVELY SIMPLE SO THAT THEY CAN BE ADMINISTERED WITHOUT RESORTING TO SPECIAL EXCEPTIONS, VIEW SHED ANALYSIS, AND COMPUTER MODELING. IN THE CASE OF LEGAL NON-CONFORMING LOTS, HOWEVER, A SPECIAL EXCEPTION IS REQUIRED.

THE REGULATION ASSUMES THAT THE ZONE WILL BE DEFINED ON THE ZONING MAP RATHER THAN TRYING TO WRITE A DEFINITION OF WHAT IS AND IS NOT INCLUDED IN A RIDGELINE PROTECTION ZONE. IT ALSO ASSUMES THAT THE REGULATION WILL PROTECT A SPECIFIC RIDGELINE AND ASSOCIATED HILLSIDES. THE RIDGELINE – LITERALLY A LINE - IS SHOWN ON A MAP. THE RIDGELINE SHOULD BE CONSIDERED AS A RESOURCE, MUCH LIKE A WETLAND, THAT IS PROTECTED FROM ENCROACHMENTS BY A BUFFER AREA.

THE RIDGELINE AND HILLSIDE PROTECTION ZONE COULD BE EITHER A SEPARATE ZONE OR AN OVERLAY ZONE.

THE REGULATION ASSUMES THAT MOST RIDGELINES ARE COVERED BY MATURE TREES THAT ARE AT LEAST FORTY FEET HIGH.

DEFINITION

RIDGELINE PROTECTION ZONE – a zoning district as shown on the Town Zoning Map.

RIDGELINE – one or more lines shown on the Town Zoning Map that connect the highest elevations within the ridgeline protection zone.

BUILDING COVERAGE – the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all buildings on a lot.

BUILDING PAD – the area containing the lot's structures, septic system and other utilities.

DRAFT

10/02/01, REV. 11/5/01, 11/9/01, 5/29/02

NOTE: THE PURPOSE SECTION LAYS OUT THE JUSTIFICATION FOR REGULATING THE RIDGELINE AREA. THE JUSTIFICATION IS TIED BACK TO THE PURPOSES OF ZONING AS SPELLED OUT IN THE STATE STATUTES.

1. PURPOSE

The purpose of the ridgeline protection zone is as follows:

- A. minimize soil erosion and storm water runoff by limiting the amount of area that is disturbed by grading or clearing of existing vegetation;
- B. protect the tourism sector of the Town's economy and the Town's property values by preserving the natural appearance of the ridgelines;
- C. ensure the most appropriate use of property that is characterized by steep slopes; and
- D. ensure proper access for emergency vehicles.

NOTE: A MAJOR REASON FOR CREATING A RIDGELINE PROTECTION ZONE IS THE SENSITIVE NATURE OF THE AREA. THEREFORE, IT SEEMS REASONABLE TO RESTRICT THE USES TO SINGLE FAMILY RESIDENCES AND HOME OCCUPATIONS.

2. USES

Permitted uses are:

- A. single family residences;
- B. home occupations.

NOTE: THE SECTION BELOW SETS THE STANDARDS THAT THE LOT HAS TO MEET. THE INTENT IS TO MINIMIZE THE AMOUNT OF CLEARING THAT OCCURS AND TO REQUIRE THAT THE HOUSE AND OTHER STRUCTURES BE ON A PART OF THE LOT THAT REQUIRES MINIMUM GRADING. THE INTENT IS ALSO TO KEEP THE BUILDING PAD AWAY FROM THE RIDGELINE AS DEFINED ON THE ZONING MAP.

WITHIN THE BUILDING PAD, THE OWNER WOULD BE ALLOWED TO CONSTRUCT A SINGLE FAMILY HOUSE WITH SIMPLY A ZONING PERMIT. THE PARTICULAR AREA SHOWN – I.E. A 10,000 SQUARE FOOT BUILDING PAD – ARE SOMEWHAT ARBITRARY.

3. STANDARDS

All lots shall conform to the following conditions:

DRAFT

10/02/01, REV. 11/5/01, 11/9/01, 5/29/02

- A. the lot shall contain at least one building pad that:
- a. is a minimum of 10,000 square feet in area;
 - b. is rectangular in shape;
 - c. has one side of the rectangle that has a minimum dimension of 75 feet;
 - d. has a slope of 10% or less, as measured by two foot contour intervals, prior to grading;
 - e. does not contain wetlands soils;
 - f. is not within a regulated area as defined by the Town's Inland Wetlands Regulations.
- B. the building pad shall contain all structures on the lot;

THE QUESTION BECOMES: "APPROXIMATELY HOW FAR DO YOU HAVE TO BE FROM THE RIDGELINE BEFORE THE NATURAL SLOPE WILL BRING YOU AT LEAST 35 FEET – THE MAXIMUM HEIGHT FOR SINGLE FAMILY HOUSES IN MOST TOWNS - BELOW THE ELEVATION OF THE RIDGE LINE?" IF THE SLOPE IS A RATHER MODERATE 10% THEN 500 FEET FROM THE RIDGELINE WILL PUT THE BUILDING PAD 50 FEET BELOW THE RIDGELINE. THE STEEPER THE SLOPE, THE BETTER THIS WORKS. ON THE ROUNDER, FLATTER HILLS IN THE REGION, THIS WILL NOT WORK AS WELL.

- C. the building pad shall be a minimum of 500 feet from all points on the ridgeline.

NOTE: SECTION D BELOW IS CRUCIAL TO PROTECTING THE INTEGRITY OF THE RIDGELINE. IT ESSENTIALLY ESTABLISHES A PROTECTED ZONE AROUND THE RIDGELINE. IT ALSO AIMS AT PROTECTING STEEP SLOPES ON THE HILL SIDE FROM BEING GRADED.

- D. Except as provided in Section G below, no grading is allowed within 500 feet of the ridgeline or on naturally occurring slopes greater than 20 percent as measured by 2-foot contour intervals.

NOTE: THE INTENT OF SECTION E BELOW IS TO LIMIT THE AMOUNT OF BUILDING ON A LOT. AGAIN, THE EXACT NUMBER IS SOMEWHAT ARBITRARY. A FEW ROUGH NUMBERS MAY HELP PUT THE 6,000 SQUARE FEET IN PERSPECTIVE. THE AVERAGE SIZE HOUSE IS LESS THAN 2,000 SQUARE FEET. A TWO CAR GARAGE IS ABOUT 600 SQUARE FEET. THEREFORE, 6,000 SQUARE FEET OF BUILDING COVERAGE WOULD STILL ALLOW FOR A CONSIDERABLE AMOUNT OF CONSTRUCTION.

- E. the maximum building coverage on the lot shall be 6,000 square feet;

- F. the maximum height of all structures is 35 feet;

- G. driveways shall conform to the following requirements:

DRAFT

10/02/01, REV. 11/5/01, 11/9/01, 5/29/02

- a. only one driveway shall serve the lot;
- b. the driveway's maximum length shall be 1,200 feet;

NOTE: DIFFERENT TOWNS HAVE DIFFERENT MAXIMUM ALLOWABLE SLOPES FOR DRIVEWAYS.

- c. the driveway's maximum slope shall be 15%;
- d. the driveway's maximum width shall be ten feet;
- e. grading shall be limited to within 5 feet of the driveway; and
- f. the driveway shall be a minimum of 50 feet from the ridgeline.

NOTE: THE ABOVE REGULATIONS WOULD GOVERN NEWLY CREATED LOTS. THE SECTION BELOW IS AIMED AT EXISTING LEGALLY NON-CONFORMING LOTS. THE INTENT IS TO ALLOW THE USUAL MODIFICATIONS AND CHANGES TO EXISTING STRUCTURES WITHOUT GOING THROUGH THE SPECIAL EXCEPTION PROCESS. FOR NEW STRUCTURES, A SPECIAL EXCEPTION PROCESS IS REQUIRED.

H. Lots created prior to the adoption of this regulation are subject to the following conditions:

a. existing structures can be enlarged and new structures less than 750 square feet in area can be built provided:

- i. the area to be graded does not exceed 500 square feet;
- ii. no area to be graded has naturally occurring slopes greater than 20% as measured using 2 foot contour intervals;
- iii. the building pad does not exceed 10,000 square feet in area; and
- iv. the maximum building coverage on the lot does not exceed 6,000 square feet.

b. existing structures can be enlarged and new structures can be built that do not meet one or more of the conditions in either Section A through I above or Section H.a. above provided a special exception is obtained from the Commission. In deciding on the special exception, the Commission shall approve such conditions that most closely follow the conditions specified in Sections A through I above.