

## **Cabot Planning Commission Municipal Zoning Bylaw Report - November 12, 2015**

This report is in accordance with the Vermont Municipal Planning Statutes, 24 V.S.A. §4441(c), which states:

*“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning amendments . . . The report shall provide:*

*(A) Brief explanation of the proposed bylaw, amendment, or repeal and . . . include a statement of purpose as required for notice under §4444 of this title and shall include findings regarding how the proposal:*

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan.*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

### SUMMARY OF PROPOSAL

The Cabot Planning Commission is proposing a substantially revised and updated zoning bylaw to replace the current zoning bylaw. The Planning Commission is also proposing a separate subdivision bylaw for minor and major subdivisions. There is currently no bylaw on subdividing land. Cabot’s municipal plan (town plan) was adopted in 2012. State law requires that a town plan be in place before zoning bylaws can be adopted by the Town. The current town plan expires in 2017.

Proposed changes include:

- Revised zoning districts to better reflect current and future patterns of development as outlined in the municipal plan. Many dimensional standards have been reduced for lot sizes, property line setbacks, etc. in many of the districts.
- Creation of a Development Review Board to replace the Zoning Board of Adjustment, that consolidates all project application review under one board. This reduces time and administrative paperwork for review of a commercial project that now has to be reviewed by two boards.
- Addition of a General Exemptions section and a Residential Exemptions section to clarify development that does not require a permit.
- Addition of a process to obtain a waiver from the Development Review Board for an application requirement or a minor deviation from a development standard (such as property line setback).

- Creation of “overlay districts” for areas of special concern that include the Flood and Erosion Hazard Overlay District and the Drinking Water Source Protection Overlay District. An overlay district includes additional standards and guidelines for land use development that supplement or supersede the requirements of the underlying zoning district.
- The inclusion of an Administration section (or article) that clearly defines the statutory roles of the zoning administrator and various boards that administer the bylaw, as well as administrative procedures for permit applications, hearings, decisions, and appeals. The current zoning bylaw lacks this detail.
- Updated flood hazard and erosion hazard area regulation that assures compliance with the National Flood Insurance Program, thus enabling landowners to obtain national flood insurance. The proposal also creates regulation for development in the state-defined river corridor that defines properties subject to erosion from storm events. Although not a state requirement, the Agency of Natural Resources encourages towns to adopt river corridor protection and provides financial incentives to towns that do so (increased grant funding for flood damage).
- The addition of a subdivision bylaw that has permit application requirements for major and minor subdivisions (note: the subdivision bylaw is proposed as a separate bylaw for consideration).

***1. How the proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing***

Table 1 describes how the proposal furthers the goals and policies of the Cabot Town Plan, with specific reference to the goals and strategies listed in the Plan.

**Table 1: How the proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.**

Town Plan Policy	How Proposal Conforms/Furthers Policy
<p><b><u>Village Center Character</u></b></p> <p><b>Goal III.3.</b> Retain the historic character of Cabot’s downtown areas.</p>	<p>The dimensional standards (minimum and maximum setbacks, build-to-lines, minimum and maximum frontage build-out, and maximum footprint) create greater certainty about the form of future development and ensure that it will be compatible with historic/traditional building form.</p>
<p><b><u>Village Center Growth</u></b></p> <p><b>Goal IV.4.</b> A greater percentage of new housing is concentrated in the downtown village area close to existing infrastructure and community facilities to the extent practicable.</p>	<p>Reduced dimensional standards of lots in the Village Center and Lower Village Districts allow for more development potential/higher densities in these districts.</p> <p>Planned Unit Development (PUD) and Subdivision provisions allow for density increases if units are</p>

<p><b>Goal VII.2.</b> Encourage the development of new pedestrian- friendly and appropriately-scaled commercial establishments in the village center.</p> <p><b>Goal V.1.</b> Encourage future residential and commercial development to locate in Cabot’s existing residential and commercial development nodes: Cabot Village and Lower Cabot.</p> <p><b>Goal V.4.</b> Encourage development in areas served by existing infrastructure, including utilities and roads, while ensuring that uses and the rate and scale of development is in keeping with Cabot’s existing character, and that property values are preserved.</p>	<p>connected to the town sewer, provide affordable housing units, and are a mix of residential and commercial units. PUDs and subdivisions in Village Center, Lower Village, and Village Neighborhood Districts have requirements for pedestrian access and road layout and sidewalk access.</p> <p>Village Center, Lower Village and Village Neighborhood Districts allow for greater density (smaller lot sizes) in lots connected to the town sewer.</p>
<p><b><u>Affordable Housing</u></b></p> <p><b>Goal IV.1</b> Ensure the availability of affordable housing options in the Town for all ages - single and multi-family homes, rental and new construction, particularly in areas accessible to town facilities and services</p>	<p>Multi-family housing is now a permitted use in more zoning districts, including the Village District.</p> <p>Planned Unit Development (PUD) and Subdivision provisions allow for density increases if affordable housing units are included.</p>
<p><b><u>Working Lands and Rural Character</u></b></p> <p><b>Goal IV.6(a).</b> Review provisions of the town’s zoning regulations, including those pertaining to planned residential developments, and revise as necessary to maximize preservation of farmland and forested areas in locations outside the village core.</p> <p><b>Strategy V.3(d).</b> Strengthen planned unit development regulations to specify a percentage of land to be conserved as part of the development (e.g., 60%).</p> <p><b>Goal V.3.</b> Land is used and developed in a way that retains working farms and productive forest land as major land uses in the town, and protects natural, historic, and scenic resources.</p>	<p>Planned Unit Development (PUD) and Subdivision provisions include an open space requirement (40% of total land area in the Rural District) and protection of forest land and farm land to the extent feasible. Minimum lot size in the Rural District remains at 2 acres.</p>
<p><b><u>Flooding and Stream Corridors</u></b></p> <p><b>Goal II.3.</b> Reduce damage from future flooding events; prevent changes to the landscape which could increase hazardous flooding.</p> <p><b>Strategy II.3(a).</b> Maintain Cabot’s Flood Hazard ordinance, consistent with the National Flood Insurance Program. Consider zoning regulations more restrictive than federal flood insurance program eligibility requirements.</p>	<p>Updated flood hazard and erosion hazard area regulation that assures compliance with the National Flood Insurance Program, thus enabling landowners to obtain national flood insurance. The proposal also creates regulation for development in the state-defined river corridor that defines properties subject to erosion from storm events. Although not a state requirement, the Agency of Natural Resources encourages towns to adopt river corridor protection and provides financial incentives to towns that do so (increased grant funding for flood damage).</p>

<p><b>Strategy II.3(b).</b> Develop a unified flood hazard overlay district that incorporates flood hazard erosion and National Flood Insurance Program maps.</p>	<p>Created a Flood and Erosion Hazard Overlay District and incorporated into zoning bylaw. Currently the flood hazard regulation is a town ordinance adopted by Select Board.</p>
<p><b><u>Water Quality and Shorelines</u></b></p> <p><b>Strategy II.4(a).</b> Implement zoning and voluntary conservation measures that will protect Marshfield Reservoir from impacts of shoreline development.</p> <p><b>Goal IX.5.</b> Cabot’s high ground water quality is maintained and citizens are aware of preventative measures to protect water quality.</p> <p><b>Strategy V.1(c).</b> Establish a Source Protection Overlay District that encompasses the well head protection areas.</p>	<p>A Conservation District has been included in the proposal which requires minimum lot size of 25 acres in the reservoir areas and limits the types of development, including residential.</p> <p>A Drinking Water Source Protection Overlay District is proposed to limit allowable development in the source protection areas of the two town drinking water wells.</p>
<p><b><u>Commercial and Industrial Activities</u></b></p> <p><b>Strategy V.4(a)</b> Revise existing performance standards for uses in all districts (that includes noise, dust, odors, light, vibration)</p> <p><b>Strategy V.4(b).</b> Modify regulations for signs, as necessary, to preserve the community character.</p> <p><b>Strategy IX.9(a).</b> Review zoning regulations to ensure safe and accessible child care facilities.</p>	<p>Performance standards for noise, dust, odors, light, vibration, etc) were modified to provide more clarity on the standard to be met</p> <p>Standards for signs and lighting have been expanded and clarified to avoid confusion on what is allowable for signs, especially commercial signs.</p> <p>Day care facility standards have been expanded and clarified.</p>
<p><b><u>Telecommunications Facilities</u></b></p> <p><b>Strategy V.6(b).</b> Examine existing land use regulations, including those regarding telecommunications facilities, to ensure that the siting of structures avoids, to the extent practicable, adverse impacts to scenic views.</p> <p><b>Goal IX.11.</b> Minimize the impact of telecommunications facilities on the scenic, historic, environmental, natural and human resources of Cabot, and on property values, while allowing adequate telecommunications services to be developed.</p> <p><b>Strategy IX.11(a).</b> The town should periodically update its telecommunications zoning regulations to keep abreast of technological changes and advancements in the industry.</p> <p><b>Strategy IX.11(b).</b> Encourage co-location of antennas on existing structures to the extent practicable.</p>	<p>Current zoning (Article 5) addresses standards and requirements for telecommunications facilities. Currently state law has pre-empted local zoning regulations on the siting of telecommunications towers, antennae, and facilities. Cabot’s current requirements were adopted in 1998 and are in need of updating and revision to reflect current technology and practice. The Planning Commission has chosen not to include provisions to regulate these facilities given the current status discussed above, and will be recommending to the Select Board that they adopt an updated ordinance, so that if and when municipalities are no longer pre-empted from regulating these facilities, the town will have regulations in place.</p>
<p><b><u>Administering Land Use Regulations</u></b></p>	

<p><b>Strategy V.7(a).</b> Review the land use regulations to ensure that regulations clearly state all referenced provisions of the State enabling legislation (for example, procedures for the appeal of decisions) and that they incorporate fire safety, building maintenance, and other safety measures.</p> <p><b>Strategy V.7(b).</b> Establish the requirement for a Certificate of Zoning Compliance to ensure these safety and use standards have been met, and that the regulations are consistently enforced.</p> <p><b>Strategy V.7(c).</b> Include language in the zoning regulations that sets clear standards for temporary structures and uses of the land.</p> <p><b>Strategy IX.4(e).</b> Explore the feasibility and advantages of creating a Development Review Board (DRB) to replace the existing Zoning Board of Adjustment.</p>	<p>Article 5, Administration, clearly defines the statutory roles of the zoning administrator and various boards that administer the bylaw, as well as administrative procedures for permit applications, hearings, decisions, and appeals. The current zoning bylaw lacks this detail, which requires referral to state statutes in order to find this information.</p> <p>A Certificate of Zoning Compliance, administered by the Zoning Administrator, is required for new homes or other principal buildings, on a lot, before their use, to verify substantial completion in conformance with permit requirements.</p> <p>Requirements of temporary structures and uses are clarified.</p> <p>The proposal includes the replacement of the existing Zoning Board of Adjustment with a Development Review Board (DRB). The DRB administrative model places all project review decisions in the hands of the DRB and removes the Planning Commission from reviewing projects. This proposed change helps to streamline project review decisions and also frees up time for the Planning Commission to do its planning work.</p>
<p><b><u>Historic Resources</u></b></p> <p>Goal III.2. Retain historic resources town-wide that provide a physical connection to Cabot’s past and provide a unique sense of place.</p>	<p>Adaptive reuse of historic buildings is encouraged by allowing the Development Review Board to waive or modify regulations to a certain extent.</p>

**2. How the proposal is compatible with the proposed future land uses and densities of the municipal plan.**

The proposal encourages future residential and commercial development in the Cabot Village and Lower Cabot by allowing for increased densities of development in these areas as well as in areas served by local utilities, such as sewer.

Development densities are unchanged in the Rural District (one principal dwelling per 2 acres); however, planned unit developments and major subdivisions have an open space requirement (40%) and are encouraged to develop in a manner that retains productive farmland and forests. This is consistent with the town plan goal of retaining working farms and forests.

The Town Plan recommends subdivision regulations and more detailed planned unit development regulations that have an open space requirement. Both of these recommendations are incorporated into the proposal.

The Town Plan recommends conservation of lands surrounding Marshfield Reservoir. A Conservation District has been included in the proposal which requires minimum lot size of 25 acres in the reservoir areas and limits the types of development including residential.

The Town Plan recommends maintaining flood hazard regulations and to incorporate river corridor regulations (formerly called flood erosion hazard areas). The proposal includes flood hazard regulations that meet or exceed National Flood Insurance Program standards. The proposal also regulates development in the state-defined river corridors.

The Town Plan recommends maintaining high quality groundwater. The proposal includes a Drinking Water Source Protection Overlay District to better protect the town's drinking water wells.

***3. How the proposal carries out, as applicable, any specific proposals for any planned community facilities.***

The Town Plan recommended replacing and relocating the town garage. This project has been permitted under current zoning and is under construction at a location out of the flood hazard area. There are no other planned community facilities at this time.



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## **ARTICLE 1. GENERAL**

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### **CHAPTER 100. ABOUT THESE REGULATIONS**

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#### **Section 101. Title**

- (A) These are the Town of Cabot Zoning Regulations.

#### **Section 102. Purpose**

- (A) These regulations implement the policies of the Cabot Town Plan and the Vermont Planning and Development Act, 24 VSA Chapter 117. They are intended to:
- (1) Protect public health, safety and welfare;
  - (2) Protect and conserve natural, scenic and historic resources;
  - (3) Protect and conserve rural character, working farm and forest land and open space;
  - (4) Ensure that the rate of growth and development does not exceed Cabot's ability to provide services and does not place an undue burden on taxpayers;
  - (5) Allow for housing to meet the needs of residents as described in the *Cabot Town Plan*.

#### **Section 103. Applicability**

- (A) These regulations apply to all development unless the development is specifically exempted in Chapter 110, below. Development includes:
- (1) Constructing, installing, reconstructing, converting, structurally altering, relocating or enlarging any building or structure;
  - (2) Mining, excavating, filling or grading land;
  - (3) Commencing, changing or extending the use of land or a structure;
  - (4) Adjusting or relocating the boundary between two parcels; or
  - (5) Dividing a parcel into two or more lots.
- (B) See Chapter 310 if development is occurring on land within a flood or erosion hazard area because additional activities on or changes to property may need a permit if occurring in a flood or erosion hazard area.
- (C) Structures without a Foundation. These regulations treat portable lightweight structures, carports, storage sheds, storage units, storage containers, storage trailers, unregistered motor vehicles and trailers used primarily for storage, pole barns and similar accessory structures without permanent foundations or footings the same as permanently located structures with foundations. See Section 432 for further guidance on temporary structures.

#### **Section 104. Authority**

- (A) The Vermont Planning and Development Act, 24 VSA Chapter 117 and 10 VSA Chapter 32, provides towns with the authority to regulate land use and development. These regulations must be adopted in accordance with and meet the requirements of state law.

- (B) Any references to state statute in these regulations will be to 24 VSA Chapter 117 unless stated otherwise.

**Section 105. Effective Date**

- (A) These regulations became effective upon adoption by the voters of the Town of Cabot on [\*DATE].
- (B) These regulations replaced Cabot's prior zoning regulations in their entirety. Cabot adopted its first zoning regulations on [\*DATE] (see revision table in Appendix A).

**Section 106. Amendment**

- (A) These regulations may be amended at any time in accordance with state law.
- (B) The Planning Commission, Selectboard or any town residents may propose a change to these regulations.
  - (1) If the change does not originate from the Planning Commission, the commission will review the proposed change, take public comment and make a recommendation to the Selectboard as to whether or not these regulations should be amended as requested.

**Section 107. Severability**

- (A) If a court finds any part of these regulations unlawful, that decision will not affect the remaining portions of these regulations.

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**CHAPTER 110. EXEMPTIONS TO THESE REGULATIONS**

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**Section 111. Applicability**

- (A) A zoning permit is not required for the land uses and development listed in this chapter. The structure or activity still must meet the same standards (such as setbacks) as development that does require a permit unless otherwise stated below.
- (B) Unless specifically exempted in this chapter or by state law, the town, state, non-profit organizations and public utilities are required to get a zoning permit and follow these regulations just like a private landowner.

**Section 112. Flood or Erosion Hazard Areas**

- (A) These exemptions may not apply to development within flood or erosion hazard areas. See Chapter 310 for further guidance.

**Section 113. General Exemptions**

- (A) A zoning permit is not required for:
  - (1) Normal maintenance and repair of an existing structure as long as there is no change to its size, height or use.
  - (2) Minor grading, filling or excavating associated with normal maintenance of roads, driveways, parking areas, yards, and personal or community gardens.
  - (3) Alterations to the interior of a structure.
  - (4) Emergency repairs needed to protect public health and safety.
  - (5) Demolition of a structure or part of a structure.
  - (6) Construction or maintenance of roads, sidewalks, bridges, culverts, or related infrastructure within public rights-of-way.
  - (7) One shed, pole barn or similar storage structure per lot that is not more than 250 square feet in area and is not more than 15 feet in height. A zoning permit will be required for any additional storage structures.
  - (8) Water-dependent structures on natural or manmade ponds larger than 10 acres. State permits may be required.
  - (9) Fences or walls that are less than 4½ feet in height except within front yards in the Village Center, Lower Village and Village Neighborhood districts. Fences and walls less than 4½ feet in height do not need to meet setbacks, but must not be placed within public rights-of-way.
    - (a) If a fence will be located at an intersection, see Section 417(D) for further guidance.
  - (10) Chimneys that do not extend more than 10 feet above the highest point of the building's roof.

- (11) Roof-mounted solar collectors that do not extend more than 10 feet above the height of the roof they are attached to and do not exceed maximum height for the district.
- (12) Outdoor lighting listed in Section 414(A).
- (13) Signs listed in Section 416(A).
- (14) Home occupations in accordance with Section 433(B).
- (15) Garage sales, yard sales, auctions or similar special events lasting not more than 4 consecutive days and not occurring more than 12 days in any calendar year.
- (16) A seasonal roadside stand for selling fresh produce, cut flowers, Christmas trees, maple syrup, honey or similar agricultural products grown or produced by the property owner. A seasonal roadside stand does not need to meet the road setback, but it must not be located within the public right-of-way.
- (17) Recreation and open space uses that do not require structures.

**Section 114. Residential Exemptions**

- (A) On a single-family or two-family residential property, a zoning permit is not required for:
  - (1) Dog houses, play houses, swing sets, play structures, tree houses, chicken coops or similar structures that are not used for storage and that are not more than 100 square feet in area and not more than 10 feet in height.
    - (a) If such a structure is not installed at ground level, its height will be measured from the floor to the highest point.
  - (2) Patios, terraces, decks and similar structures without a roof that are not more than 200 square feet in area.
  - (3) Uncovered entry stairs, handicap ramps and walkways. These do not need to meet road setbacks, but must not obstruct public rights-of-way.
    - (a) Entry stairs with landings or steps more than 25 square feet in area will be considered a deck and will not be exempt from setback requirements.
  - (4) Gardens and garden structures such as arbors, trellises, pergolas, raised beds, fences and similar structures without a roof and not more than 10 feet in height.

**Section 115. Communications Antennas**

- (A) A zoning permit is not required for television antennas, radio antennas, satellite dishes or similar devices used to provide on-site communication service, if they meet the standards below. These devices may exceed district height requirements.
  - (1) A roof-, wall-, or ground-mounted dish antenna with a face(s) not more than 15 square feet in area.
  - (2) A roof- or wall-mounted antenna that does not extend more than 12 feet above the roofline of the building it is attached to.
  - (3) A freestanding amateur radio antenna and its supporting structure that does not extend more than 50 feet above the ground.

**Section 116. Farming and Forestry**

- (A) A zoning permit is not required for farming or forestry activities that conform with state regulations and accepted practices (copies of the state's Accepted Agricultural Practices Regulations and Acceptable Management Practices for forestry are available at the town office).
- (B) A zoning permit is not required to build a qualifying farm structure but:
  - (1) The landowner must complete a zoning permit application so the Zoning Administrator can confirm that the project is exempt. The Zoning Administrator will not charge an application fee and will not issue a zoning permit for an exempt farm structure.
  - (2) Exempt qualifying farm structures must meet setback requirements unless the landowner provides the Zoning Administrator with a written waiver from the Vermont Secretary of Agriculture.
  - (3) Exempt qualifying farm structures may exceed building height or footprint requirements.

**Section 117. Utility and Energy Projects**

- (A) A zoning permit is not required if the project requires a Certificate of Public Good from the Public Service Board. This includes a small renewable energy system that is connected to the grid (net-metering).

**Section 118. Community Facilities and Essential Services**

- (A) Community facilities are a conditional use in all zoning districts.
- (B) Essential services are a permitted use in all zoning districts with site plan approval.
- (C) Community facilities and essential services must meet the same requirements as comparable types of non-residential development unless doing so will interfere with the intended function or use of the facility or infrastructure.
- (D) A zoning permit is not required for a project involving a community facility or essential service that is entirely within the right-of-way of a public road.

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**CHAPTER 120. RIGHTS RETAINED UNDER THESE REGULATIONS**

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**Section 121. Prior Permits and Approvals**

- (A) If the Zoning Administrator lawfully issued a zoning permit before these regulations were adopted or amended, the owner will not need a new or amended permit for the project except:
  - (1) If the project is not completed before the permit expires, the owner will need to apply for a new zoning permit under the current regulations (see Section 512).
- (B) If a landowner lawfully filed a subdivision plan in the town land records before these regulations were adopted or amended, the plan will remain valid and will not expire.

**Section 122. Previously Submitted Applications**

- (A) A properly completed application will be reviewed based on the regulations in effect when it was submitted (See chapter 510).

**Section 123. Pre-Existing Lots**

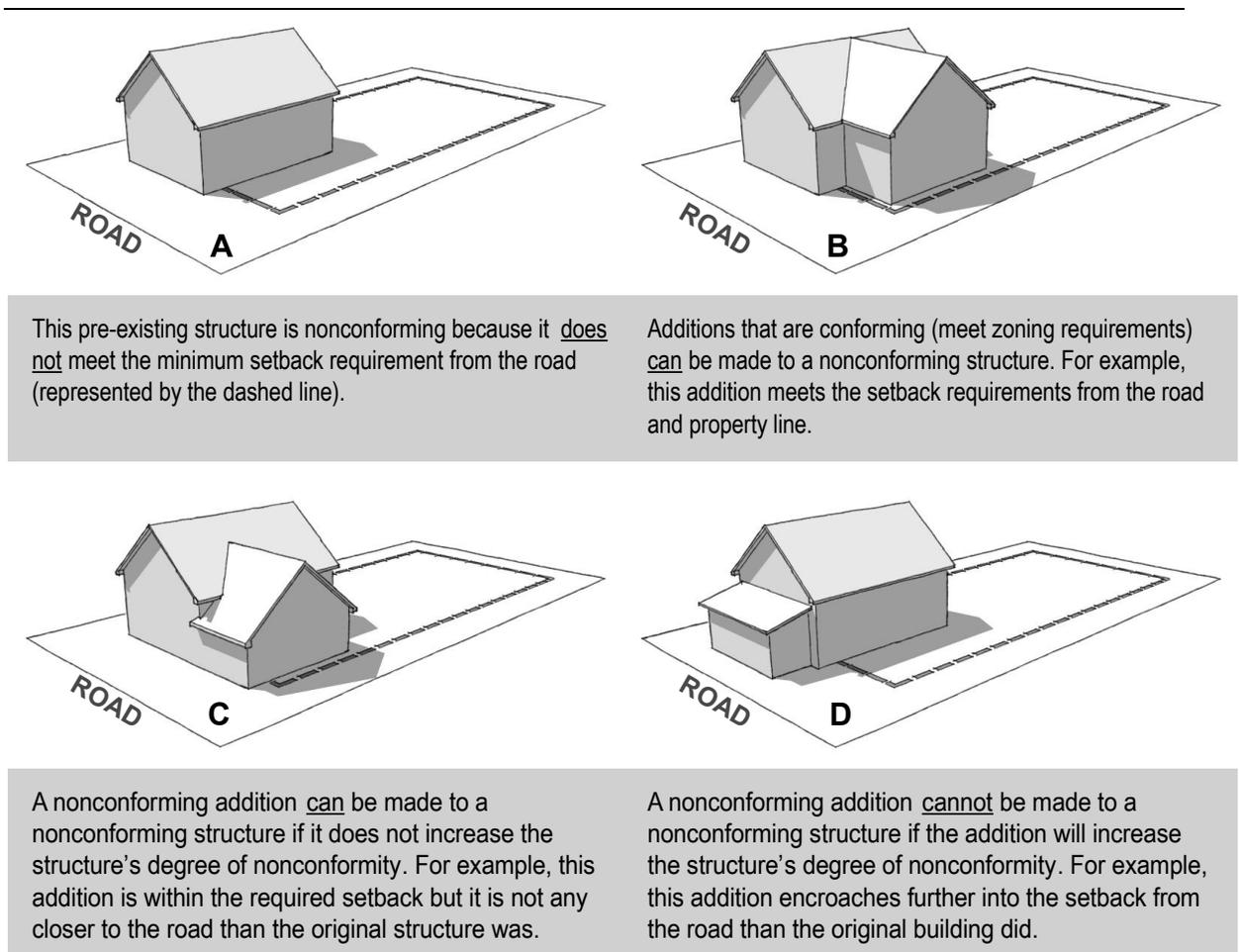
- (A) The owner can use or develop any lot that lawfully existed before these regulations were adopted or amended based on the zoning district standards for the district(s) in which the property is located.
- (B) If the lot is smaller than the minimum lot size for the district(s) in which it is located, the owner can still use and develop it as long as it is at least  $\frac{1}{8}$  of an acre in area and is at least 40 feet wide and deep.

**Section 124. Nonconformities**

- (A) **Applicability.** If the lot, structure or use lawfully existed prior to the adoption or amendment of these regulations and it no longer meets one or more requirements of these regulations, it is non-conforming. A non-conforming lot, structure or use can continue in its current form indefinitely, but if the owner wants to make changes the provisions of this section would apply.
- (B) **Flood or Erosion Hazard Area.** If a non-conforming lot, structure or use is located within a flood or erosion hazard area, see Chapter 310 of these regulations for further guidance.
- (C) **Nonconforming Lot.** An owner will be able to develop and use a nonconforming lot as described in Section 123. The owner might be able to alter its size or boundaries (see Section 514), but the owner will not be able to subdivide it further.
- (D) **Nonconforming Structure.** The owner of a non-conforming structure:
  - (1) Will be able to repair and maintain the structure as long as the owner is not expanding the structure.
  - (2) Will be able to restore or rebuild the structure if it was damaged back to how it existed prior to the damage (see Section 125).

- (3) Will be able to get a zoning permit to expand or move the structure, if the modification would not make the structure even more non-conforming (see Figure 1)).
- (4) Will not be able to get a zoning permit to expand or move the structure, if the modification would make the structure more non-conforming except as specifically allowed in this section.
- (5) Will be able to get a zoning permit to expand the structure, even if that would make the structure more non-conforming, if the modification is necessary to meet state or federal regulations and allow continued use of the structure.
- (6) May be able to get a variance or a waiver from the Development Review Board to allow other modifications to the structure (see Chapter 520).

Figure 1. **Additions to a Nonconforming Structure**



(E) Nonconforming Use. Someone operating a non-conforming use:

- (1) Will be able to continue operating the use as it was operated during the 12 months prior to it becoming non-conforming.

- (2) Will be able to sell or transfer the use to a new owner who may continue operating the use as it was operated during the 12 months prior to it becoming non-conforming.
- (3) Will not be able to expand the use beyond the space it occupied in the building or on the lot during the 12 months prior to it becoming non-conforming, exceptThe Development Review Board may waive or modify this requirement to allow a non-conforming use currently housed in part of a building to fully occupy the building.
- (4) Will not be able to intensify the use beyond how it was operated during the 12 months prior to it becoming non-conforming (by extending hours of operation or increasing noise levels, for example).
- (5) Will not be able to move the use from one location to another if it will still be non-conforming in the new location (whether on the same lot or a different lot).
- (6) Will not be able to resume the use if it is not operated for more than 12 months. See Section 127 below for guidance on how to determine whether a use has been discontinued and on requesting a waiver to extend the length of time a use may be discontinued.

**Section 125. Property Damage or Destruction**

- (A) If a lot or structure was damaged or destroyed by a fire, flood or other disaster, the owner must take whatever immediate actions are needed to stabilize or demolish it in order to protect public health and safety and may do so without getting a zoning permit.
- (B) Within 18 months after the damage occurs, the owner must either:
  - (1) Apply for a zoning permit to rebuild or restore a damaged lot or structure; or
  - (2) Remove all the damaged structural elements and debris from the site and restore a natural grade and groundcover so that the land is safe and suitable for future use.
- (C) The Zoning Administrator may grant an extension for up to an additional 18 months if factors beyond the owner's control have prevented the owner from beginning to rebuild or clean up the site within 18 months after the damage occurred.

**Section 126. Incomplete or Abandoned Development**

- (A) A zoning permit is valid for 2 years. A landowner who starts work during that time but does not substantially complete the development or commence the use may:
  - (1) Request a permit extension from the Zoning Administrator (see Section 512(L)), which may extend the permit up to an additional 3 years;
  - (2) Clean up the site so that it is safe and suitable for future use, which must at least include removing any debris from the site and restoring a natural grade and groundcover; or
  - (3) Apply for a new zoning permit.

**Section 127. Discontinued Uses**

- (A) If there previously was a non-residential use on the property, but that use has been discontinued or not actively carried out during the past 2 years, the owner will need a new

zoning permit before re-opening or re-starting the use. Depending on the type of use and the location, the owner may also need a site plan approval (see Section 525) or conditional use approval (see Section 526) from the Development Review Board.

- (1) If the former use is no longer allowed under these regulations, the owner will not be able to re-open or re-start it after it has not been operated for more than 12 months unless the Development Review Board grants a waiver to this requirement as described below.
- (B) The owner can request a waiver from the Development Review Board to extend the period of time that a non-residential use can be discontinued and then resume without requiring a new permit, up to a maximum of 5 years. The Development Review Board may grant a waiver if there are special circumstances that prevent the use from being carried out such as the owner is trying to sell the property, the property is being transferred to a new owner, the structure has been damaged and repairs are still ongoing, or similar reasons beyond the owner's control. The owner will need to request a waiver within 2 years of discontinuing the use.
- (C) The Development Review Board will determine whether the non-residential use has remained active or has been discontinued. The Development Review Board may ask the owner to provide evidence that the following have been maintained as applicable to the particular use:
  - (1) Regular hours;
  - (2) Necessary equipment, supplies or stock in trade;
  - (3) Necessary utility services; or
  - (4) A license, certificate, registration or similar type of state or municipal recognition, if required for the type of use.

## **ARTICLE 2. ZONING DISTRICTS**

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### **CHAPTER 200. ABOUT THE ZONING DISTRICTS**

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#### **Section 201. Zoning Districts**

- (A) There are eight zoning districts in Cabot, which are shown on the Zoning District Map:
- (1) Village Center District (VC)
  - (2) Lower Village District (LV)
  - (3) Village Neighborhood District (VN)
  - (4) Commercial Industrial District (CI)
  - (5) Rural District (RL)
  - (6) Developed Shoreland District (DS)
  - (7) Shoreland District (SL)
  - (8) Conservation District (CN)

#### **Section 202. Zoning Map and Boundaries**

- (A) The location and boundaries of the zoning districts are shown on the Zoning Map. (See Appendix B)
- (B) The Zoning Administrator will determine the location of district boundaries based on the maps as specified below. If the Zoning Administrator cannot definitely determine the location of a district boundary, the Zoning Administrator may request that the Planning Commission interpret the location of the district boundary.
- (1) Distances not specified will be determined by the scale of the map.
  - (2) Boundaries that follow roadways, rail lines, utility lines, streams or rivers will be interpreted as following the center line of those features.
  - (3) Boundaries that follow property lines, town boundaries, shorelines or contour lines will be interpreted as following such features as they existed on the effective date of the district boundary was created or amended.
  - (4) If such a line or feature is abandoned, relocated or changed after the effective date of these regulations, the district boundary will not be affected.

#### **Section 203. Summary Tables**

- (A) The chapter for each zoning district establishes the dimensional, density and use standards within that district. Those standards are summarized in Figure 2 and Figure 3, below.

Figure 2. **Density and Dimensional Standards by Zoning District**

	VILLAGE CENTER	LOWER VILLAGE	VILLAGE NEIGHBORHOOD	COMMERCIAL INDUSTRIAL	DEVELOPED SHORELAND	SHORELAND	RURAL	CONSERVATION
MAXIMUM RESIDENTIAL DENSITY (1 dwelling unit per)	8,000 sf <sup>1</sup>	10,000 sf <sup>1</sup>	12,000 sf <sup>1</sup>	–	1 acre	2 acres	2 acres	–
MINIMUM LOT SIZE	12,000 sf <sup>2</sup>	15,000 sf <sup>2</sup>	18,000 sf <sup>2</sup>	2 ac	1 ac	2 ac	2 ac	25 ac
MINIMUM LOT FRONTAGE	50 ft	50 ft	75 ft	200 ft	100 ft	200 ft	200 ft	500 ft
MINIMUM ROAD CENTERLINE SETBACK	25 ft	35 ft	45 ft	65 ft	45 ft	45 ft	45 ft	75 ft
MINIMUM PROPERTY LINE SETBACK	5 ft	10 ft	10 ft	25 ft <sup>3</sup>	25 ft	25 ft	25 ft	50 ft
MAXIMUM HEIGHT	35 ft	35 ft	35 ft	–	25 ft	25 ft	35 ft	25 ft
MAXIMUM BUILDING FOOTPRINT	6,000 sf	4,500 sf	4,500 sf	–	3,000 sf	3,000 sf	7,500 sf <sup>4</sup>	3,000 sf <sup>4</sup>
MAXIMUM LOT COVERAGE	80%	70%	60%	50%	60%	20%	20%	5%
<sup>1</sup> Maximum density will be 1 dwelling unit per acre if not connected to town water and sewer.								
<sup>2</sup> Minimum lot size will be 1 acre if not connected to town water and sewer.								
<sup>3</sup> Minimum property setback will be 100 ft if adjoining lot is in another zoning district. This does not include lots separated by a road.								
<sup>4</sup> Development Review Board may approve a larger footprint as a conditional use.								

**ARTICLE 2. ZONING DISTRICTS**

Chapter 200. About the Zoning Districts

Figure 3. Permitted and Conditional Uses by Zoning District

	VILLAGE CENTER	LOWER VILLAGE	VILLAGE NEIGHBORHOOD	COMMERCIAL INDUSTRIAL	DEVELOPED SHORELAND	SHORELAND	RURAL	CONSERVATION
SINGLE-FAMILY HOUSING	P	P	P	-	P	P	P	-
TWO-FAMILY HOUSING	P	P	P	-	-	-	P	-
MULTI-FAMILY HOUSING	S	S	S	-	-	-	C	-
CONGREGATE HOUSING	S	S	S	-	-	-	C	-
ACCESSORY DWELLING	P	P	P	-	P	P	P	-
GROUP HOME	P	P	P	-	P	P	P	-
FAMILY CHILDCARE HOME	P	P	P	-	P	P	P	-
HOME OCCUPATION	P	P	P	-	P	P	P	-
COTTAGE INDUSTRY	C	C	C	-	C	C	C	-
EXTRACTION	-	-	-	-	-	-	C	-
LOW-INTENSITY OUTDOOR RECREATION	S	S	S	S	S	S	S	S
HIGH-INTENSITY OUTDOOR RECREATION	-	-	C	C	-	C	C	C
RETAIL SALES	C	C	C	C	-	-	C	-
COMMERCIAL USE	C	C	C	C	-	-	C	-
LIGHT INDUSTRIAL USE	C	C	C	C	-	-	C	-
ESSENTIAL SERVICES	P	P	P	P	P	P	P	P
CULTURAL FACILITY	C	C	C	C	C	C	C	C
COMMUNITY FACILITY	C	C	C	C	C	C	C	C
NON-COMMERCIAL STORAGE	P	P	P	P	P	P	P	P
ACCESSORY USE OR STRUCTURE (single- or two-family residential)	P	P	P	P	P	P	P	P
ACCESSORY USE OR STRUCTURE (multi-family residential or non-residential)	S	S	S	S	S	S	S	S
<b>P = Permitted use. S = Permitted use that requires site plan approval (see Section 525). C = Conditional use (see Section 526). - = Prohibited use.</b>								

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CHAPTER 210. VILLAGE CENTER DISTRICT (VC)

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**Section 211. Purpose**

- (A) This district encompasses the historic center of Cabot village. The district encourages pedestrian-oriented and village-scale civic, commercial, residential and mixed-use development and redevelopment. It recognizes the value of protecting historic buildings and character, and creating an attractive and inviting village center.

**Section 212. Residential Density**

- (A) Landowners may construct:
  - (1) 1 dwelling for each 8,000 square feet of land in the Village Center District if connected to town water and sewer; or
  - (2) 1 dwelling for each acre of land in the Village Center District if not connected to town water and sewer.
- (B) The Development Review Board may approve the construction of more homes or subdivision of more house lots as part of a Planned Unit Development (PUD). See Chapter 450 for further guidance.

**Section 213. Lots**

- (A) **Size.** Lots in the Village Center District must be at least:
  - (1) 12,000 square feet if connected to town water and sewer; or
  - (2) 1 acre if not connected to town water and sewer.
- (B) **Road Frontage.** Lots in the Village Center District must have at least 50 feet of road frontage.

**Section 214. Structures**

- (A) **Road Setback.** Buildings and structures on a lot in the Village Center District must not be located within the public right-of-way and must be at least 25 feet from the centerline of the road.
- (B) **Property Line Setback.** All structures in the Village Center District must be located at least 5 feet from the property lines of adjoining lots except that:
  - (1) The Development Review Board may grant a waiver to allow buildings on adjoining lots to be attached. See Section 523 for further information about waivers.
- (C) **Height.** A building or structure in the Village Center District must not be more than 35 feet tall.
- (D) **Building Footprint.** A building in the Village Center District must not have a footprint of more than 6,000 square feet except that:
  - (1) The Development Review Board may waive this requirement for a community facility.
- (E) **Lot Coverage.** Not more than 80% of the lot may be covered with buildings, parking areas or other structures (total of all impervious surfaces).

**Section 215. Uses**

- (A) **Permitted Uses.** Land and structures in the Village Center District may be used for any of the following after the Zoning Administrator issues a zoning permit:
- (1) Single-family housing
  - (2) Two-family housing
  - (3) Accessory dwelling
  - (4) Group home
  - (5) Family childcare home
  - (6) Home occupation
  - (7) Non-commercial storage
  - (8) Use or structure that is accessory to a use listed in this section
  - (9) Essential Service
- (B) **Conditional Uses.** Land and structures in the Village Center District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
- (1) Cottage industry
  - (2) Retail sales
  - (3) Commercial use
  - (4) Light industrial use
  - (5) Cultural facility
  - (6) Community Facility
- (C) **Site Plan Review.** Land and structures in the Village Center District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
- (1) Low-intensity outdoor recreation
  - (2) Multi-family housing
  - (3) Congregate housing

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CHAPTER 220. LOWER VILLAGE DISTRICT (LV)

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**Section 221. Purpose**

- (A) This district encompasses the historic settlement of Lower Cabot and adjoining land that is or could be served by public infrastructure. The district encourages compact and pedestrian-friendly residential, small-scale commercial, and mixed uses. It recognizes the value of protecting historic buildings and character.

**Section 222. Residential Density**

- (A) Landowners may construct:
  - (1) 1 dwelling for each 10,000 square feet of land in the Lower Village District if connected to town water and sewer; or
  - (2) 1 dwelling for each acre of land in the Lower Village District if not connected to town water and sewer.
- (B) The Development Review Board may approve the construction of more homes or subdivision of more house lots as part of a Planned Unit Development (PUD). See Chapter 450 for further guidance.

**Section 223. Lots**

- (A) **Lot Size.** Lots in the Lower Village District must be at least:
  - (1) 15,000 square feet if connected to town water and sewer; or
  - (2) 1 acre if not connected to town water and sewer.
- (B) **Road Frontage.** Lots in the Lower Village District must have at least 50 feet of road frontage.

**Section 224. Structures**

- (A) **Road Setback.** Buildings and structures on a lot in the Lower Village District must be located at least 35 feet from the centerline of the road.
- (B) **Property Line Setback.** All structures in the Lower Village District must be located at least 10 feet from the property lines of adjoining lots except that:
  - (1) The Development Review Board may grant a waiver to allow buildings on adjoining lots to be attached. See Section 523 for further information about waivers.
- (C) **Height.** A building or structure must not be more than 35 feet tall.
- (D) **Building Footprint.** A building in the Lower Village District must not have a footprint of more than 4,500 square feet except that:
  - (1) The Development Review Board may waive this requirement for a community facility. See Section 523 for further information about waivers.
- (E) **Lot Coverage.** Not more than 70% of the lot may be covered with buildings, parking areas or other structures (total of all impervious surfaces).

**Section 225. Uses**

- (A) **Permitted Uses.** Land and structures in the Lower Village District may be used for any of the following after the Zoning Administrator issues a zoning permit:
- (1) Single-family housing
  - (2) Two-family housing
  - (3) Accessory dwelling
  - (4) Group home
  - (5) Family childcare home
  - (6) Home occupation
  - (7) Non-commercial storage
  - (8) A use or structure that is accessory to a use listed in this section
  - (9) Essential services
- (B) **Conditional Uses.** Land and structures in the Lower Village District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
- (1) Cottage industry
  - (2) Retail sales
  - (3) Commercial use
  - (4) Light industrial use
  - (5) Cultural facility
  - (6) Community facility
- (C) **Site Plan Review.** Land and structures in the Lower Village District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
- (1) Low-intensity outdoor recreation
  - (2) Multi-family housing
  - (3) Congregate housing

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CHAPTER 230. VILLAGE NEIGHBORHOOD DISTRICT (VN)

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**Section 231. Purpose**

- (A) This district encompasses land around and between Cabot village and Lower Cabot that is or could be served by public infrastructure. The district encourages compact and pedestrian-friendly residential, small-scale commercial, and mixed uses that will be a natural and compatible extension of our historic settlements.

**Section 232. Residential Density**

- (A) Landowners may construct:
  - (1) 1 dwelling for each 12,000 square feet of land in the Village Neighborhood District if connected to town water and sewer; or
  - (2) 1 dwelling for each acre of land in the Village Neighborhood District if not connected to town water and sewer.
- (B) The Development Review Board may approve the construction of more homes or subdivision of more house lots as part of a Planned Unit Development (PUD). See Chapter 450 for further guidance.

**Section 233. Lots**

- (A) **Lot Size.** Lots in the Village Neighborhood District must be at least:
  - (1) 18,000 square feet if connected to town water and sewer; or
  - (2) 1 acre if not connected to town water and sewer.
- (B) **Road Frontage.** Lots in the Village Neighborhood District must have at least 75 feet of road frontage.

**Section 234. Structures**

- (A) **Road Setback.** Buildings and structures on a lot in the Village Neighborhood District must be located at least 45 feet from the centerline of the road.
- (B) **Property Line Setback.** Buildings and structures in the Village Neighborhood District must be located at least 10 feet from the property lines of adjoining lots.
- (C) **Height.** A building or structure must not be more than 35 feet tall.
- (D) **Building Footprint.** A building in the Village Neighborhood District must not have a footprint of more than 4,500 square feet except that; the Development Review Board may waive this requirement for a community facility. See Section 523 for further information about waivers.
- (E) **Lot Coverage.** Not more than 60% of the lot may be covered with buildings, parking areas or other structures (total of all impervious surfaces).

**Section 235. Uses**

- (A) **Permitted Uses.** Land and structures in the Village Neighborhood District may be used for any of the following after the Zoning Administrator issues a zoning permit:
  - (1) Single-family housing
  - (2) Two-family housing
  - (3) Accessory dwelling
  - (4) Group home
  - (5) Family childcare home
  - (6) Home occupation
  - (7) Non-commercial storage
  - (8) A use or structure that is accessory to a use listed in this section
  - (9) Essential services
  
- (B) **Conditional Uses.** Land and structures in the Village Neighborhood District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) High-intensity outdoor recreation
  - (2) Cottage industry
  - (3) Retail sales
  - (4) Commercial use
  - (5) Light industrial use
  - (6) Cultural facility
  - (7) Community facility
  
- (C) **Site Plan Review.** Land and structures in the Village Neighborhood District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) Low-intensity outdoor recreation
  - (2) Multi-family housing
  - (3) Congregate housing

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CHAPTER 240. COMMERCIAL INDUSTRIAL DISTRICT (CI)

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**Section 241. Purpose**

- (A) This district includes land developed for commercial and light industrial use near Cabot village. These lands are or could be served by public infrastructure. This district encourages continued commercial and light industrial activities that will operate without creating undesirable impacts like noise, light, odors or excessive traffic that would negatively affect quality of life in and around Cabot village, and that will create quality jobs to strengthen our local economy.

**Section 242. Lots**

- (A) **Lot Size.** Lots in the Commercial Industrial District must be at least 2 acres.
- (B) **Road Frontage.** Lots in the Commercial Industrial District must have at least 200 feet of road frontage.

**Section 243. Structures**

- (A) **Road Setback.** Buildings and structures on a lot in the Commercial Industrial District must be located 65 feet or more from the centerline of the road.
- (B) **Property Line Setback.** All structures in the Commercial Industrial District must be located at least 25 feet from the property lines of adjoining lots except that:
  - (1) If the adjoining property is in another zoning district, structures must be located at least 100 feet from the property line and a naturally-vegetated buffer must be retained (or established if none exists) with a minimum depth of 50 feet along the property line. This requirement does not apply when the property in another zoning district is across a road.
  - (2) The Development Review Board may grant a waiver to allow buildings on adjoining lots to be attached. See Section 523 for further information about waivers.
- (C) **Height.** There is no maximum height for buildings or structures in the Commercial Industrial District, but the Development Review Board may limit height as necessary to achieve the purposes of these regulations. The Development Review Board may request that the Fire Chief review any proposed development and assess whether the Fire Department will be able to provide adequate fire protection. If the department would be unable to provide adequate fire protection for the proposed development, the Fire Chief may recommend conditions on, changes to or mitigation for the project to the Development Review Board.
- (D) **Building Footprint.** There is no maximum footprint for buildings in the Commercial Industrial District, but the Development Review Board may limit building size as necessary to achieve the purposes of these regulations.
- (E) **Lot Coverage.** Not more than 50% of the lot may be covered with buildings or structures (total of all impervious surfaces).

**Section 244. Uses**

- (A) **Permitted Uses.** Land and structures in the Commercial Industrial District may be used for any of the following after the Zoning Administrator issues a zoning permit:
  - (1) Non-commercial storage
  - (2) A use or structure that is accessory to a use listed in this section
  - (3) Essential services
  
- (B) **Conditional Uses.** Land and structures in the Commercial Industrial District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) High-intensity outdoor recreation
  - (2) Retail sales
  - (3) Commercial use
  - (4) Light industrial use
  - (5) Cultural facility
  - (6) Community facility
  
- (C) **Site Plan Review.** Land and structures in the Commercial Industrial District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) Low-intensity outdoor recreation
  
- (D) **Residential Uses.** New residential uses are not allowed within the Commercial Industrial District.

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CHAPTER 250. DEVELOPED SHORELAND DISTRICT (DS)

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**Section 251. Purpose**

- (A) This district encompasses the developed land along the shoreline of Joe's Pond. This district recognizes the unique character and existing land uses of this neighborhood. It balances support for the ongoing use and improvement of these properties with the need to protect water quality and maintain residents' quality of life.
- (B) Land within 250 feet of the mean water level (known as the protected shoreland area) of Joe's Pond and on the pond side of West Shore Road is also subject to the provisions of the state Shoreland Protection Act. Development within the protected shoreland area will require a state permit or registration in addition to approval under these regulations. The provisions of this section are intended to be consistent with state requirements, but in the case of a conflict the more restrictive standard will apply.

**Section 252. Residential Density**

- (A) Landowners may construct 1 dwelling for each acre of land in the Developed Shoreland District.

**Section 253. Lots**

- (A) **Lot Size.** Lots in the Developed Shoreland District must be at least 1 acre.
- (B) **Road Frontage.** Lots in the Developed Shoreland District must have at least 100 feet of road frontage.
- (C) **Shoreline Frontage.** Waterfront lots in the Developed Shoreland District must have at least 50 feet of shoreline frontage.

**Section 254. Structures**

- (A) **Road Setback.** Structures in the Developed Shoreland District must be located at least 45 feet from the centerline of the road.
- (B) **Property Line Setback.** All structures in the Developed Shoreland District must be located at least 25 feet from the property lines of adjoining lots.
- (C) **Riparian Setback.** Structures in the Developed Shoreland District must be located in conformance with state shoreland protection standards.
- (D) **Height.** A building or structure must not be more than 25 feet tall.
- (E) **Building Footprint.** A building in the Developed Shoreland District must not have a footprint of more than 3,000 square feet unless approved by the Development Review Board as a conditional use (see Section 526).
- (F) **Lot Coverage.** Not more than 60% of the lot may be covered with buildings or structures (total of all impervious surfaces). Applicants must also conform to state coverage standards on land within the protected shoreland area.

**Section 255. Uses**

- (A) **Permitted Uses.** Land and structures in the Developed Shoreland District may be used for any of the following after the Zoning Administrator issues a zoning permit:
  - (1) Single-family housing
  - (2) Accessory dwelling
  - (3) Group home
  - (4) Family childcare home
  - (5) Home occupation
  - (6) Non-commercial storage
  - (7) A use or structure that is accessory to a use listed in this section
  - (8) Essential services
  
- (B) **Conditional Uses.** Land and structures in the Developed Shoreland District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) High-intensity outdoor recreation
  - (2) Cottage industry
  - (3) Cultural facility
  - (4) Community facility
  
- (C) **Site Plan Review.** Land and structures in the Developed Shoreland District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) Low-intensity outdoor recreation

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CHAPTER 260. SHORELAND DISTRICT (SL)

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**Section 261. Purpose**

- (A) The purpose of the Shoreland District is to minimize the amount, density and intensity of development in those areas within 800 feet of Marshfield Reservoir (beyond the Conservation District), Joe's Pond (beyond the Developed Shoreland District), West Hill Pond, Molly's Pond and Coits Pond (beyond the Conservation District) that have not been densely developed. This will protect water quality, wildlife and aquatic habitat, and rural character.
- (B) Land within 250 feet of the mean water level (known as the protected shoreland area) is also subject to the provisions of the state Shoreland Protection Act. Development within the protected shoreland area will require a state permit or registration in addition to approval under these regulations. The provisions of this section are intended to be consistent with state requirements, but in the case of a conflict the more restrictive standard will apply.

**Section 262. Residential Density**

- (A) Landowners may construct 1 dwelling for each 2 acres of land in the Shoreland District.
- (B) The Development Review Board may approve the construction of more homes or subdivision of more house lots as part of a Planned Unit Development (PUD). See Chapter 450 for further guidance.

**Section 263. Lots**

- (A) **Lot Size.** Lots in the Shoreland District must be at least 2 acres.
- (B) **Road Frontage.** Lots in the Shoreland District must have at least 200 feet of road frontage.
- (C) **Shoreline Frontage.** Waterfront lots in the Shoreland District must have at least 200 feet of shoreline frontage.

**Section 264. Structures**

- (A) **Road Setback.** Structures in the Shoreland District must be located at least 45 feet from the centerline of the road.
- (B) **Property Line Setback.** Structures in the Shoreland District must be located at least 25 feet from the property lines of adjoining lots.
- (C) **Riparian Setback.** Structures in the Shoreland District must be located at least 100 feet from the mean high watermark of a lake, pond or reservoir and in accordance with state shoreland protection standards except that:
  - (1) The 100-foot setback does not apply to water-dependent structures.
- (D) **Height.** A building or structure must not be more than 25 feet tall.
- (E) **Building Footprint.** A building in the Shoreland District must not have a footprint of more than 3,000 square feet.

- (F) **Lot Coverage.** Not more than 20% of the lot may be covered with buildings or structures (total of all impervious surfaces). Applicants must also conform to state coverage standards on land within the protected shoreland area.

**Section 265. Uses**

- (A) **Permitted Uses.** Land and structures in the Developed Shoreland District may be used for any of the following after the Zoning Administrator issues a zoning permit:
  - (1) Single-family housing
  - (2) Accessory dwelling
  - (3) Group home
  - (4) Family childcare home
  - (5) Home occupation
  - (6) Non-commercial storage
  - (7) A use or structure that is accessory to a use listed in this section
  - (8) Essential services
- (B) **Conditional Uses.** Land and structures in the Developed Shoreland District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) High-intensity outdoor recreation
  - (2) Cottage industry
  - (3) Cultural facility
  - (4) Community facility
- (C) **Site Plan Review.** Land and structures in the Developed Shoreland District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) Low-intensity outdoor recreation

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**CHAPTER 270. RURAL DISTRICT (RL)**

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**Section 271. Purpose**

- (A) The Rural District is intended to protect the rural character of outlying land in Cabot that is not served by public infrastructure. The district promotes conservation of working farm and forest lands by maintaining a low-density of residential development, guiding development to the least productive land, and promoting compact development patterns. It also promotes conservation of working farm and forest lands by allowing income-producing commercial and light industrial uses appropriate in a rural setting.

**Section 272. Residential Density**

- (A) Landowners may construct 1 dwelling for each 2 acres of land in the Rural District.
- (B) The Development Review Board may approve the construction of more homes or subdivision of more house lots as part of a Planned Unit Development (PUD). See Chapter 450 for further guidance.

**Section 273. Lots**

- (A) **Lot Size.** Lots in the Rural District must be at least 2 acres.
- (B) **Road Frontage.** Lots in the Rural District must have at least 200 feet of road frontage.

**Section 274. Structures**

- (A) **Road Setback.** Structures in the Rural District must be located at least 45 feet from the centerline of the road.
- (B) **Property Line Setback.** All structures in the Rural District must be located at least 25 feet from the property lines of adjoining lot.
- (C) **Height.** A building or structure in the Rural District must not be more than 35 feet tall.
- (D) **Building Footprint.** A building in the Rural District must not have a footprint of more than 7,500 square feet unless approved by the Development Review Board as a conditional use (see Section 526).
- (E) **Lot Coverage.** Not more than 20% of the lot may be covered with buildings or structures (total of all impervious surfaces).

**Section 275. Uses**

- (A) **Permitted Uses.** Land and structures in the Rural District may be used for any of the following after the Zoning Administrator issues a zoning permit:
- (1) Single-family housing
  - (2) Two-family housing
  - (3) Accessory dwelling
  - (4) Group home
  - (5) Family childcare home
  - (6) Home occupation
  - (7) Non-commercial storage
  - (8) A use or structure that is accessory to a use listed in this section
  - (9) Essential services
- (B) **Conditional Uses.** Land and structures in the Rural District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
- (1) Multi-family housing
  - (2) Congregate housing
  - (3) High-intensity outdoor recreation
  - (4) Cottage industry
  - (5) Extraction
  - (6) Retail sales
  - (7) Commercial use
  - (8) Light industrial use
  - (9) Cultural facility
  - (10) Community facility
- (C) **Site Plan Review.** Land and structures in the Rural District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
- (1) Low-intensity outdoor recreation
  - (2) Water-dependent structure or use

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CHAPTER 280. CONSERVATION DISTRICT (CN)

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**Section 281. Purpose**

- (A) The Conservation District encompasses public lands that are managed for recreation, nature education, timber production, wildlife habitat, water quality, and similar environmental benefits.
- (B) Land within 250 feet of the mean water level (known as the protected shoreland area) of the Marshfield Reservoir and on the water side of Route 2 or Old Route 2 is also subject to the provisions of the state Shoreland Protection Act. Development within the protected shoreland area will require a state permit or registration in addition to approval under these regulations. The provisions of this section are intended to be consistent with state requirements, but in the case of a conflict the more restrictive standard will apply.

**Section 282. Lots**

- (A) **Lot Size.** Lots in the Conservation District must be at least 25 acres.
- (B) **Road Frontage.** Lots in the Conservation District must have at least 500 feet of road frontage.

**Section 283. Structures**

- (A) **Road Setback.** Structures in the Conservation District must be located at least 75 feet from the centerline of the road.
- (B) **Riparian Setback.** Structures in the Conservation District must be located at least 100 feet from the mean high watermark of a lake, pond or reservoir and in accordance with state shoreland protection standards except that:
  - (1) The 100-foot setback does not apply to water-dependent structures.
- (C) **Property Line Setback.** All structures in the Conservation District must be located at least 50 feet from the property lines of adjoining lots.
- (D) **Height.** A building or structure in the Conservation District must not be more than 25 feet tall.
- (E) **Building Footprint.** A building in the Conservation District must not have a footprint of more than 3,000 square feet unless approved by the Development Review Board as a conditional use (see Section 526).
- (F) **Lot Coverage.** Not more than 5% of the lot may be covered with buildings or structures (total of all impervious surfaces).

**Section 284. Uses**

- (A) **Permitted Uses.** Land and structures in the Conservation District may be used for any of the following after the Zoning Administrator issues a zoning permit:
  - (1) Non-commercial storage
  - (2) A use or structure that is accessory to a use listed in this section
  - (3) Essential services
- (B) **Conditional Uses.** Land and structures in the Conservation District may be used for any of the following after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) High-intensity outdoor recreation
  - (2) Cultural facility
  - (3) Community facility
- (C) **Site Plan Review.** Land and structures in the Conservation District may be used for any of the following after the Development Review Board approves a site plan (see Section 526) and the Zoning Administrator issues a zoning permit:
  - (1) Low-intensity outdoor recreation
- (D) **Residential Uses.** Residential uses are not allowed within the Conservation District.

## **ARTICLE 3. OVERLAY DISTRICTS**

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### **CHAPTER 300. ABOUT THE OVERLAY DISTRICTS**

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#### **Section 301. Overlay Districts**

- (A) There are two overlay districts for areas of special concern in Cabot, which are shown on the Overlay District Map:
  - (1) Flood and Erosion Hazard Area Overlay District (FHO)
  - (2) Drinking Water Source Protection Overlay District
- (B) An overlay district recognizes land with special features or characteristics that distinguish it from other portions of the zoning district. An overlay district includes additional standards and guidelines for land use and development that supplement or supersede the requirements of the underlying zoning district.
- (C) The standards of the underlying district continue to apply unless they conflict with the standards of the overlay district. When that occurs, the standards of the overlay district take precedence.

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**CHAPTER 310. FLOOD AND EROSION HAZARD AREA OVERLAY DISTRICT (FHO)**

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**Section 311. Purpose**

- (A) It is the purpose of this overlay district to:
- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base and the extraordinary demands on public services and spending that result from flooding related inundation and erosion.
  - (2) Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services or the stream corridor.
  - (3) Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Cabot, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds and hazard mitigation funds as may be available.
- (B) The provisions of this chapter will not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where the provisions of this chapter impose a greater restriction, the provisions of this chapter will take precedence.
- (C) The provisions of this chapter do not imply that land outside this overlay district will be free from flood or erosion damages.
- (D) The provisions of this chapter will not create liability on the part of the Town of Cabot, or any town official or employee, for flood or erosion damage that results from reliance on the provisions of this chapter, or any administrative decision lawfully made under this chapter.

**Section 312. Applicability and Boundaries**

- (A) There are three hazard areas included in this overlay district:
- (1) **Floodway.** The floodway is the channel of a river or stream and the adjacent land where water moves fastest during a storm and poses the greatest danger. The floodway must be kept free of development to prevent floodwaters from rising. The floodway is defined in and shown on the Federal Emergency Management Agency's most current flood insurance studies and maps. Those studies and maps are incorporated and adopted into these regulations by reference.
  - (2) **Special Flood Hazard Area.** The special flood hazard area is defined in and shown on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Agency, National Flood Insurance Program, as provided by the Secretary of Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are incorporated and adopted into these regulations by reference.
  - (3) **River Corridor.** The river corridor is the land along rivers and streams that is prone to erosion. That erosion ranges from gradual bank erosion to catastrophic changes in river channel location and dimension during major storms. The river corridor is shown on the Vermont Agency of Natural Resources' most current River Corridor Map. That map is incorporated and adopted into these regulations by reference.

- (B) Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps will be used to administer and enforce the provisions of this chapter. In the Special Flood Hazard Area where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps, it will be the applicant's responsibility to develop the necessary data. Where available, the applicant must use data provided by state or federal agencies when it is available.
- (C) The information presented on any maps or contained in any studies is presumed to be accurate.
- (D) If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or floodway, the Zoning Administrator will determine the location of the boundary. If the applicant disagrees with that determination, he/she may provide a Letter of Map Amendment from FEMA to prove the location of the boundary.
- (E) If uncertainty exists with respect to the boundaries of the river corridor, the Zoning Administrator will determine the location of the boundary. If the applicant disagrees with that determination, he/she may provide a letter of determination from the Vermont Agency of Natural Resources to prove the location of the boundary.

**Section 313. Special Characteristics of this Overlay District**

- (A) **State and Federal Law.** The regulations within this overlay district must follow state and federal requirements. Cabot has limited discretion regarding regulation of development within this overlay district.
- (B) **Definitions.** Some of the terms used in this chapter are defined differently than elsewhere in these regulations. Section 319, below, includes definitions that are specific only to this chapter.
  - (1) Most importantly, development is defined differently within this overlay district. In this chapter, development encompasses any human-made change to land or structures including interior building modifications.

**Section 314. Exempt Development**

- (A) Land and structures within this overlay district may be used for any of the following without a zoning permit from the Zoning Administrator:
  - (1) Agriculture in accordance with the State's accepted practices (see Section 116).
  - (2) Forestry in accordance with the State's accepted practices (see Section 116).
  - (3) Open space and recreation uses that do not raise the existing grade or require structures.
  - (4) Normal road, driveway, ditch, culvert or yard maintenance that does not raise the existing grade.
  - (5) Removal of a structure or part of a structure that does not raise the existing grade.

- (6) Emergency repairs (see Section 125). The repairs must be limited to the minimum necessary to prevent an imminent, unsafe condition or to protect a structure from the elements. Immediately following the emergency, the property owner must apply for a permit. Property owners should be aware that any emergency repairs made to a substantially damaged structure might later have to be reversed to comply with the requirements of this chapter.

**Section 315. Prohibited Development**

- (A) The Zoning Administrator must not issue a zoning permit for the following land uses and development:
  - (1) New structures other than small accessory structures
  - (2) Small accessory structures within the floodway
  - (3) Outdoor storage
  - (4) Junkyards
  - (5) Fill for purposes other than to elevate existing structures
  - (6) Critical facilities
  - (7) A use or structure that is not allowed within the underlying zoning district
  - (8) All development not exempted (Section 314, above) or allowed (Section 316, below)

**Section 316. Allowed Development**

- (A) **Permitted Uses.** The Zoning Administrator may issue a zoning permit for the following land uses and development within the overlay district:
  - (1) Non-substantial improvements to existing structures that do not increase the structure's footprint or are located outside the river corridors
  - (2) Use or storage of recreational vehicles outside the floodway or river corridor
  - (3) Improvements to existing roads, driveways and parking that will not raise the final grade
  - (4) Repair or replacement of bridges, ditches, culverts, channel management activities, or public projects that are functionally dependent on water access or crossing
- (B) **Conditional Uses.** Following conditional use approval by the Development Review Board (see Section 526), the Zoning Administrator may issue a zoning permit for:
  - (1) Non-substantial improvements to existing structures within the floodway that change the structure's footprint
  - (2) Substantial improvement, elevation, relocation, or flood-proofing of existing structures
  - (3) Improvements to existing principal structures within the river corridor that do not expand the structure's footprint by more than 500 square feet
  - (4) Accessory structures within the river corridor with a footprint of no more than 500 square feet that represent a minimal investment
  - (5) New or replacement storage tanks for existing buildings located within this overlay district

- (6) Grading, excavating or creating a pond
- (7) New roads that cross through this overlay district to serve existing or planned development outside this overlay district
- (8) New at-grade parking
- (9) Development related to on-site septic or water supply system or other utilities serving an existing building
- (10) New bridges, ditches, culverts, channel management activities, or public projects that are functionally dependent on water access or crossing
- (11) Notwithstanding Section 315, new structures within the Village Center district

**Section 317. Development Standards**

- (A) **General Standards.** The following standards apply to all development within this overlay district:
- (1) **General Standards for All Development.** All development in the floodway, special flood hazard area or river corridor must be:
    - (a) Reasonably safe from flooding and erosion.
    - (b) Designed, operated, maintained, modified and anchored to prevent flotation, collapse, release or movement.
    - (c) Constructed with materials resistant to flood and erosion damage.
    - (d) Constructed by methods and practices that minimize flood and erosion damage.
    - (e) Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service facilities or equipment that are designed and located to prevent water from entering or accumulating within the components during conditions of flood.
    - (f) Adequately drained to reduce exposure to flood hazards.
    - (g) Located to minimize conflict with changes in river or stream channel location over time.
    - (h) Designed to maintain the flood carrying and sediment transportation capacity within any altered or relocated portion of a watercourse and to not result in any decrease of stream stability.
    - (i) Required to locate and securely anchor any above ground fuel storage tanks needed to serve an existing building located within this overlay district 1 foot or more above the base flood elevation.
    - (j) Required to securely anchor any below ground fuel storage tanks needed to serve an existing building located within this overlay district (as certified by a qualified professional).

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- (2) **Subdivisions and Planned Unit Developments.** Subdivisions and planned unit development that include land within this overlay district must be accessible by dry land access outside this overlay district. No new lot may be created that is located entirely within this overlay district except for the purposes of transferring land that has had its development rights permanently removed.
  - (3) **Stream Channel Management.** The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse must be maintained. Stream stability must not be reduced as a result of any stream channel management activities.
  - (4) **Water-Dependent Structures.** Bridges, culverts and other water-dependent structures, which by their nature must be placed in or over a watercourse, must have a stream alteration permit from the Vermont Agency of Natural Resources.
  - (5) **Nonconformities.** Lawfully existing structures and uses that do not meet the requirements of this chapter must comply with the provisions below in addition to the requirements of Section 124:
    - (a) Any repair, relocation, replacement or enlargement of a nonconformity within this overlay district must comply with all the provisions of this chapter.
    - (b) When a nonconforming structure within this overlay district has been substantially damaged or destroyed, the owner may only repair or rebuild it within this overlay district if the structure cannot be relocated first to a location on the parcel that is outside this overlay district or second to a less hazardous location within this overlay district. Any such structure rebuilt within this overlay district must be elevated one foot or more above the base flood elevation and comply with all applicable provisions of this chapter.
    - (c) If an owner abandons or discontinues a nonconforming, non-residential structure or use located within this overlay district for more than 12 months, the owner must obtain a zoning permit to reoccupy the structure or resume the use and must comply with all the provisions of this chapter.
- (B) **Special Flood Hazard Standards.** The following standards apply to development within the special flood hazard area:
- (1) **Elevation Certificate.** The applicant must document the base flood elevation and the specific elevation to which all new construction or substantially improved structures were flood proofed. The Zoning Administrator must have a completed elevation certificate on file prior to issuing a certificate of compliance.
  - (2) **Recreational Vehicles.** Recreational vehicles used or stored within the special flood hazard area must be capable of being moved, and be fully licensed and ready for highway use.
  - (3) **Utilities.** New or replacement building or public utilities, including water and wastewater systems, must be located outside the special flood hazard area to the greatest extent feasible. When utilities will be located within the special flood hazard area, they must be:

## ARTICLE 3. OVERLAY DISTRICTS

### Chapter 310. Flood and Erosion Hazard Area Overlay District (FHO)

- (a) Designed to minimize or eliminate the infiltration of floodwaters into the system;
  - (b) Designed to minimize or eliminate discharges from the system into floodwaters;
  - (c) Located to avoid impairment of the system during flooding; and
  - (d) Located to avoid contamination from the system during flooding.
- (4) **Small Accessory Structures.** Small accessory structures, as defined in this chapter, do not have to be elevated to the base flood elevation. The structure must be placed in a location that will offer the minimum resistance to the flow of floodwaters and must meet the requirements of Paragraph (7), below, for fully enclosed areas above ground.
- (5) **Substantial Improvements to Residential Structures.** Residential structures may only be substantially improved if the lowest floor will be at least 1 foot or more above the base flood elevation. This must be documented after construction with a FEMA Elevation Certificate.
- (6) **Substantial Improvements to Nonresidential Structures.** Nonresidential structures may only be substantially improved if:
- (a) The lowest floor will be at least 1 foot or more above the base flood elevation. This must be documented after construction with a FEMA Elevation Certificate; or
  - (b) The lowest floor, including the basement and attendant utility and sanitary facilities, will be designed so that 2 feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect must review the plans and certify that the design and construction methods are in accordance with accepted standards of practice for meeting those requirements.
- (7) **Fully Enclosed Areas Above Ground.** Fully enclosed areas that are above ground but below the base flood elevation must:
- (a) Be used solely for parking, storage or building access; and
  - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters as certified by a registered professional engineer or architect or must be designed with a minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding with the bottom of all openings no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (8) **Fully Enclosed Areas Below Ground.** Fully enclosed areas below ground on all sides, such as basements or crawlspaces, are prohibited.

- (9) **Development in the Village Center District.** New structures within the Village Center district must be located such that the lowest floor, including the basement, is at least 1 foot above the base flood elevation. The applicant must document this, in as-built condition, with a FEMA Elevation Certificate.
- (C) **Floodway Standards.** The following standards apply to development within the floodway:
- (1) **Above Ground Development in the Floodway.** Within the floodway, above-grade development is prohibited unless a registered professional engineer performs hydrologic and hydraulic analyses in accordance with standard engineering practices and certifies that the proposed development will not:
- (a) Result in any increase in flood level during the base flood; and
  - (b) Increase any risk to surrounding properties, development or infrastructure from erosion or flooding.
- (2) **Below Ground Development in the Floodway.** Below ground development within the floodway is prohibited (including crawlspaces and basements) except that:
- (a) Below ground utilities may be allowed if a registered professional engineer certifies that there will be no change in grade and the underground utilities will be adequately protected from scour.
- (D) **River Corridor Standards.** The following standards apply to development within the river corridor:
- (1) Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the special flood hazard area must not decrease the distance between the existing primary building and the top of bank.
  - (2) Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
  - (3) Notwithstanding the requirements of Paragraph (1) and (2) above, in the Village Center district, new structures, improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the special flood hazard area must not increase the level of encroachment on the river or stream. The shortest distance between the construction or fill and the top of bank must not be less than the shortest distance between immediately adjacent existing primary structures and top of bank.
  - (4) Development must not increase the susceptibility of that or other properties to fluvial erosion damage.
  - (5) Development must not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion.
  - (6) Development must not cause an undue burden on public services and facilities including roads, bridges, culverts and emergency service providers during and after fluvial erosion events.

**Section 318. Administration**

- (A) **Application Requirements.** In addition to other applicable requirements, applications for development within this overlay district must include a site plan that accurately shows all of the following:
- (1) The location of all water bodies, wetlands, floodways, special flood hazard areas or river corridors on the subject property.
  - (2) The shortest horizontal distance from the proposed development to the top of the bank of any stream whether on or outside the subject property.
  - (3) Any proposed fill, and pre- and post-development grades.
  - (4) The elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the Flood Insurance Rate Maps.
  - (5) A completed Vermont Agency of Natural Resources Project Review Sheet, which must identify all state and federal agencies that will need to approve the project.
- (B) **Referrals.** Upon receipt of a complete application for a substantial improvement or new construction within this overlay district, the Zoning Administrator must submit a copy of the application to the state National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. If the application involves the alteration or relocation of a watercourse, the Zoning Administrator must also submit a copy of the application to adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources and the Army Corps of Engineers. The referral will be considered acting on the complete application. The Zoning Administrator may issue a permit after receiving comment from the NFIP Coordinator or 30 days after referring the application if the NFIP Coordinator does not comment on the application.
- (C) **Zoning Permit.** The Zoning Administrator may issue a zoning permit with the condition that the approved work will not commence until the applicant has received all necessary state and federal permits. The applicant must provide the Zoning Administrator with copies of those permits, which must be attached to the zoning permit.
- (D) **Records.** The Zoning Administrator must properly file and maintain a record of:
- (1) An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the Flood Insurance Rate Map) of the lowest floor, including the basement, of all new, substantially improved, or flood-proofed principal buildings.
  - (2) All flood-proofing and other certifications required by this chapter.
  - (3) All permits issued and all Development Review Board decisions (including variances and violations) and all supporting findings of fact, conclusions of law, and conditions of approval.
- (E) **Certificate of Zoning Compliance.** The Zoning Administrator must issue a certificate of zoning compliance in accordance with the provisions of Section 513 before a structure or use permitted under the provisions of this chapter is occupied or commenced. The Zoning Administrator must not issue a certificate of zoning compliance until the applicant has provided copies of all necessary state and federal permits.
- (F) **Violations.** The provisions of this chapter will be enforced in accordance with Section 518. In addition:

## ARTICLE 3. OVERLAY DISTRICTS

### Chapter 310. Flood and Erosion Hazard Area Overlay District (FHO)

- (1) The Zoning Administrator will presume that any development that occurs within the special flood hazard area or floodway without an elevation certificate or other lawful evidence of compliance with 44 CFR 60.3 to be in violation until such time as the landowner provides that documentation.
- (2) If the Zoning Administrator issues a notice of violation for development within this overlay district, the Zoning Administrator must send a copy to the state NFIP Coordinator.
- (3) If the violation is not resolved as required in Section 518, the Zoning Administrator must notify the Administrator of the National Flood Insurance Program and request a denial of the property's flood insurance.
- (4) The Zoning Administrator must report violations of accepted agricultural practices within this overlay district to the Secretary of Agriculture.

#### Section 319. Definitions

- (A) The following terms have a special definition that applies only within the context of this overlay district. All other terms are defined as specified in Chapter 600.

**BASE FLOOD** means the flood that has a 1% chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

**BASE FLOOD ELEVATION (BFE)** means the elevation of the floodwater resulting from the base flood.

**CRITICAL FACILITIES** means police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, stores selling necessities, gas stations, and other structures identified in the town plan as essential to residents' health and welfare and that are especially important following a disaster.

**DEVELOPMENT** means any human-made change to improved or unimproved real estate, including but not limited to constructing, placing or modifying the interior or exterior of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**FILL** means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

**FLOODWAY or REGULATORY FLOODWAY** means the channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot at any point. (Note that special flood hazard areas and floodways may be shown on separate panels or sheets of the FIRM).

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

## ARTICLE 3. OVERLAY DISTRICTS

### Chapter 310. Flood and Erosion Hazard Area Overlay District (FHO)

**FLOOD-PROOFING** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**HISTORIC STRUCTURE** means any structure that is:

- (a) Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
- (c) Individually listed on the Vermont Register of Historic Places.

**LETTER OF MAP AMENDMENT (LOMA)** means letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

**LOWEST FLOOR** means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

**MANUFACTURED OR MOBILE HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**NEW CONSTRUCTION** means structures for which the start of construction commenced on or after the effective date of Cabot's floodplain management regulations and includes any subsequent improvements to such structures.

**NON-SUBSTANTIAL IMPROVEMENT** means any improvement that is not a substantial improvement as defined below.

**RECREATIONAL VEHICLE** means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**RIVER CORRIDOR** means the land area adjacent to a river or stream that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. § 1422, and for the minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with the River Corridor Protection Guide.

**SMALL ACCESSORY STRUCTURE** means an accessory structure that is listed as exempt in Chapter 110. Those structures do not require a zoning permit unless they are located within this overlay district.

**SPECIAL FLOOD HAZARD AREA** means the floodplain within the Town of Cabot that is subject to being inundated by the base flood. The special flood hazard area is usually labeled Zone A or AE in the flood insurance study and on the flood insurance rate maps. The base flood elevation has not been determined in Zone A. In Zone AE, the base flood elevations are shown on the flood insurance rate maps.

**START OF CONSTRUCTION** means the date the zoning permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

**STRUCTURE** means:

- (d) A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
- (e) A gas or liquid storage tank that is principally above ground; or
- (f) A manufactured home.

**SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** means any reconstruction, rehabilitation, addition, or other improvement of a structure after the effective date of these regulations, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. This does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**TOP OF BANK** means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

**VIOLATION** means the failure of a structure or other development to be fully compliant with the provisions of this chapter.

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**CHAPTER 320. DRINKING WATER SOURCE PROTECTION OVERLAY (SPO) DISTRICT**

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**Section 321. Purpose**

- (A) The purpose of the Drinking Water Source Protection Overlay District is to protect the wells that provide Cabot's municipal drinking water from contamination due to the production, use, storage, release or spills of potential pollutants.

**Section 322. Allowed Development**

- (A) **Permitted Uses.** Land and structures in the Drinking Water Source Protection Overlay District may be used for any of the following after the Zoning Administrator issues a zoning permit:
- (1) Open space and recreation uses and related structures.
  - (2) Public drinking water infrastructure and related structures.
  - (3) A use or structure that is accessory to a use listed in this section.
  - (4) A conditional use approved by the Development Review Board.
- (B) **Conditional Uses.** Land and structures in the Drinking Water Source Protection Overlay District may be used for any use that is allowed in the underlying district and that is not specifically prohibited in Paragraph (C), below, after the Development Review Board approves (see Section 526) and the Zoning Administrator issues a zoning permit. Development should not occur within this overlay district if the subject property includes land outside this overlay that can reasonably accommodate the proposed development.
- (C) **Prohibited Uses.** Any activity that involves the use, production, storage or distribution of fuels, oils, salts, pesticides, herbicides, or other materials that could contaminate the public drinking water supply if dumped, spilled, leached or released is prohibited within the Drinking Water Source Protection Overlay District including, but not limited to:
- (1) Fuel or hazardous materials storage and distribution
  - (2) Gasoline station, repair garage, body shop or car wash
  - (3) Contractors' yard, bus garage or terminal, highway or public works facility
  - (4) Dry cleaner
  - (5) Machine shop
  - (6) Slaughterhouse
  - (7) Junkyard, landfill, recycling center, or commercial compost operation
  - (8) Extraction of earth resources
  - (9) Extraction of groundwater for commercial or industrial use
  - (10) Bulk storage tank or underground storage tank
  - (11) Injection well
- (D) **Site Plan Review.** The Zoning Administrator must not issue a zoning permit for development that is not associated with a single- or two-family home until the Development Review Board approves a site plan (see Section 525).

**Section 323. Development Standards**

- (A) **Application Requirements.** In addition to other applicable requirements, an applicant proposing development within this overlay must submit a site plan indicating:
  - (1) The location and extent of all proposed impervious surface and land disturbance within the overlay district;
  - (2) The distance from the proposed development from the town wells; and
  - (3) The topography and land cover between the proposed development and the town wells.
- (B) **Referrals.** Upon receipt of a complete application for development within this overlay district, the Zoning Administrator must submit a copy of the application to Cabot's water system operator. The referral will be considered acting on the complete application. The Zoning Administrator may issue a permit after receiving comment or 30 days after referring the application if no comments are received on the application.

## **ARTICLE 4. DEVELOPMENT STANDARDS**

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### **CHAPTER 400. STANDARDS THAT APPLY TO ALL LAND AND PROJECTS**

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#### **Section 401. Multiple Buildings or Uses on a Lot**

- (A) The Development Review Board may approve more than one principal structure or use (such as a residence or a business) on a lot as a mixed use or planned unit development (See Chapter 450).

#### **Section 402. Distance between Buildings**

- (A) Non-exempt accessory structures must be separated from a principal building or another non-exempt accessory structure by at least 10 feet.
- (B) If there is going to be more than one principal, detached building on a lot, the buildings must be separated from each other by at least 20 feet.
- (C) The Development Review Board may require a greater distance between buildings or structures to protect public safety.

#### **Section 403. Building Encroachments**

- (A) Roof overhangs, eaves, balconies, sills, cornices, arcades, marquees or similar architectural features may project up to 24 inches into required setbacks.

#### **Section 404. Creating a Nonconforming Lot**

- (A) The Zoning Administrator or Development Review Board must not approve the creation or modification of a lot that does not meet district standards unless:
  - (1) A unit of government or public utility is acquiring the land for a community facility or essential service; or
  - (2) Owners are adjusting the boundary line of a nonconforming lot. See Section 514 for further guidance.

#### **Section 405. Height**

- (A) Height will be measured from the average elevation of the finished grade to the highest point of the structure.
- (B) Qualifying Farm structures, wind turbines, chimneys, and telecommunications towers and antennas are exempt from district height requirements.
- (C) The Development Review Board may approve a waiver to district height requirements for an architectural element such as a cupola, clock tower, bell tower, or steeple that will not be regularly occupied by people.
- (D) The Development Review Board may approve a waiver to district height requirements for industrial structures and stacks that require additional height to be functional.

**Section 406. Adaptive Reuse of Historic Buildings**

- (A) Cabot strongly encourages the preservation and continued use of historic buildings. To that end, the Development Review Board may waive or modify provisions of these regulations to allow for the adaptive re-use of a historic building for a use permitted or conditional within the zoning district to the extent that:
  - (1) The proposed use will not adversely affect the historic character and architectural integrity of the building and its setting.
  - (2) Any additions or modifications to the exterior are compatible with or complement the style, materials, massing, and scale of the historic building, particularly as viewed from public vantage points.

**Section 407. Wetlands**

- (A) Wetlands identified on the Vermont Significant Wetland Inventory maps or in the field by a qualified professional and land within 100 feet from Class I, 50 feet from Class II wetlands, and 20 feet from Class III wetlands, must not be cleared for development and must remain naturally vegetated except that:
  - (1) Landowners of developed lots where natural vegetation has previously been removed from the wetland or buffer will not be required to restore it, although they are encouraged to do so, except:
    - (a) If the removal of vegetation was pre-development site preparation prior to subdivision or development approval, the Development Review Board may require the applicant to restore the buffer vegetation.
  - (2) The buffer requirement does not apply to land being used for agriculture or silviculture, although farmers and foresters are encouraged to retain or restore natural vegetation within and around wetlands. Cleared farm or forest land that is developed will need to allow natural vegetation to become reestablished within the wetland and buffer.
  - (3) The buffer requirement may be waived or modified for development that receives a state wetland permit. The town approval may be conditional upon the applicant receiving a state permit. Work must not commence until the applicant provides the Zoning Administrator with a copy of the state permit.
- (B) Development must not occur within a wetland or required buffer unless approved by the Development Review Board:
  - (1) For road, driveway or utility crossings and associated infrastructure needed to serve development outside the wetland; or
  - (2) For a project that has received a state wetland permit. The town approval may be conditional upon the applicant receiving a state permit. No work must commence until the applicant provides the Zoning Administrator with a copy of the state permit.

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**CHAPTER 410. STANDARDS FOR SITE DESIGN**

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**Section 411. Access**

- (A) **Pre-Existing Interior Lots.** A lot without road frontage is an interior lot. A landowner may develop an existing interior lot just like any other lot in the district if:
  - (1) The lot has access to a maintained public or private road over a deeded right-of-way created prior to \*[EFFECTIVE DATE] that is at least 20 feet wide; or
  - (2) The lot has access to a maintained public or private road over a deeded right-of-way created on or after \*[EFFECTIVE DATE] that is at least 30 feet wide.
- (B) **Interior Lots.** The Development Review Board may only approve the creation of an interior lot without any road frontage when it will have access to a maintained public or private road over a deeded right-of-way. A right-of-way that will serve only one interior lot must be at least 30 feet wide. A right-of-way that will serve two or more interior lots must be at least 50 feet wide.
- (C) **Access Permit.** A zoning permit does not authorize access onto a public road. If land will be accessed from a state highway, the landowner will need to contact VTrans and get a state access permit. If the land will be accessed from a town road, the landowner will need to contact the Road Commissioner and get a town access permit.
- (D) **Access Standards.** In addition to the requirements of VTrans or the Cabot Road Commissioner:
  - (1) The Development Review Board may require multiple access points to any subdivision or planned unit development if deemed necessary for improved safety or traffic circulation.
  - (2) The Development Review Board may require a right-of-way for future development on adjoining land.

**Section 412. Driveways and Private Roads**

- (A) **Shared Driveways.** A driveway may provide access for up to 2 lots. Any travel way that serves 3 or more lots will be considered a private road.
- (B) **Driveway Length.** If a driveway is longer than 500 feet, it must terminate in an area where an emergency vehicle can turn around and must have at least one pull-off area every 500 feet where an emergency vehicle can park and be passed by another emergency vehicle.
- (C) **Driveway Width and Clearance.** A driveway must be at least 10 feet and not more than 20 feet wide.
- (D) **Private Roads.** A private road must meet the town's Class 4 road standards, at a minimum, and be approved by the Selectboard.
- (E) **Pre-Existing Roads and Driveways.** An applicant with an existing road or driveway that does not meet the requirements of this section does not have to upgrade the road or driveway unless the number of lots accessed by the driveway will be increased.

**Section 413. Parking and Loading Areas**

- (A) **Spaces Required.** Each land use must have the minimum amount of off-street parking specified in Figure 4. The Development Review Board may reduce off-street parking requirements if the applicant demonstrates that the additional parking will not be needed.

Figure 4. **Parking Spaces Required**

Use	Minimum Parking Spaces
Multi-family and congregate housing	1.5 per unit or resident room
Accessory, 1-BDRM & efficiency apartments	1 per unit
Elderly housing and lodging	1.1 per unit or guest room
Restaurant, retail, or business with regular customer traffic	4 per 1,000 sf
Business with limited customer traffic	2 per 1,000 sf
Place of assembly with fixed seats	1 per 4 seats
Place of assembly without fixed seats	1 per 1,000 sf
<i>The Development Review Board may establish minimum parking requirements for uses not listed in this table.</i>	

- (B) **Off-Site Parking.** The Development Review Board may allow required off-street parking to be located off site.
- (C) **Shared Parking.** The Development Review Board may allow mixed-use development to share required parking spaces if the applicant demonstrates that the proposed parking will be sufficient.
- (D) **Design Standards.** Parking areas must be designed to minimize their size and visual impact, and to be safe and easy to navigate for both drivers and pedestrians. To that end:
- (1) Parking spaces must be at least 9 feet wide by 20 feet deep.
  - (2) The aisles between parking rows must be at least 10 feet wide for one-way travel or 20 feet wide for two-way travel.
- (E) **Parking Location.** Parking must not be located within required setbacks unless approved by the Development Review Board. In the Village Center, Lower Village and Village Neighborhood Districts, on-site parking must be located behind the frontline of the principal building on the lot as specified in Article 2 to the maximum extent feasible. The Development Review Board may require landscaping and screening between parking areas and the road or adjoining properties.
- (F) **Loading Areas.** Multi-family residential and non-residential uses that will require regular deliveries, shipments or similar activities must provide space for trucks as specified below:
- (1) Any use that will involve regular service by single-unit trucks must provide an off-street space that is at least 10 feet wide and 30 feet deep.
  - (2) Any use that will involve regular service by trailer trucks must provide an off-street space that is at least 15 feet wide and 60 feet deep.

- (3) The Development Review Board may allow a portion of the parking area to also serve as the loading and service area if the applicant can demonstrate that truck or other service traffic will occur at times when the parking spaces will not be needed or occupied.
- (4) Except for areas used to load or unload passengers, loading and service areas must be screened from public view. When physically feasible, loading and service areas must be located to the side or rear of buildings. The Development Review Board may require a combination of walls, fences, berms or landscaping to fully screen loading and service areas.
- (G) **Previously Developed Sites.** Any owner of a previously developed property with nonconforming parking or loading areas that comes before the Development Review Board will be required to comply with these regulations unless the Development Review Board finds that this requirement will place an undue burden on the continued operation of a pre-existing use.

#### **Section 414. Outdoor Lighting**

- (A) **Applicability.** All outdoor lighting must meet the requirements of this section except for the following lighting specifically exempted below:
- (B) **Exempt Lighting.** The following lighting is exempt and does not require a zoning permit:
  - (1) Outdoor lighting fixtures that do not emit more than 2,000 lumens and that are fully- or partially-shielded.
  - (2) Decorative outdoor lighting associated with a single- or two-family home
  - (3) Outdoor lighting necessary to carry out agricultural activities.
  - (4) Temporary outdoor lighting necessary to carry out a construction project or a special event.
  - (5) Streetlights located within the right-of-way of a public road with the town or other unit of government paying for the lighting.
  - (6) Lighting fixtures directed onto the surface or walls of public monuments or landmark buildings that do not cause glare or light trespass beyond the structure being lit.
  - (7) Temporary decorative holiday lighting that does not emit more than a total of 2,000 lumens per lot and that is not lit for more than 60 days in any calendar year.
- (C) **Application Requirements.** Applicants proposing to install or modify outdoor light fixtures must submit plans and supporting materials:
  - (1) Indicating the total number and location of outdoor light fixtures existing and proposed on the lot.
  - (2) Describing all existing and proposed outdoor light fixtures sufficiently to determine compliance with the requirements of this section including at a minimum the lamp type, wattage, initial lumen output and a manufacturer's illustration or cut sheet for each fixture.
- (D) **Standards.** The following standards apply to outdoor lighting:
  - (1) Light fixtures must be fully or partially shielded and/or dark-sky rated.

- (2) Light must not trespass beyond property boundaries. The Development Review Board may require additional screening to minimize the impact of lighting beyond the property.
- (3) Outdoor light fixtures on non-residential property must be extinguished between the hours of 10 p.m. and 6 a.m. unless specifically authorized by the Development Review Board.
- (4) Except for motion-activated lights and security lighting specifically approved by the Development Review Board, lighting must be turned off within 30 minutes after the associated use or premises closes and must not be turned on more than 30 minutes before the associated use or premises opens.
- (E) **Changing Existing Light Fixtures.** The Zoning Administrator may issue a zoning permit to allow commercial property owners to replace or relocate existing light fixtures provided the total amount of lighting is not increased. New light fixtures must meet the standards of this section.
- (F) **Interior Lighting.** The Development Review Board may place limits on the intensity of interior lighting within a commercial building if it will trespass onto adjoining properties or public roads or create glare.

**Section 415. Outdoor Storage or Display**

- (A) **Applicability.** Unless otherwise approved by the Development Review Board, commercial and industrial land uses must not involve the storage, sales or display any goods, junk, vehicles, equipment, materials or merchandise outside an enclosed structure except as specified in this section.
- (B) **Standards.** Areas used for outdoor storage or display must:
  - (1) Not cover more than 40% of the lot except:
    - (a) For lots not more than two acres in area, the Development Review Board may allow 100% of the area outside the zoning district setbacks to be covered.
  - (2) Not be located closer than 45 feet (or the district minimum setback, if greater) to the road centerline.
  - (3) Not be located closer than 15 feet (or the district minimum setback, if greater) to adjoining properties.
  - (4) Be screened from any adjoining residential properties by either existing buildings or vegetation, or by a landscaped buffer.
- (C) **Previously Developed Sites.** Any owner of a previously developed property with nonconforming outdoor storage, sales or display areas that comes before the Development Review Board may be required to bring the property into compliance with the standards above.

**Section 416. Signs**

- (A) **Applicability.** Land or business owners will need a zoning permit to install or modify any sign except for the signs specifically exempted below.

- (B) **Exempt Signs.** Exempt signs will not be included in the calculation of total signage allowed on a property. Exempt signs must not be illuminated except for signs placed for directional, safety or public service purpose. The following signs are exempt and do not require a zoning permit:
- (1) Non-advertising signs not more than 8 square feet in area placed for directional, safety or public service purposes.
  - (2) Signs erected by a unit of government within public rights-of-way.
  - (3) Public bulletin boards not more than 64 square feet in area and 8 feet tall used to post information of community interest or benefit.
  - (4) Flags, banners, or signs not more than 8 square feet in area located on a single-family or two-family residential lot that are intended solely for ornamental or non-advertising purposes.
  - (5) 1 “open” sign or flag not more than 8 square feet in area per business, which may be an illuminated, but non-flashing, neon-style “open” sign.
  - (6) 1 portable sign not more than 8 square feet in area and 4 feet tall per business that is placed out when the business is open and taken in when it is closed.
  - (7) 1 temporary sign not more than 16 square feet in area and not more than 8 feet tall per business installed for not more than 14 consecutive days and a total of 28 days in any calendar year.
  - (8) Signs printed on awnings, umbrellas or similar accessory structures that cover less than 10% of the structure’s surface.
  - (9) Signs relating to trespassing and hunting, each not more than 3 square feet in area.
  - (10) Temporary signs for private special events like auctions, yard sales, reunions or parties not more than 8 square feet in area and 4 feet tall. Signs may be set up no more than 3 days before event and must be promptly removed at the conclusion of the event.
  - (11) Temporary ground-mounted signs for public or community special events not more than 16 square feet in area and 8 feet tall. Temporary banners for public or community special events not more than 80 square feet in area. Temporary signs or banners may be set up no more than 14 days before event and must be removed within 7 days from the end of the event.
  - (12) 1 sign not more than 8 square feet in area and not more than 4 feet tall advertising that the property is for sale or lease, or advertising one or more construction or similar businesses that are currently doing work on the property. If a property has frontage on more than one road, one such sign may be located on each road.
  - (13) 1 permanently installed and not more than 2 additional seasonal signs for a farm, seasonal roadside stand or rural enterprise, each not more than 16 square feet in area and 8 feet tall. A seasonal sign may be hung or mounted on a permanent structure, but a seasonal sign must not be displayed for more than 90 consecutive days.
- (C) **Prohibited Signs.** The following type of signs are not allowed in Cabot:
- (1) A sign not located on the same lot as the business or use being advertised, except for directory signs and exempt temporary signs.

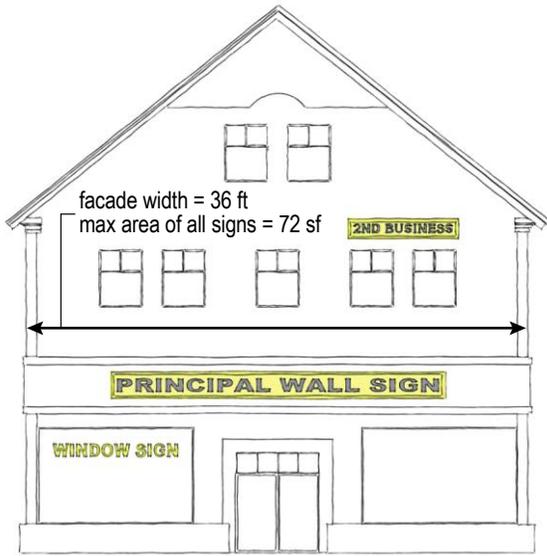
## ARTICLE 4. DEVELOPMENT STANDARDS

### Chapter 400. Standards that Apply to All Land and Projects

- (2) A sign that is located within public rights-of-way, that interferes with sight lines at an intersection, or that otherwise could create a traffic or public hazard.
  - (3) A sign, flag or banner mounted or extending more than 35 feet above the ground or, if building mounted, above the building's roofline.
  - (4) A sign mounted, painted or otherwise located on a vehicle or trailer, which is being used primarily as a support or foundation for the sign. Any of the following will be considered evidence that a vehicle is being used primarily as a sign: the vehicle or trailer involved is inoperable or unregistered; the sign would interfere with or prevent the vehicle or trailer from being legally used on the road; the vehicle or trailer is parked in a visually prominent location when other less conspicuous locations are available; or the vehicle or trailer is not being regularly driven or moved.
  - (5) A building-mounted sign that extends above the roofline, that projects more than 6 feet from the wall, or that blocks access to a window, door or fire escape. (See Figure 5)
  - (6) A sign that projects more than 6 inches from a building wall and that is mounted with less than 8 feet of vertical clearance between the ground and the bottom of the sign. (See Figure 5)
  - (7) A sign or group of signs mounted on or placed near the inside or outside of a window that blocks or covers more than 25% of the glass.
  - (8) An internally-illuminated sign, electronic message sign, a sign that incorporates illuminated tube lighting including a neon sign containing mercury (which is also prohibited by state law), or a sign illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights.
  - (9) A moving sign, or a sign consisting of or incorporating any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device.
  - (10) A sign that uses obscene, lewd, vulgar or indecent words or images.
- (D) **Location of Signs.** Road setback requirements do not apply to signs, but signs must not be placed within road rights-of-way. Ground-mounted signs taller than 6 feet must be set back from the edge of the road right-of-way a distance equal to or greater than their height. (See Figure 6)
- (E) **Number of Signs.** There must not be more than 1 permanently installed ground-mounted sign per road entrance to a site.
- (F) **Size of Building-Mounted Signs.** The total area of all building-mounted signs must not exceed an amount equal to 2 square feet multiplied by the width of the building façade(s) on which the sign(s) are mounted. (See Figure 7)
- (G) **Size of Ground-Mounted Signs.** The total height and area of a ground-mounted sign (excluding directory signs) must not exceed the following:
- (1) 6 feet tall and 16 square feet in area along roads with a posted speed of 30 miles per hour or less.
  - (2) 8 feet tall and 32 square feet in area along roads with a posted speed of more than 30 but less than 45 miles per hour.
  - (3) 10 feet tall and 40 square feet in area along roads with a posted speed of 45 miles per hour or greater.



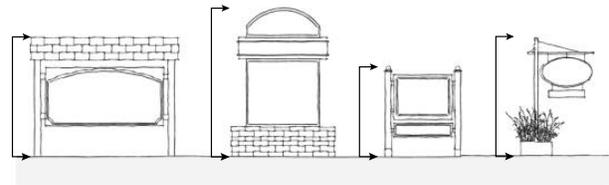
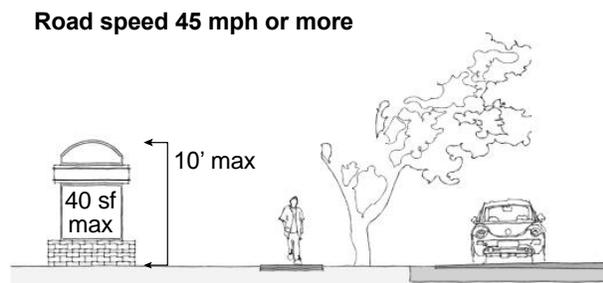
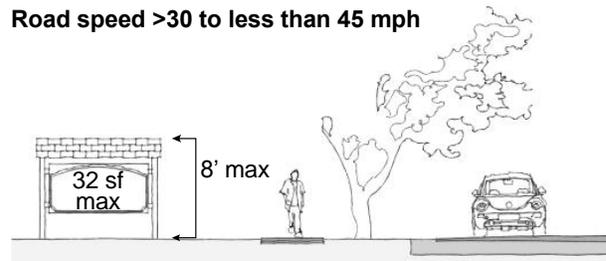
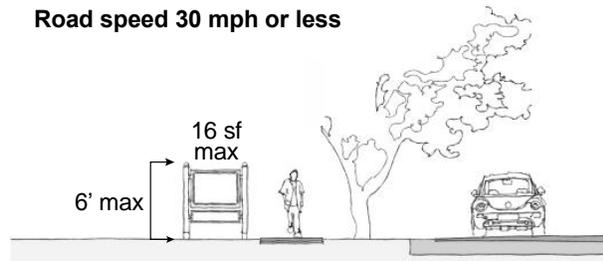
Figure 7. **Size of Wall-Mounted Signs**



Total area of building-mounted signs must not exceed 2 square feet times the width of the building facade the sign(s) will be mounted on.

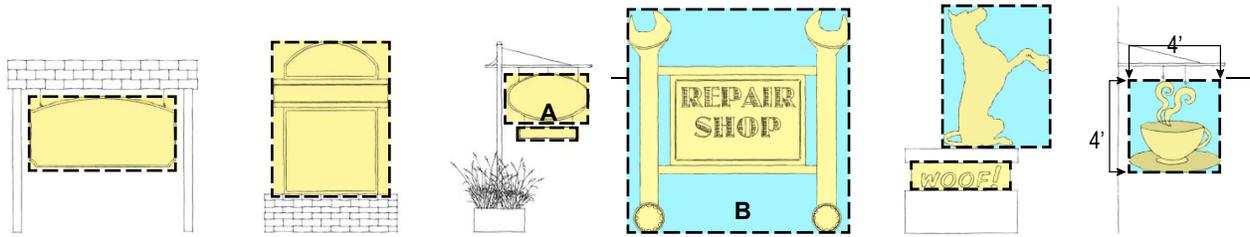
This total area may be divided among multiple building-mounted signs and sign types, including wall, projecting, window and awning signs

Figure 8. **Size and Height of Ground-Mounted Signs**



The height of a ground-mounted sign will be measured from the ground to the highest point of the structure including any base, roof, decorative element or support element.

Figure 9. Calculating Sign Area



Sign area is calculated by drawing a rectangle around all the elements that serve to communicate the sign's message. Sign area only includes one side of a double-sided sign. The area of sign that consists of multiple elements may be calculated by drawing a separate rectangle around each and totaling the area (A). Support structures (bases, poles, posts, roofs, etc.) will not be included unless they are integral to communicating the sign's message (B).

- (I) **Directory Sign.** A site that houses multiple businesses or uses may have 1 permanently installed ground-mounted sign per road entrance irrespective of whether the sign is located on the same premises. A directory sign is limited to identifying the name and address of the site or development and its individual businesses. The total height and area of a directory sign must not exceed the following:
  - (1) 6 feet tall and 16 square feet plus 2 square feet per business in area along roads with a posted speed of 30 miles per hour or less.
  - (2) 9 feet tall and 32 square feet plus 4 square feet per business in area along roads with a posted speed of more than 30 but less than 45 miles per hour.
  - (3) 12 feet tall and 40 square feet plus 6 square feet per business in area along roads with a posted speed of 45 miles per hour or greater.
- (J) **Sign Lighting.** The following standards apply to any sign that will be illuminated:
  - (1) The light source must be constant.
  - (2) External lights directed on a sign must be shielded and the light source must not be visible from the public road or adjacent properties. Lights must not direct light upwards beyond the extent of the sign. Light fixtures mounted above the sign or a halo sign that illuminates the wall behind a sign are preferred to lights that are directed on signs from below.
  - (3) The sign may be lit 30 minutes prior to the business being advertised opens and may remain lit for not more than 30 minutes after the business closes.
- (K) **Application Requirements.** In addition to a zoning permit application, applicants must submit drawings and descriptions of the proposed new or modified sign and all existing signs on the property showing dimensions, sign design, material, color, lighting (including light fixture type and intensity), mounting method and location for each.
- (L) **Abandoned Signs.** If a business ceases operation, the owner or operator must remove all associated signs within 90 days. The Zoning Administrator may grant an extension for properties that are actively for sale or lease, or businesses that have temporarily closed. If the sign is conforming, only the message components of the sign must be covered or

removed (the structural elements may remain). If the sign is nonconforming, it must be removed in its entirety (message and structural components).

- (M) **Pre-Existing Signs.** Any owner of a previously developed property with nonconforming signage that comes before the Development Review Board may be required to comply with these regulations if applying for new signage as part of the project and the Development Review Board finds that this requirement will place an undue burden on the continued operation of a pre-existing use.

#### **Section 417. Landscaping and Screening**

- (A) **General.** The Development Review Board may require landscaping and screening as necessary to create a buffer between incompatible uses, screen elements from view that would detract from the character of the area or create visual clutter, and enhance the appearance of new development.
- (B) **Parking Lots.** Applicants proposing to create 40 or more parking spaces (new plus existing) must submit a professionally prepared landscaping plan. All applicants are strongly encouraged to use vegetation within and around parking lots as part of a low-impact development (LID) approach to managing stormwater.
- (C) **Screening.** Mechanical equipment, utilities, dumpsters, fuel tanks, loading docks, service entrances and similar elements must be landscaped or screened from public view to the greatest extent feasible.
- (D) **Fences or Walls.** All non-agricultural fences or walls must be built and maintained as specified below:
  - (1) Property line setbacks do not apply to fences or walls that are less than 6½ feet tall.
  - (2) Road setbacks do not apply to fences or walls that are less than 4½ feet tall, but they must not be located within public rights-of-way.
  - (3) Fences or walls must not obscure vision above a height of 3 feet within 50 feet of a road intersection.
  - (4) Fences or walls must not be constructed of any material capable of inflicting significant personal injury.
  - (5) Fences or walls required for screening must be solid, be at least ½ inch thick, and be constructed of wood, concrete or metal.

**CHAPTER 420. STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES**

**Section 421. Applicability**

- (A) The Development Review Board will apply these standards to all commercial or industrial development that requires site plan (see Section 525) or conditional use approval (see Section 526). The Development Review Board may place conditions on any approval based on these standards.
- (B) These standards do not apply to farming or timber harvesting practices that meet state standards for accepted or best management practices. They do not apply to lawful, private, non-commercial activities that are accessory to a single- or two-family home.
- (C) The Development Review Board may modify or waive these standards during construction or for other short-term, special circumstances.
- (D) The provisions of this chapter will only apply to a pre-existing use when there is a change in the use or development of the property that increases the impact on quality of life in the area. Any owner of a previously developed property with nonconforming quality of life impacts that comes before the Development Review Board will not be allowed to increase impact levels beyond the current level at the property line. The Development Review Board may require the applicant to take reasonable measures to reduce impact levels that would not place an undue burden on the continued operation of a pre-existing use

**Section 422. Noise**

- (A) Commercial and industrial land use activities must not regularly generate noise beyond the property line that exceeds the area’s ambient sound levels.
- (B) Specifically, sound must not exceed the following decibel levels (weighted in the A scale to simulate human hearing) as measured at the property line or elsewhere beyond the subject property and averaged over a 15-minute period unless specifically approved by the Development Review Board:

Figure 10. **Sound Levels**

Zoning District	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.		Noise Level Chart
Village Center	65 dB(A)	45 dB(A)	30 dB(A)	Quiet rural area at night
Lower Village	60 dB(A)	40 dB(A)	35 dB(A)	Sound of flowing water, library
Village Neighborhood	60 dB(A)	40 dB(A)	40 dB(A)	Lowest limit of ambient sound in developed areas
Commercial Industrial	70 dB(A)	50 dB(A)	45 dB(A)	Computer or refrigerator
Developed Shoreland	60 dB(A)	40 dB(A)	50 dB(A)	Light traffic, conversation at home
Shoreland	55 dB(A)	35 dB(A)	55 dB(A)	Ambient sound in a large office, dishwasher
Rural	55 dB(A)	35 dB(A)	60 dB(A)	Ambient sound in a restaurant, piano practice
Conservation	50 dB(A)	30 dB(A)	65 dB(A)	Air conditioner, heavy traffic
			70 dB(A)	Gas mower, noisy developed area

- (C) The Development Review Board will require land and business owners to take reasonable measures to minimize noise such as restricting hours of operation or requiring sound-generating activities to occur within an enclosed structure.

**Section 423. Dust, Odors or Air Pollution**

- (A) Commercial and industrial land use activities must not regularly generate dust that accumulates on surfaces off the property. The Development Review Board will require businesses that generate heavy truck traffic to take reasonable measures to minimize dust such as covering loads, appropriately surfacing or treating haul roads, or limiting the number of trips.
- (B) Commercial and industrial land use activities must not regularly generate odors, smoke or other air emissions that would interfere with a person's ability to use and enjoy nearby property.

**Section 424. Light, Glare or Reflection**

- (A) Commercial and industrial land use activities must not regularly generate light that is directed off the property or skyward unless specifically approved by the Development Review Board for an overriding public purpose or to meet mandated state or federal requirements.
- (B) The Development Review Board will require businesses to turn off lights when the premise is closed, except for approved security lighting.

**Section 425. Vibration**

- (A) Commercial and industrial land use activities must not regularly create vibration that can be perceived by a person located off the property.

**Section 426. Storage or Accumulation of Junk, Waste or Refuse**

- (A) Commercial and industrial land use activities must not result in the storage or accumulation of junk, waste or refuse except as specifically approved by the Development Review Board. This does not include materials associated with non-commercial composting.
- (B) The Development Review Board will require junk, waste or refuse to be stored inside an enclosed building or otherwise be fully screened from off-site view (see Section 415 for further guidance on screening requirements).

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CHAPTER 430. STANDARDS FOR SPECIFIC ACCESSORY USES

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**Section 431. Accessory Dwellings**

- (A) The Zoning Administrator may issue a zoning permit for one accessory dwelling on a residential property if:
  - (1) There is a detached single-family home on the property and the property owner is living in that home. For the accessory dwelling to be occupied, the owner must remain living on the property but may live in either the principal or accessory dwelling.
  - (2) The accessory dwelling will be located within the home, within an addition to the home, or within an existing or new detached accessory building on the property.
  - (3) The accessory dwelling will not be larger than 600 square feet or 30% of the habitable floor area of the home before the accessory dwelling is created, whichever is greater.
  - (4) The accessory dwelling will not have more than one bedroom.
  - (5) There is room to park at least 3 vehicles on the property either within a garage, the driveway, or a parking space that is not within the required setbacks.
- (B) A zoning permit will be required to convert a single-family home and accessory dwelling into two rental units in accordance with all applicable provisions of these regulations.
- (C) **Farm Worker Housing.** The Development Review Board may approve one or more accessory dwellings or bunkhouses to be used as farm worker housing as a conditional use (see Section 526) in accordance with the following:
  - (1) The dwelling or bunkhouse must be an accessory structure or unit used only to house employees working on the farm and their families.
  - (2) If the structure or unit is no longer needed as farm worker housing, it must be:
    - (a) Unoccupied;
    - (b) Removed; or
    - (c) Converted to an allowed use in accordance with the standards of the zoning district in which it is located.

**Section 432. Temporary Structures or Uses**

- (A) The Zoning Administrator may issue a zoning permit to allow a temporary dwelling on a property with a permit to build a single-family home if:
  - (1) The temporary dwelling will be within a building that will ultimately be converted to an accessory building once construction of the single-family home is complete and it is occupied (ex. build a garage and live in it while building a home); or
  - (2) The temporary dwelling will be removed from the property not more than 6 months after construction of the single-family home is complete and it is occupied (ex. bring in a mobile home to live in while building a home).
- (B) The Zoning Administrator must issue a separate zoning permit allowing the landowner to convert a temporary dwelling to a permanent accessory structure in accordance with all the

applicable provisions of these regulations. The owner must remove sanitation facilities or otherwise modify the building so that it will no longer qualify as a dwelling unit under state law unless it is going to be converted to an accessory dwelling unit (see Section 431).

- (C) The Zoning Administrator may issue a zoning permit to allow up to 3 travel trailers, campers, tents or similar non-permanent structures to be set up on an undeveloped lot or a property with a single-family home and occupied for not more than 6 months in any calendar year.
- (D) Landowners should be aware that state permits, including a water supply/wastewater permit, might also be required to lawfully occupy a temporary dwelling.
- (E) The Zoning Administrator may issue a zoning permit for temporary structures and uses, including nonconforming structures or uses, incidental to construction or a lawful use. A temporary structure or use must be removed or discontinued once the permit expires or, if the structure or use was incidental to construction, once the construction is complete.
- (F) Temporary structures may include storage structures, units or trailers, mobile construction offices, dumpsters, portable toilets, fencing, tents, stages, seating or other structures for special events, etc.
- (G) Temporary structures must be located outside required setbacks unless otherwise approved by the Development Review Board.
- (H) Except for structures specifically exempted in Chapter 110, landowners must obtain a permit for portable lightweight structures, carports, storage sheds, storage units, storage containers, storage trailers, unregistered motor vehicles and trailers used primarily for storage, pole barns and similar accessory structures without permanent foundations or footings whether they are intended for long-term or short-term use.

### **Section 433. Home Businesses**

- (A) Residents who want to operate a business or work from their home or residential property may need a permit for either a home occupation or a cottage industry, depending on the scale and intensity of the proposed activity.
- (B) **Exempt Home Occupation.** A resident will not need a zoning permit to work from home if:
  - (1) The business activity will occur entirely within the home or an accessory building on the property and there will be no evidence of business activity from off-site.
  - (2) The business activity occurring on-site will be carried out only by people living in the home.
  - (3) The business will not generate any customer traffic and will not have a sign.
- (C) **Permitted Home Occupation.** The Zoning Administrator may issue a zoning permit for a home occupation if:
  - (1) The business activity will occur entirely within the home or an accessory building on the property and there will be no evidence of business activity from off-site other than a permitted sign (see Section 416).

- (2) The business activity occurring on-site will be carried out only by people living in the home. The business may have non-resident employees, but they must not work on-site (ex. a building contractor with a crew may have a home office if the non-resident employees work off-site and do not regularly report to the office).
- (3) The business will not generate regular customer or truck traffic in a quantity that exceeds what is typical of an average home (more than 5 customers or 10 vehicle trips per day).
- (D) **Cottage Industry.** After the Development Review Board approves a site plan (see Section 525), the Zoning Administrator may issue a permit for a cottage industry that may allow to the extent approved by the Development Review Board:
  - (1) The business to have non-resident employees working on-site.
  - (2) The business activity to be evident from off-site.
  - (3) The business to generate traffic in excess of what is typical for an average home.
- (E) **Building Design.** A new accessory building built on residential property to house a home occupation or cottage industry must be designed to look like a typical residential or agricultural outbuilding and not a commercial or industrial building.

#### **Section 434. Daycares**

- (A) **Family Childcare Home.** The Zoning Administrator may issue a zoning permit for a family childcare home if:
  - (1) The business will be located within a home and operated only by residents of that home.
  - (2) The number of children does not exceed the maximum allowed by state law (6 full-time and 4 part-time).
  - (3) The only external evidence of the business will be a lawful sign (see Section 416).
- (B) **Daycare Facility.** After the Development Review Board approves a site plan (see Section 525), the Zoning Administrator may issue a permit for a daycare facility in accordance with the following:
  - (1) Daycare facilities generate significant traffic and may not be appropriate on all Class 3 or 4 roads.
  - (2) The business will provide suitable circulation and parking to accommodate the safe dropping of and picking up of children from the daycare.
  - (3) Outdoor play areas must be fenced and separated from traffic and be located outside required setbacks. The Development Review Board may require outdoor use areas to be screened or set back from adjoining properties.
  - (4) A daycare facility may be permitted as an accessory use to any business for the purpose of providing childcare primarily for employees, clients or customers of that business.
- (C) **Fire Department Review.** The fire chief is available to consult with childcare providers about building safety, accessibility and evacuation plans. The Development Review Board may request that the fire chief review and provide recommendations on an application for a daycare facility.

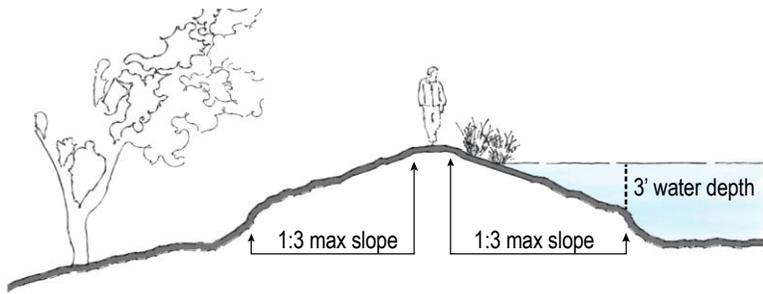
**Section 435. B&Bs or Inns**

- (A) **B&B.** The Zoning Administrator may issue a zoning permit for a resident to operate a B&B from their home and/or associated outbuildings if all of the following conditions are met.
  - (1) There will be 5 or fewer guest rooms.
  - (2) The B&B will not host events for people who are not overnight guests.
  - (3) The B&B will not serve food to people who are not overnight guests.
  - (4) The operator of the B&B will live on the property.
  - (5) There is room to park at least 2 vehicles plus one for each guest room on the property either within a garage, driveway, or parking area that is not within the required setbacks.
  - (6) The property and buildings will retain their residential or agricultural appearance, and the only external evidence of the business will be a lawful sign (see Section 416).
- (B) **Inn.** After the Development Review Board approves a site plan (see Section 525), the Zoning Administrator may issue a permit for an inn that may allow to the extent approved by the Development Review Board if one of the following conditions is met.
  - (1) The business to have more than 5 guest rooms, host events, and/or serve food to the general public.
  - (2) The business to have non-resident employees.
  - (3) The business to be evident from off-site.
- (C) **Building Design.** A new accessory building built on residential property for lodging or related purposes must be designed to look like a typical residential or agricultural outbuilding and not a commercial or industrial building.

**Section 436. Ponds**

- (A) **Applicability.** These requirements apply to all ponds capable of impounding 12,000 cubic feet or more of water, except for agricultural ponds. Cabot will consider an applicant who obtains a state permit to have also met the requirements of this section. Projects that require a state permit include, but may not be limited to, ponds capable of impounding 500,000 cubic feet or more of water, within a wetland or wetland buffer, damming or necessitating any work in a stream, or affecting any rare, threatened or endangered species or their habitat.
- (B) **Professional Design Requirement.** A qualified professional must design and certify an embankment or combination (excavated and embankment) pond that is capable of impounding 60,000 cubic feet or more of water, or that will be built on land with a slope of 10% or more.
- (C) **Design Standards.** Ponds must be designed and constructed as follows:
  - (1) To create stable banks, the slope of the banks around the pond must not exceed 1:3 (33%). The bank slope on the interior of the pond may exceed 1:3 once the water reaches a depth of 3 feet (see Figure 11).
  - (2) The design must include provisions for a spillway and management of run-off in accordance with low impact development practices.

Figure 11. **Pond Banks**



The slope of the banks around the pond must not exceed 1:3 (33%). The bank slope on the interior of the pond may exceed 1:3 once the water reaches a depth of 3 feet.

**Section 437. Small Renewable Energy Systems**

- (A) **Applicability.** This section applies to all small renewable energy systems that do not require a Certificate of Public Good (not connected to the grid) whether building- or ground-mounted.
- (B) **Setbacks** Ground-mounted wind turbines or solar panels must be located a distance that is at least equal to  $1\frac{1}{2}$  the total height of the structure from road rights-of-way, overhead utilities and property lines.
- (C) **Removal or Decommissioning.** The permit holder must remove all exterior renewable energy infrastructure that is out-of-service or unused for a continuous 12-month period.

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CHAPTER 440. STANDARDS FOR SPECIFIC PRINCIPAL USES

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**Section 441. Mobile Home Parks**

- (A) A mobile home park must be designed and reviewed as a planned unit development in accordance with Chapter 450. The maximum number of mobile homes that may be located within a mobile home park will be determined by the maximum residential density (number of dwelling units) allowed in the zoning district and in accordance with the PUD standards (See Chapter 450).
- (B) Each mobile home must be located on an approved, delineated site that is at least 10,000 square feet in size. At least 30% of each site must be greenspace.
- (C) Each mobile home site must be accessed via the park's internal road(s).

**Section 442. Campgrounds**

- (A) Each campsite must be located on an approved, delineated site. Campsites must be at least 6,000 square feet in area including naturally vegetated buffers between sites. The campground's total density must not exceed 5 campsites for each acre of land within the campground (including day use areas). State permits may be required.
- (B) Each campsite must be accessed via the campground's internal road(s). Internal roads must not be located in required property line setbacks or water setbacks.
- (C) Campsites must be set back at least 100 feet from public roads and adjoining property and screened with a naturally vegetated buffer.
- (D) Campsites must not be located within wetlands or their required buffers.
- (E) Campsites may front on water bodies and may include land within state protected shoreland areas. Campgrounds must not exceed 1 waterfront campsite for each 100 feet of water frontage. Campers or travel trailers must not be located closer than 20 feet from shorelines or stream banks. The applicant must submit a detailed landscaping plan for any waterfront campsites showing all existing woody vegetation and indicating any existing vegetation to be removed, any proposed plantings, and any areas where natural vegetation will be allowed to become re-established.

**Section 443. Gun Clubs**

- (A) **Minimum Lot Size.** Gun clubs must be located on a lot that is 25 acres or more in size if firearms will be discharged outdoors, and 5 acres or more in size if firearms will only be discharged within a sound-proofed building.
- (B) **Setback and Screening.** All outdoor shooting activities must:
  - (1) Be set back at least 500 feet (or the district minimum setback, if greater) from adjoining properties.
  - (2) Be set back at least 500 feet (or the district minimum setback, if greater) from the road centerline. Natural vegetation must be maintained or a landscaped buffer to fully screen any outdoor range from the road.

- (3) Be screened from any adjoining properties by a solid fence and either existing vegetation or landscaping.
- (4) Be designed to prevent unauthorized access to and provide adequate warning of areas where shooting may be occurring.
- (C) **Noise Control.** Gun clubs must not exceed the noise limits established in Section 422. Discharge of firearms outside an enclosed building must not occur between 6 p.m. (or dusk, if earlier) and 7 a.m. (or dawn, if later).
- (D) **Application Requirements.** In addition to other applicable requirements, an applicant for a gun club must:
  - (1) Provide a description of any sound-proofing that will be used within a building where firearms will be discharged.
  - (2) Provide a site plan that shows the layout of any proposed outdoor shooting range(s) and delineating the associated safety zone(s) designed to contain all projectiles and debris resulting from the discharge of firearms.

#### **Section 444. Fueling Stations**

- (A) **Pumps and Service Equipment.** Stations must locate pumps and other fueling or service equipment:
  - (1) At least 50 feet from adjoining property lines and road rights-of-way or outside required setbacks, whichever is greater; and
  - (2) Behind the frontline of the principal building on the lot.
- (B) **Building and Canopy Design.** Station buildings and canopies must be compatible in scale, design, and architectural style with each other and surrounding buildings in the area. The size and height of canopies must be limited to the minimum required for adequate pump and apron coverage and to meet applicable state and federal safety requirements. Canopies must not be internally illuminated and the fascia must not be illuminated. Corporate logos and other advertising are prohibited on station canopies. Alternatives to flat-roofed canopies are strongly encouraged.
- (C) **Signs.** Stations, in addition to signs allowed as per Section 416, may have one pricing sign that does not exceed 16 square feet in area, or pump-top pricing signs, each not to exceed 2 square feet in area.

#### **Section 445. Self-Storage Facilities**

- (A) **Minimum Lot Size.** Self-storage facilities must be located on a lot that is 2 acres or more in size.
- (B) **Setback and Screening Requirements.** Self-storage facilities must:
  - (1) Be set back at least 25 feet (or the district minimum setback, if greater) from adjoining properties.
  - (2) Be set back at least 65 feet (or the district minimum setback, if greater) from the road centerline with a naturally vegetated or landscaped front yard.
  - (3) Be screened from any adjoining properties by either existing vegetation or by a landscaped buffer.

- (4) Not install chain link fencing where it will be visible from public vantage points.
- (C) **Design Standards.** Self-storage buildings must be designed:
  - (1) To be compatible with traditional residential and agricultural building forms, including having a gable roof with a minimum pitch of 12/4. Any building located within 125 feet of the road centerline and visible from the road must be oriented with the gable (narrow) end facing the road.
  - (2) To blend into the surrounding landscape through use of non-reflective materials and muted, earth-tone colors. All sides of each building must use the same exterior materials and colors. All buildings on the site must use the same materials and colors.
- (D) **Outdoor Storage.** Items or materials may be stored outside an enclosed structure within a self-storage facility in accordance with Section 426.

**Section 446. Extraction of Earth Resources**

- (A) **Applicability.** Earth resources, including loam, sand, gravel, clay, peat, quarry stone, or other inorganic matter, must be extracted, excavated, removed, filled or dumped in conformance with the provisions of this section except for:
  - (1) Necessary filling, excavation, grading or removal incidental to the permitted subdivision of land, or construction or alteration of a structure, road or drive, parking lot, septic system or other infrastructure.
  - (2) Necessary filling, excavation, grading or removal incidental to road, driveway or parking area repair or maintenance.
  - (3) Non-commercial extraction by a landowner for on-site use.
  - (4) The removal or addition of not more than 600 cubic yards of material per calendar year from or to a lot.
- (B) **Pre-Existing Sites and Operations.** A zoning permit and review under the provisions of this section will be required for any expansion or modification of a pre-existing extraction site or operation if the change will require a new or amended Act 250 permit.
- (C) **Minimum Lot Size.** Extraction operations must be located on a lot that is 10 acres or more in size.
- (D) **Setback and Buffer Requirements.** Extraction operations must be set back and buffered from adjacent property and development as follows:
  - (1) All development, clearing of natural vegetation and soil disturbance must be set back at least 100 feet from all property lines and the edge of the road right-of-way. Existing natural vegetation shall be retained except where clearing is necessary for ingress/egress. Where existing vegetation is inadequate to provide year-round visual screening of the operation from the road and nearby properties, the Development Review Board may require additional screening.
  - (2) Development must not occur, and natural vegetation must be retained or reestablished, within required wetland buffers as per Section 407.
  - (3) Excavation areas and processing equipment must set back at least 200 feet from all property lines and the edge of the road right-of-way.

- (4) Processing equipment must not be located within 500 feet of any residence in existence or under construction as of the date of the application.
- (5) The Development Review Board may establish additional or greater setbacks or buffers to address the unique characteristics of each site, as it deems necessary to protect natural resources and preserve the quality of life for nearby residents.
- (E) **Retention of Overburden.** The operator must remove at least the top 6 inches of soil from the excavation area and store it on site to be used for site reclamation. The operator must locate and manage the stockpiled material to prevent dust, erosion and sedimentation (see Paragraph (G), below).
- (F) **Fencing.** The operator must install and maintain perimeter fencing around all excavated areas that are more than 15 feet deep or have slopes in excess of 50% (or 1:2). The fence must be at least 6 feet high and be located at least 15 feet from the edge of the excavated area. The Development Review Board may require additional fencing as deemed necessary to protect public safety.
- (G) **Performance Standards.** Extraction operations must meet the performance standards in Chapter 420 of these regulations and the following specific requirements:
  - (1) **Dust and Emissions.** The operator must take all reasonable measures to limit the amount of dust and other air quality contaminants generated from the extraction, processing and transport of earth materials including but not limited to:
    - (a) The operator must seed soil that will be stored in undisturbed stockpiles for longer than 1 calendar year and must maintain them as necessary to establish and retain a vegetative cover adequate to prevent erosion.
    - (b) The operator must apply water, calcium chloride or similar agent as necessary to haul roads, traffic areas and non-vegetated storage piles to prevent fugitive dust and the tracking of dirt onto public roads. Any haul road or entry drive intersecting with a paved public road must be paved for at least 120 feet from the edge of the public road.
    - (c) All trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust must be covered.
  - (2) **Hours of Operation.** At a minimum, the hours of operation (including extraction, processing and/or trucking) must be limited to Monday through Friday from 7 a.m. to 6 p.m. and Saturday from 9 a.m. to 3 p.m. The Development Review Board may further limit the hours of operation as deemed necessary to protect public safety and quality of life for nearby residents.
- (H) **Site Reclamation.** The operator must reclaim the area of excavation and other disturbed areas so that the land will be left in a safe, attractive and readily usable condition for the types of land uses allowed in the zoning district and in accordance with the following:
  - (1) The operator must evenly grade the area to slopes not exceeding 33% (1:3). The Development Review Board may modify this requirement based on specific site conditions (i.e., allow steeper slopes due to presence of ledge rock or require gentler slopes to ensure slope stability based on soil characteristics) or to ensure the land will be suitable for reasonable future use.

- (2) The operator must restore natural drainage patterns on the site with water draining off-site in similar locations to and at rates not greater than what existed prior extraction.
- (3) The operator must bury or remove all stockpiled materials, debris and loose boulders not incorporated into the improvement of the site from the property. Tree stumps or other woody debris must not be buried, and must be properly disposed of in accordance with state regulations.
- (4) The operator must spread a top layer of arable soil, which shall be free of any large stones, to a depth of not less than 6 inches over the entire disturbed area.
- (5) The operator must seed the disturbed area with a native perennial grass and maintain it until the surface is completely stabilized with a dense cover of grass and no danger of erosion exists. The Development Review Board may require the disturbed area be fertilized and/or mulched as needed to prevent erosion and promote plant growth. The Development Review Board may also require seedlings be planted on all or portions of the disturbed area to restore a formerly wooded site.

**Section 447. Extraction of Groundwater**

- (A) **Applicability.** These requirements apply to any commercial or industrial use that proposes to withdraw 30,000 gallons or more of groundwater per day as part of their normal operation.
- (B) **Application Requirements.** In addition to other applicable requirements, applicants proposing to extract groundwater must submit:
  - (1) The following information about the proposed extraction: the anticipated maximum draw of groundwater in gallons per minute and gallons per day; the anticipated daily, weekly and monthly pumping schedule; and the anticipated total seasonal volume of water (in gallons or acre-feet) that will be extracted.
  - (2) A site plan that, in addition to other applicable requirements, shows the subject parcel and well(s) and all parcels within 2,000 feet of the subject well(s) including the location of surface waters, wetlands, on-site septic systems, and other wells.
  - (3) The following information about the subject well(s) and any existing well within 2,000 feet of the subject well(s): well use, casing diameter, total well depth, perforation interval, depth of annual seal, pump type and horsepower, depth of pump, static groundwater level, and pumping groundwater level.
  - (4) A hydrogeological study prepared by a qualified professional that at a minimum addresses the specific capacity, recharge, safe yield and radius of influence of the subject well(s), and identifies the effects the proposed extraction would have on the affected groundwater.
  - (5) Copies of all available reports pertaining to the construction and production of the subject well(s).
- (C) **Notice Requirements.** In addition to the notice requirements specified in Section 533, property owners with a well located within 2,000 feet of the subject well(s) must be notified of the application.
- (D) **Technical Review.** As authorized in Section 501, the Development Review Board may hire a qualified professional to prepare an independent technical review of an application.

## **ARTICLE 4. DEVELOPMENT STANDARDS**

Chapter 440. Standards For Specific Principal Uses

- (E) **Performance Standards.** Extraction operations must meet the general performance standards in Chapter 420 of these regulations and the Development Review Board may limit the hours of operation as deemed necessary to protect the character of the area.

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**CHAPTER 450. STANDARDS FOR PLANNED UNIT DEVELOPMENTS (PUDS)**

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**Section 451. Purpose and Applicability**

- (A) A PUD is an alternative to conventional subdivision or land development. It is intended to promote thoughtful, well-planned, high-quality projects that respond to the specific characteristics and context of the land being developed.
- (B) Applicants may propose to subdivide land within a PUD into multiple, individually-owned lots or may propose to retain the land in one or more commonly-owned parcels.
- (C) In a rural setting, PUDs will conserve valuable open space and harmoniously blend development into the surrounding natural and agricultural environment. In a village setting, PUDs will create compact, walkable, mixed-use neighborhoods that are modeled on traditional New England village centers.
- (D) The Development Review Board may approve density increases, approve mixed-use projects, and modify zoning district dimensional standards within a PUD as specified in this chapter.
- (E) Applicants may propose a single PUD that involves multiple parcels of land in Cabot. The parcels do not have to be within the same zoning district, but they must be commonly-owned and contiguous.
- (F) Applicants may propose a PUD that involves multiple, principal uses within a single building or on a single lot as follows:
  - (1) Such projects may include any mix of uses allowed within the applicable zoning district(s).
  - (2) The Development Review Board must not approve uses within a PUD that are not allowed within the applicable zoning district or within at least one of the applicable districts, if the PUD includes land in multiple zoning districts.

**Section 452. Standards**

- (A) **Suitability.** The land to be developed must be suitable for use without endangering public health or safety, and adversely impacting the environment, neighboring properties or the character of the area.
- (B) **Compatibility.** To the greatest extent feasible, a PUD must:
  - (1) Follow and extend the settlement pattern (including lot size, lot configuration, road layout, building location, and building form and scale) of the surrounding area.
  - (2) Maintain contiguous tracts of open land with adjoining parcels.
  - (3) Connect to and extend existing road, sidewalk, path, trail, utility, greenway and open space corridors.
- (C) **Master Plan.** Applicants for a PUD must propose a coordinated and comprehensive development plan for the entire parcel(s). If the intent is to develop only a portion of the property at the time of application or to develop the property in phases, the applicant must provide a master plan for the entire parcel(s) that at a minimum:
  - (1) Designates the area(s) that may be developed in the future.

## ARTICLE 4. DEVELOPMENT STANDARDS

### Chapter 450. Standards For Planned Unit Developments (PUDs)

- (2) Designates the area(s) that would be set aside as open space in conjunction with any future development (as required under this chapter).
  - (3) Indicates how access would be provided to the area(s) designated for future development.
- (D) **Dimensional Flexibility.** Applicants may propose a PUD that deviates from the lot size, road frontage, setback, footprint and lot coverage standards of the district except:
- (1) A PUD must meet the minimum setback requirements from adjoining properties around the perimeter of the project. Within the PUD, applicants may propose modifications to the internal property line setbacks as long as the minimum separation distances between buildings specified in Section 402 are maintained.
  - (2) A PUD must meet the minimum setback requirements from ponds, streams and wetlands.
- (E) **Density Increases.** The Development Review Board may approve up to 50% more dwelling units within a PUD than otherwise would be allowed within the district if the PUD will be connected to the town sewer system and it meets either of the criteria below:
- (1) The additional dwelling units will be affordable in perpetuity (consider working with an organization like the Central Vermont Community Land Trust).
  - (2) The PUD will include both residential and nonresidential uses.
- (F) **Development Standards.** Development within a PUD may occur on one or more lots intended to be individually or commonly owned. Development within a PUD should not be in the form of individual, unrelated lots/homes scattered or dispersed throughout the site, but instead should be grouped into one or more small clusters of interrelated lots/homes.
- (1) If development within the PUD will occur on multiple, individually-owned lots, further subdivision of the individual lots will be prohibited and the developer must include appropriate deed restrictions to prevent re-subdivision.
  - (2) If development within the PUD will occur on commonly-owned land, the plan for the PUD must:
    - (a) Delineate development areas within which all development must occur and show proposed building footprints.
    - (b) Delineate open space areas within which no development may occur except for farm structures and Development Review Board-approved walkways, driveways, roads, utilities and water-dependent structures.
  - (3) If the PUD designates working farm or forestland as the required open space and that land is intended to be individually owned as described in Paragraph (G), below, one residential lot may be created as the “homestead lot” for the open space parcel. That residential lot may be separate from the clustered lots within the PUD.
- (G) **Open Space.** In exchange for greater flexibility in design, PUDs must provide meaningful open space that conserves important natural resources and working lands, and enhances the quality of life and access to outdoor recreation within the PUD and surrounding area as follows:
- (1) Open space should be delineated as the first step in planning and designing a PUD.

## ARTICLE 4. DEVELOPMENT STANDARDS

### Chapter 450. Standards For Planned Unit Developments (PUDs)

- (2) Within the Rural and Shoreland districts, at least 40% of the development site must be conserved as undeveloped open space in perpetuity. PUDs in other districts do not need to set aside land for undeveloped open space, but:
    - (a) PUDs in the Village Center, Lower Village, Village Neighborhood and Developed Shoreland Districts must include common greenspace, passive or active outdoor recreation areas, or community gardens. The total common outdoor space must be at least 4,000 square feet or 400 square feet per dwelling, whichever is greater.
  - (3) Further subdivision or development of required open space is prohibited. The approved PUD plan, deed(s) and/or easement(s) must include appropriate provisions to ensure that the land will be conserved.
  - (4) Required open space may be used for forest uses, recreation or agriculture. If approved by the Development Review Board, limited portions of the open space area may be used for access, utilities or infrastructure that serves development within the PUD.
  - (5) Required open space may be commonly or individually owned. It may be leased, sold or transferred to another person or entity for conservation, agricultural, forestry or recreation purposes.
  - (6) Required open space must be retained in one or more parcels separate from the land being developed within the PUD.
- (H) Village Standards. PUDs in the Village Center, Lower Village and Village Neighborhood districts should follow traditional neighborhood design principles as typified by the historic development patterns in Cabot village and described below:
- (1) **Road Layout.** To the greatest extent feasible, any new road(s) within the PUD must be designed to:
    - (a) Be part of an interconnected, pedestrian-friendly road network that disperses traffic across the network.
    - (b) Connect with and extend existing roads and sidewalks on adjacent properties to the extent feasible given the physical characteristics of the properties.
    - (c) Provide for the extension of the road and sidewalk network into adjacent undeveloped parcels to the extent feasible given the physical characteristics of the properties.
    - (d) Provide frequent interconnections between roads. The maximum length of a block or between intersections should not be more than 600 feet.
    - (e) Avoid funneling significant amounts of traffic onto a single road or portion of a road by providing multiple connections to existing roads.
    - (f) Avoid long, uninterrupted roads to the extent feasible given the physical characteristics of the property.
    - (g) Enhance the visual impact of civic spaces, prominent buildings, scenic views or open space.
    - (h) Minimize road gradients to the extent feasible given the physical characteristics of the property.

## ARTICLE 4. DEVELOPMENT STANDARDS

### Chapter 450. Standards For Planned Unit Developments (PUDs)

- (2) **Lot Layout.** To the greatest extent feasible, the lots within the PUD must be designed and laid out to:
  - (a) Be narrow at the road frontage, and to be deeper than they are wide.
  - (b) Vary in size to foster a diversity of housing choices.
  - (c) Enhance the walkability of the neighborhood.
- (3) **Open Space.** PUDs must provide recreational facilities and open space such as formal green spaces, informal gathering places, recreational areas or natural areas. Formal green spaces, informal gathering places and recreational areas should be located in areas generally accessible to all residents with appropriate pedestrian and bicycle access. Natural areas should incorporate land with a high natural resource or scenic value, and the location and design of the area should focus primarily on providing protection for those resources.
- (l) **Rural Standards.** PUDs in the Rural, Developed Shoreland, and Shoreland districts should follow conservation design principles as described in below. The highest priority resources for conservation include unbuildable land, important farmland, important wildlife habitat, and shoreland and riparian areas.
  - (1) **Farmland.** If the property to be developed is primarily farmland, the applicant should design the PUD to facilitate the continued or future agricultural use of the land not being developed. To the greatest extent feasible, the applicant must:
    - (a) Locate and configure lot lines so that farmland is not fragmented into pieces that are too small or irregularly shaped to be farmed in the future. Land that is intended for future farming should be within one or more parcels that would be eligible to enroll in the current use program.
    - (b) Preserve access to land (for farm equipment or livestock) that may be farmed in the future.
  - (2) **Forestland.** If the property to be developed is primarily forestland, the applicant should design the subdivision to facilitate continued or future management and harvesting of timber, and/or to conserve woodlands for other forest uses. If a landowner undertakes forest management or harvesting activities designed as pre-development site preparation prior to PUD approval, the Development Review Board may require the site or portions of the site to be restored or re-vegetated to comply with the standards of these regulations. To the greatest extent feasible, the applicant must:
    - (a) Locate and configure lot lines to minimize the penetration of development into undisturbed forest blocks, and the amount of clearing and impervious surface required to provide access to the building site.
    - (b) Locate and configure lot lines so that forest is not fragmented into pieces that are too small or irregularly shaped to be managed for maple production, timber harvesting, wildlife habitat or other forest uses. Land that is intended for future timber harvesting should be within one or more parcels that would be eligible to enroll in the current use program.
    - (c) Locate and configure lot lines to retain contiguous blocks of forestland, critical wildlife habitat and wildlife travel corridors that connect to similar resources on adjoining properties.

## ARTICLE 4. DEVELOPMENT STANDARDS

### Chapter 450. Standards For Planned Unit Developments (PUDs)

- (d) Locate and configure lot lines so that buildings will be located below ridgelines and hilltops, and so that buildings will not exceed the height of the land behind them when viewed from public vantage points with a clear view of the building site. Retain or establish natural vegetation along ridgelines and hilltops, and around the development site to screen and blend buildings into the wooded landscape as viewed from off-site.
  - (e) Preserve distinct timber stands and access to land for sugaring, timber harvesting equipment, recreational trails and similar activities as appropriate to the subject property.
  - (f) Minimize clearing not associated with forestry and farming activities (ex. clear cutting to create views, extensive lawns, excessively wide road or utility corridors, etc.). Alternatives to clear cutting (ex. removal of underbrush, trimming of lower limbs, thinning, clearing narrow corridors, etc.) should be used to create building sites with views.
  - (g) Cluster lots to minimize the total footprint and perimeter of forest canopy openings and disturbed areas to minimize the impact of development on wildlife.
- (3) **Shoreland.** If the property to be developed includes land within the Developed Shoreland or Shoreland district or waterfront property within the Conservation district, the applicant should design the PUD to protect and preserve water quality, riparian and aquatic habitat, and scenic character. To the greatest extent feasible, the applicant must:
- (a) Locate and configure lot lines to maintain access to the water for all property owners within the subdivision, to maximize the number of building sites that have views of the water, and to maintain views of the water from adjoining properties and public vantage points.
  - (b) Locate and configure lot lines to minimize the amount of impervious surface required to provide access to the building sites.
- (J) **Easements.** The Town of Cabot may, but is not required to, accept easements for public use of any land or improvement. As a condition of PUD approval, the Development Review Board:
- (a) Must require a minimum easement at least 10 feet wide for utilities as needed to provide service within the subdivision. Such easements must be cleared and graded as necessary to facilitate installation of utilities.
  - (b) May require one or more easements to allow future road connections.
  - (c) May require a buffer easement at least 15 feet wide between the subdivision and any adjoining incompatible use, across which there must be no right of access.
  - (d) May require land dedicated as a natural area, green space, open space, or farm or forest land with no further development rights to be subject to a lawfully executed conservation easement meeting the requirements of and enforceable in accordance with state law,
- (K) **Marking Property Lines.** The developer must mark the outer edges of the PUD and the lines of all roads with concrete, stone or iron monuments with monument caps, and must mark individual lots with iron pins or pipe. The Development Review Board may require that all monuments be in place and verified before the final plan is signed.

## **ARTICLE 4. DEVELOPMENT STANDARDS**

### Chapter 450. Standards For Planned Unit Developments (PUDs)

- (L) **Maintenance of Common Lands or Facilities.** The developer must provide for the future maintenance of any common lands or facilities within the subdivision through legally enforceable mechanisms such as owners' associations or management agreements. If an owners' association will be formed, the developer must provide a copy of the draft legal documents (public offering statement, declarations, covenants, bylaws, etc.) forming and governing the association as part of the application for review and approval by the Development Review Board.
- (M) **Application and Review Process.** The application and review process for PUDs is set forth in Section 527.

## ARTICLE 5. ADMINISTRATION

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### CHAPTER 500. GENERAL INFORMATION

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#### Section 501. Fees

- (A) The Selectboard may establish reasonable fees that the Zoning Administrator or other town employees will charge to administer these regulations. These fees may include the cost of posting and publishing notices, holding public hearings, and conducting periodic inspections during construction.
- (B) The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of an independent technical review of an application. In accordance with those procedures and standards, the Development Review Board may hire qualified professionals to assist in the review of an application, as it deems necessary.
- (C) The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of ongoing monitoring and inspection of development. The Development Review Board may condition approval upon such monitoring and inspection, as it deems necessary.
- (D) Upon adoption of a capital budget and program, the town may levy impact fees in accordance with 24 VSA Chapter 131.

#### Section 502. Surety

- (A) The Development Review Board may request the Selectboard require applicants to provide a letter of credit, bond, escrow account or other surety in a form acceptable to the Selectboard as a condition of approval to assure one or more of the following:
  - (1) The completion of the project;
  - (2) Adequate stabilization of the site; or
  - (3) Protection of public facilities that may be affected by the project.
- (B) The surety should be in an amount sufficient to cover the full cost of completing the required public improvements and their maintenance for a 2-year period after completion as estimated by the town. The Development Review Board may require the surety for a term of up to 3 years. With the consent of the applicant, the Development Review Board may extend the surety for an additional 3-year term.
- (C) If the landowner has not installed or maintained the required improvements as provided within the term of the surety, the surety must be forfeited to the town and the town will install or maintain the improvements.

#### Section 503. As-Built Drawings

- (A) As-built drawings will be required for any infrastructure to be built within public rights-of-way or to be turned over to the town.

**Section 504. Planning Commission**

- (A) The Selectboard appoints members to serve on the Planning Commission.
- (B) The Planning Commission responsibilities include:
  - (1) Prepare a town plan for consideration by the Selectboard and review proposed amendments to the town plan initiated by others.
  - (2) Prepare and present proposed bylaws to the Selectboard and make recommendations to the Selectboard on bylaw amendments initiated by others.
  - (3) Undertake capacity studies and make recommendations on matters of land development, transportation, economic development, community beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources and wetland protection.
  - (4) Prepare and present recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for streets and related public improvements to the Selectboard.
  - (5) Prepare and present a recommended capital budget and program for action by the Selectboard.
  - (6) Hold public meetings.
  - (7) Require from other departments and agencies of the town such available information as relates to the work of the Planning Commission
  - (8) In the performance of its functions, enter upon land to make examinations and surveys.
  - (9) Participate in a regional planning program.
  - (10) Retain staff and consultant assistance in carrying out its duties and powers.
  - (11) Undertake comprehensive planning, including related preliminary planning and engineering studies.
  - (12) Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of the Act.

CHAPTER 510. ZONING ADMINISTRATOR

**Section 511. Zoning Administrator (ZA)**

- (A) The Zoning Administrator is responsible for administrating these regulations. The Zoning Administrator must literally enforce the provisions of these regulations and may only issue a zoning permit for development that conforms to these regulations.
- (B) The Zoning Administrator will assist applicants in determining whether and which town permits or approvals will be needed for a project, and will provide applicants with the necessary application forms.
- (C) The Zoning Administrator will inform applicants to contact the state’s regional permit specialist to determine whether state permits or approvals will also be needed for a project. Applicants are responsible for obtaining any required state permits or approvals.
- (D) The Zoning Administrator will provide applicants with information about state energy codes.
- (E) The Zoning Administrator inspects development, maintains records, responds to complaints and violations, and performs all other necessary tasks to administer these regulations.
- (F) The Selectboard may appoint an Acting Zoning Administrator to carry out the responsibilities of the Zoning Administrator if the Zoning Administrator is temporarily unable to serve or has a conflict of interest.

**Section 512. Zoning Permit**

- (A) **Applicability.** A landowner must get a zoning permit from the Zoning Administrator for any land use or development other than the specific activities listed in Chapter 110 as exempt from these regulations.
- (B) **Application.** The landowner must apply for a zoning permit by completing the form(s) available from the Zoning Administrator and submitting the materials specified in Figure 12, to the Zoning Administrator.

Figure 12. **Zoning Permit Application Requirements**

Requirements	Notes
Zoning permit fee	Plans must be drawn to scale. Sheets must include a scale & north arrow.
Completed zoning permit application	
Site plan showing:	For parcels larger than 2 acres, applicants may show only the portion of the property proposed for development on the site plan.
Parcel lines	
Existing and proposed building footprints	
Setback distances to roads, lot lines & water bodies	
Utilities, easements and rights-of-way	
Water wells and septic systems	Floor plans are not required for accessory buildings with a footprint of 500 square feet or less.
Water bodies, wetlands, floodplains and steep slopes	
Floor plans	

- (C) **Completeness.** The Zoning Administrator will determine whether the application is complete. The Zoning Administrator must inform the applicant in writing if the application is incomplete and what additional information is required.

- (D) **Action.** Once the Zoning Administrator determines that an application is complete, the Zoning Administrator must act within 30 days to approve it, deny it or refer it to the Development Review Board. If the Zoning Administrator does not act on a complete application within 30 days, the applicant may file an appeal directly with Environmental Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- (E) **Decision.** The Zoning Administrator must approve or deny permits in writing and specifically provide the following information:
  - (1) If the application is denied, the applicant must be informed in writing that the applicant may appeal the Zoning Administrator's decision to the Development Review Board within 15 days and include a copy of Section 522 of these regulations.
  - (2) If the application is approved, the applicant must be informed in writing that a notice must be posted on the property, where visible from a public right of way, throughout the 15-day appeal period and that the land use or development must not commence until the appeal period has ended.
- (F) **Appeal.** Section 522 describes how to appeal the Zoning Administrator's action on a permit application.
- (G) **Criteria.** The Zoning Administrator must literally enforce the provisions of these regulations and the Vermont Planning and Development Act (24 VSA Chapter 117). The Zoning Administrator must not approve an application and issue a zoning permit that does not meet all the applicable standards and requirements of these regulations and the Act. In particular, the Zoning Administrator must not approve an application and issue a zoning permit if:
  - (1) The land use or development requires the approval of the Development Review Board or Selectboard, and the applicant has not received such approval.
  - (2) The land use or development is proposed on a lot that has not been lawfully subdivided.
- (H) **After Approving a Permit.** After approving a permit, the Zoning Administrator must:
  - (1) Deliver a copy of the permit to the Listers and must post a copy of the permit at the Town Office within 3 days after issuing a permit. The permit must remain posted for a period of 15 days from the date of issuance.
  - (2) The Zoning Administrator must deliver an original, signed copy of the permit or memorandum of municipal action to the Town Clerk for recording within 30 days after issuing a permit. The Zoning Administrator must also file a copy of the permit as part of the Zoning Administrator's records in the town offices.
- (I) **After Receiving a Permit.** After receiving a permit, the landowner must
  - (1) Not commence the permitted land use or development during the appeal period. Once the Zoning Administrator issues a zoning permit, there is a 15-day period during which an interested person may appeal the permit as described in Section 522. If an appeal is properly filed during the appeal period, the landowner must not commence the land use or development until the appeal is decided.

- (2) Post a notice on the property within view of the nearest public right-of-way for 15 days. The Zoning Administrator will provide a form for the landowner to post. The landowner is responsible for posting the notice and ensuring that it remains posted throughout the 15-day appeal period.
- (J) **Permit Effective.** Zoning permits and associated approvals remain in effect for 2 years from the date of issuance, unless the Development Review Board specifies otherwise as a condition of approval. Landowners must substantially complete the development or commence the land use authorized by a zoning permit within that 2-year period.
- (K) **Permit Expiration.** If a permit expires before the landowner substantially completes the development or commences the land use, the landowner must apply for a new zoning permit and any other associated approvals.
- (L) **Permit Extension.** The landowner may request a permit extension from the Zoning Administrator before the permit expires. The Zoning Administrator may grant a single extension for not more than 3 additional years if all the improvements completed to date conform to the permit requirements and these regulations. If after 5 years, the project is not complete the landowner may apply for a new zoning permit to continue work.
- (M) **Inspection.** The Zoning Administrator or Development Review Board may require an inspection during site development or construction as a condition of approval. The Zoning Administrator must require an inspection for any structure that is being built within 10 feet of a required setback prior to the pouring of any footings or foundation. If an inspection is required at one or more points during site development or construction, the landowner must notify the Zoning Administrator when the work is ready to be inspected. The Zoning Administrator must inspect the site within 7 days of being notified to verify whether the work is being carried out as authorized by the zoning permit.

### **Section 513. Certificate of Zoning Compliance**

- (A) The Zoning Administrator or Development Review Board may require a certificate of zoning compliance as a condition of approval, or a landowner may request a certificate, to verify and document that the development authorized by a zoning permit was substantially completed in conformance with the permit requirements. The Zoning Administrator must require a certificate of zoning compliance for new homes or other principal buildings.
- (B) If a certificate of zoning compliance is required, the subject building must not be occupied or the use must not be commenced until the Zoning Administrator issues the certificate. The landowner must notify the Zoning Administrator when the development is substantially complete and ready to be inspected. The Zoning Administrator must inspect the site within 7 days of being notified to verify whether the development authorized by the zoning permit has been substantially completed in conformance with the permit requirements.
- (C) Before the Zoning Administrator may issue a certificate of zoning compliance for a new principal building, the landowner must provide the Zoning Administrator with copies of the state wastewater permit, certificate of water and wastewater system inspection and either the state energy standards certificate or the owner/builder disclosure statement.

**Section 514. Boundary Line Adjustment or Lot Merger**

- (A) The Zoning Administrator may approve adjustments to, or the elimination of, the boundary line between adjoining properties that would not create any additional lots or result in an existing lot or structure becoming nonconforming.
- (B) The Zoning Administrator may decline to authorize and refer any request for a boundary adjustment or lot merger to the Development Review Board for subdivision review.
- (C) Applicants must file a subdivision application form and a sketch plan depicting the existing and proposed lot lines, and any existing buildings, wells, septic systems, replacement septic areas, roads, driveways, or right-of-ways within 100 feet of the proposed lot lines with the Zoning Administrator.
- (D) The Zoning Administrator will make a written determination of whether the proposed adjustment or merger will be approved, denied or referred to the Development Review Board within 30 days from receiving a complete application.
- (E) If the Zoning Administrator approves the sketch plan, the applicant must have a licensed Vermont surveyor survey the portions of the involved lots as necessary to legally establish the new boundaries based on the approved sketch plan. The applicant must provide the Zoning Administrator with a stamped survey for signature and filing in the town's land records in accordance with the requirements of 27 V.S.A., Chapter 17 within 180 days from the Zoning Administrator's approval of the sketch plan. If the applicant fails to submit the stamped survey within the 180-day period, the Zoning Administrator's approval will be voided. The Zoning administrator may waive this requirement.

**Section 515. Single Lot Division**

- (A) The Zoning Administrator may approve the division of a parcel into 2 lots provided that the subject parcel has not been subdivided during the previous five years and that each lot will meet the minimum dimensional standards for the applicable zoning district including, but not limited to, minimum lot size and frontage.
- (B) The Zoning Administrator may decline to authorize and refer any request for a single lot division to the Development Review Board for subdivision review.
- (C) Applicants must file a subdivision application form and a sketch plan depicting the existing and proposed lot lines, and any existing buildings, wells, septic systems, replacement septic areas, roads, driveways, or right-of-ways within 100 feet of the proposed lot lines with the Zoning Administrator.
- (D) The Zoning Administrator will make a written determination of whether the proposed lot division will be approved, denied or referred to the Development Review Board within 30 days from receiving a complete application.
- (E) If the Zoning Administrator approves the sketch plan, the applicant must have a licensed Vermont surveyor survey the portions of the involved lots as necessary to legally establish the boundary between the two lots based on the approved sketch plan. The applicant must provide the Zoning Administrator with a stamped survey for signature and filing in the town's land records in accordance with the requirements of 27 V.S.A., Chapter 17 within 180 days from the Zoning Administrator's approval of the sketch plan. If the applicant fails to

submit the stamped survey within the 180-day period, the Zoning Administrator's approval will be voided.

- (F) Before the plat is filed, the applicant must provide a copy the state water and wastewater permits for the lots or of a letter from the Vermont Agency of Natural Resources documenting that one or both lots are exempt or qualify for a deferral from state permitting requirements.

**Section 516. Minor Modifications to Approved Plans**

- (A) The Zoning Administrator may authorize minor modifications to an approved project (including plans approved by the Development Review Board) that conforms to all applicable provisions of these regulations and is not a material change in the type, character or intensity of the approved development or use.
- (B) The Zoning Administrator may decline to authorize and refer any request for modification of an approved plan to the Development Review Board for review.

**Section 517. Revocation**

- (A) If a landowner omitted or misstated a material fact on an application or at a hearing, the Zoning Administrator may revoke a permit that was issued based on that information and that could not have been lawfully issued if the landowner had provided complete or factual information.

**Section 518. Enforcement**

- (A) These regulations will be considered a civil ordinance within the meaning of 24 VSA Chapter 59.
- (B) The Selectboard will establish fines for violations of these regulations in accordance with 24 VSA Chapter 117. For violations enforced through the Judicial Bureau, a civil penalty of not more than \$500 per day may be imposed, and the waiver fee will be set at \$100 for the first offense, \$200 for the second offense and \$300 for all subsequent offenses within a 6-month period.
- (C) The commencement or continuation of any land use or development that does not conform with the provisions of these regulations constitutes a violation. Each day that a violation continues constitutes a separate offense. The Zoning Administrator must undertake appropriate action to enforce the provisions of these regulations by following the procedures outlined in this section.
- (D) The Zoning Administrator must investigate all written complaints regarding violations of these regulations. If the Zoning Administrator determines that a violation has occurred, the Zoning Administrator must commence an enforcement action as follows:
  - (1) The Zoning Administrator may first attempt to contact the landowner by phone or in person to informally resolve the violation. If the matter is not resolved in a timely manner, the Zoning Administrator must issue a municipal civil complaint ticket or a notice of violation.

- (2) The Zoning Administrator or other designated enforcement officer under 24 VSA Chapter 59 and 24 VSA Chapter 29 may serve 2 copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and promptly file the original with the Judicial Bureau. The Zoning Administrator or other issuing officer must follow the Judicial Bureau's procedure for municipal complaint tickets.
- (3) The Zoning Administrator may send the landowner a written notice of violation by certified mail. The notice must:
  - (a) Describe the violation and include a reference to the specific provisions of these regulations being violated;
  - (b) Explain that the landowner has an opportunity to cure (eliminate or correct) the violation within 15 days;
  - (c) List the amount of the fine for the violation and explain that the fine will be imposed for each day the violation continues after the 15-day period for curing the violation elapses; and
  - (d) Notify the landowner that if the violation is repeated within the next 12 months, then the Zoning Administrator may commence an enforcement action without notice and the opportunity to cure the violation.
- (4) If the violation is not cured within the 15-day period, the Zoning Administrator must consult with the Selectboard to determine how the town will proceed. With permission of the Selectboard, the Zoning Administrator may negotiate a resolution to a violation after the opportunity for cure has elapsed. The Selectboard must formally approve any resolution of a violation that has continued after the 15-day period for curing it has elapsed.
- (E) Decisions or actions of the Zoning Administrator in relation to violations may be appealed as per Section 522 of these regulations, except that an appeal of a municipal civil complaint ticket will be governed by 24 VSA Chapter 29.
- (F) The Zoning Administrator must deliver a copy of each notice of violation to the Town Clerk for recording. Upon resolution of the violation, the landowner may request and record a compliance letter.
- (G) The Zoning Administrator must enforce any violation of these regulations, a zoning permit, or Development Review Board approval within 15 years from the date the violation first occurred. The Zoning Administrator will not be able to enforce a violation of a zoning permit unless the permit was recorded in the town land records.

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CHAPTER 520. DEVELOPMENT REVIEW BOARD

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**Section 521. Development Review Board (DRB)**

- (A) The Development Review Board performs all development review functions under these regulations. The Zoning Administrator will refer applications to the Development Review Board as required under these regulations. The Zoning Administrator may informally discuss any land use, development or enforcement issue with the Development Review Board.
- (B) The Selectboard will appoint 5 to 9 members to serve on the Development Review Board. The Selectboard may appoint alternates to serve on the Development Review Board in situations where one or more members have a conflict of interest or are otherwise unable to serve. The Selectboard may remove any Development Review Board member for cause upon written notification and after a public hearing.
- (C) The Development Review Board is a quasi-judicial body and must operate in a manner similar to judges in a court of law. It is obligated to make decisions objectively based on the facts presented by the applicant and any interested person who provides testimony during a hearing, and draw conclusions from those facts in accordance with the provisions of these regulations.

**Section 522. Appeal of the Zoning Administrator**

- (A) **Applicability.** An interested person may appeal an act or decision of the Zoning Administrator (see definition of interested person in 0).
- (B) **Deadline for an Appeal.** An interested person may file an appeal within 15 days of the date of the Zoning Administrator's act or decision.
- (C) **Filing an Appeal.** An interested person must file 2 copies of a notice of appeal with the Town Clerk. A notice of appeal must be in writing and must include all the following information:
  - (1) The name and address of the appellant (person filing the appeal);
  - (2) A copy of the Zoning Administrator's decision (if appealing a zoning permit, also include a copy of the permit application);
  - (3) A brief description of the property involved; and
  - (4) A reference to the section(s) of these regulations that the appellant alleges the Zoning Administrator has not properly followed or applied.
- (D) **Notification of an Appeal.** The Town Clerk must immediately notify the Chair of the Development Review Board and the Zoning Administrator that an appeal has been filed. The Town Clerk will forward one copy of the notice of appeal to the Zoning Administrator and the other to the Development Review Board. If the appeal is from someone other than the applicant, the Zoning Administrator must immediately notify the applicant and advise him or her that the project must not commence until the appeal has been decided.
- (E) **DRB Action.** The Development Review Board must either:

- (1) Hold a public hearing on the notice of appeal within 60 days of its filing. The hearing must be warned as per Section 533 of these regulations. The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 535 of these regulations.
- (2) Reject the appeal without a hearing and render a decision within 10 days of the filing of a notice of appeal, if the Development Review Board determines that it decided the issues in an earlier appeal.

**Section 523. Waivers**

- (A) **Applicability.** The Development Review Board may approve a waiver:
- (1) **Waiver of Development Provisions.** To allow a minor deviation from dimensional or other standards or when specifically authorized in these regulations in order to facilitate reasonable land use and development.
  - (2) The Development Review Board does not have the authority to approve a waiver:
    - (a) To allow a prohibited use or the subdivision of a lot that does not conform to the applicable provisions of these regulations.
    - (b) To reduce setbacks by more than 50%.
    - (c) To increase building footprint or lot coverage maximums by more than 10%.
    - (d) For development within the Flood and Erosion Hazard Overlay District.
  - (3) **Waiver of Application Requirement.** Of an application requirement if it finds that the required information is not necessary to determine an application's conformance with these regulations.
- (B) **Application Requirements for a Waiver** The applicant must file the appropriate application and a written request for a waiver with the Zoning Administrator that includes all of the following:
- (1) A brief description of the subject property and project that explains why the applicant is requesting a waiver.
  - (2) A reference to specific provision(s) of these regulations or application requirement that the applicant is requesting a waiver from.
  - (3) The specific modification(s) that the applicant is requesting.
- (C) **Review Criteria for Waiver of a Development Standard.** To approve a waiver, the Development Review Board must find that the proposed deviation from these regulations would:
- (1) Be beneficial or necessary for the continued reasonable use of the property.
  - (2) Not adversely affect the character of the area.
  - (3) Not impair the appropriate use or development of adjacent property.
  - (4) Not be detrimental to the public health, safety or welfare.
  - (5) Be consistent with the intent and purpose of applicable provisions of these regulations, or other town bylaws or ordinances.
- (D) **DRB Action on a Waiver of a Development Standard.** The Development Review Board must hold a public hearing on the waiver request within 60 days of its filing. The hearing must be posted

48 hours prior, as per Section 533 of these regulations. The Development Review Board must issue a written decision, with findings of fact that address each of the criteria listed in Paragraph (C), above, within 45 days after closing the hearing in accordance with Section 535 of these regulations.

- (E) **DRB Action on a Waiver of an Application Requirement.** The Development Review Board will consider a request to waive application requirements at its next regularly scheduled meeting. There are no notice requirements and no hearing will be held. The meeting minutes will record any application requirements that are waived or modified. After opening a hearing on an application, the Development Review Board may determine that additional information is needed to make a decision, including requiring the applicant to submit information that it previously waived.

#### **Section 524. Variances**

- (A) **Applicability.** The Development Review Board may approve variances that authorize more substantial adjustments to the standards of these regulations under the specific circumstances described below. The Development Review Board must not approve a variance to allow a prohibited use or the subdivision of a lot that does not conform to the applicable provisions of these regulations.
- (B) **Application Requirements.** The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:
  - (1) A brief description of the subject property and project.
  - (2) A reference to specific provision(s) of these regulations that the applicant is requesting a variance from.
  - (3) The specific modification(s) that the applicant is requesting.
  - (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance.
- (C) **General Review Criteria.** To approve a variance (except for renewable energy structures or development within the Flood and Erosion Hazard Overlay District, see sections below), the Development Review Board must find all of the following:
  - (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant.
  - (2) Those physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.
  - (3) The applicant has not created the unnecessary hardship.
  - (4) The proposed project will not alter the essential character of the neighborhood or district in which the property is located.

- (5) The proposed project will not substantially or permanently impair the appropriate use or development of adjacent property.
  - (6) The proposed project will not be detrimental to the public health, safety or welfare.
  - (7) The applicant is proposing the least deviation possible from these regulations and from the town plan that will afford relief.
- (D) **Review Criteria for Renewable Energy Structures.** To approve a variance for a renewable energy structure, the Development Review Board must find all of the following:
- (1) It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.
  - (2) The applicant has not created the unnecessary hardship.
  - (3) The proposed project will not alter the essential character of the neighborhood or district in which the property is located.
  - (4) The proposed project will not substantially or permanently impair the appropriate use or development of adjacent property.
  - (5) The proposed project will not reduce access to renewable energy resources.
  - (6) The proposed project will not be detrimental to the public welfare.
  - (7) The applicant is proposing the least deviation possible from these regulations and from the town plan that will afford relief.
- (E) **Flood and Erosion Hazard Overlay District Review Criteria.** To approve a variance within the Flood and Erosion Hazard Overlay District, the Development Review Board must find all of the following:
- (1) The proposed project meets all of the conditions in Paragraph (C), above, and 24 VSA § 4424(E).
  - (2) The proposed project meets all of the conditions of 44 CFR 60.6, if it located within the floodway or special flood hazard area.
  - (3) The proposed development will not increase flood heights or interfere with the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse as evidenced by a written statement from the Vermont Agency of Natural Resources.
- (F) **DRB Action.** The Development Review Board must hold a public hearing on the variance request within 60 days of its filing. The hearing must be warned as per Section 533 of these regulations. The Development Review Board must issue a written decision, with findings of fact that address each of the applicable criteria listed above, within 45 days after closing the hearing in accordance with Section 535 of these regulations.
- (1) If a variance will be issued for development within the Flood and Erosion Hazard Overlay District, the written decision must state that *“Building a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage.”*

**Section 525. Site Plan Review**

- (A) **Applicability.** The specific land uses and development that require site plan review are listed in Article 2 for each zoning and overlay district. Generally, non-residential and multi-family uses and development will require site plan review to address project design and compatibility with the surroundings.
- (B) **Application Requirements.** The applicant must file a complete zoning permit application and site plan with the Zoning Administrator.
- (C) **Review Criteria.** In addition to meeting all applicable standards of these regulations, the Development Review Board must find all of the following:
  - (1) **Siting and Design.** The siting and design of the proposed development on the property will be compatible with its setting and context.
  - (2) **Vehicular Traffic and Circulation.** Traffic generated by the proposed development will not have an undue adverse impact on the condition, capacity, safety and function of the transportation infrastructure serving the subject property. The vehicular circulation within the site will not create unsafe conditions for drivers or pedestrians, will allow adequate access for service and emergency vehicles, and will allow for adequate snow removal and storage. See Section 411 and/or Section 412 of these regulations for specific requirements.
  - (3) **Pedestrian Traffic and Circulation.** Pedestrian access will be provided within and through the subject property to adjacent properties and along roads as appropriate given the location of the subject property. Adequate access will be provided for people with disabilities and impaired mobility in accordance with applicable state and federal laws.
  - (4) **Parking.** The proposed development will have an adequate, but not excessive amount of parking. Required parking has been designed and located to minimize its aesthetic and environmental impacts to the extent that is physically and economically feasible. See Section 413 of these regulations for specific requirements.
  - (5) **Lighting.** Lighting will be designed, located and used to: provide the minimum amount of lighting needed to create a safe environment for human activity; avoid increasing pre-existing light levels beyond the subject property; prevent glare and shield light sources; and minimize energy use. See Section 414 of these regulations for specific requirements.
  - (6) **Signs.** Signs will be designed, sized and located to: minimize undue adverse impact on historic and scenic character; not be the dominant feature of the property; clearly and simply communicate their message; and enhance the appearance of the property and road corridor. See Section 416 of these regulations for specific requirements.
  - (7) **Landscaping.** Landscaping will be established to: enhance the appearance of the property; screen service areas, equipment and utilities from public view; and create a buffer as needed to mitigate impacts on neighboring properties. See Section 417 of these regulations for specific requirements.
  - (8) **Access to Renewable Energy.** The proposed development will not interfere with the use of, or access to, renewable energy resources on neighboring properties.

- (9) **Access to Open Space and Recreation.** The proposed development will not interfere with existing public open space or recreational uses of, or access to, neighboring properties. The proposed development has been designed and located to maintain any pre-existing public open space or recreational uses or access on the subject property to the extent that is physically feasible and compatible with the future use.
- (D) **DRB Action.** The Development Review Board must hold a public hearing on a complete site plan application within 60 days of its filing. The hearing must be warned as per Section 533 of these regulations. The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 535 of these regulations.

**Section 526. Conditional Use Review**

- (A) **Applicability.** The specific land uses and development that require Development Review Board approval as a conditional use are listed in Article 2 for each zoning and overlay district.
- (B) **Application Requirements.** The applicant must file a complete zoning permit application, a site plan, and a conditional use application with the Zoning Administrator.
- (C) **Review Criteria.** In addition to meeting all applicable standards of these regulations, the Development Review Board must find all of the following:
  - (1) **Suitability of the Use.** The parcel's size, shape, location, topography, natural features are suitable for the proposed use. The proposed use will not require substantial modification of the parcel's natural topography, drainage patterns and landscape features beyond that which would be expected for the proposed use irrespective of its location.
  - (2) **Character of the Area.** The proposed use will not alter the existing or planned character of the surrounding area in a manner that limits, impairs or precludes the use of neighboring properties for their permitted uses.
  - (3) **Safety and Privacy.** The proposed use will not reduce the safety or privacy of neighboring landowners. It will create or retain appropriate transitions from public to private spaces within the subject parcel and between the parcel and adjoining properties. It will create or retain appropriate buffers between adjoining properties.
  - (4) **Public Facilities and Services.** The public facilities and services will be adequate to accommodate the proposed use.
  - (5) **Standards for Commercial and Industrial Uses.** The proposed use meets the standards listed in Chapter 420, as applicable.
  - (6) **Site Plan Review Criteria.** The proposed use meets the site plan review criteria listed in Section 525(C).
- (D) **DRB Action.** The Development Review Board must hold a public hearing on a complete conditional use application within 60 days of its filing. The hearing must be warned as per Section 533 of these regulations. The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 535 of these regulations.

**Section 527. Planned Unit Development Review**

- (A) **Applicability.** All planned unit developments (PUDs) require Development Review Board approval.
- (B) **Pre-Application Meeting.** Before submitting a PUD application, the applicant must meet with the Zoning Administrator to discuss the application requirements, review process and PUD standards (see Chapter 450). The Zoning Administrator must certify that a pre-application meeting was held with the applicant before a PUD application will be considered complete. The applicant is also encouraged to meet informally with the Development Review Board to discuss conceptual plans. No advice offered or comments made at a pre-application meeting will be binding on any future review of a PUD application.
- (C) **Application Requirements.** The applicant must file a complete site plan and preliminary subdivision application with the Zoning Administrator. An applicant may request that the Development Review Board waive one or more application requirements (see Section 523).
- (D) **Review Criteria.** In addition to meeting all applicable standards of these regulations, the Development Review Board must find all of the following:
  - (1) **Siting and Suitability.** The siting, design and layout of the proposed PUD will be compatible with its setting and context, and will conform to the standards of these regulations. Lots will establish suitable sites for future development in terms of their size, shape, location, topography and capability.
  - (2) **Natural Features.** The natural landscape, vegetation and topography will be preserved to the maximum extent practical considering the site's capacity and constraints. The proposed PUD will be designed and located to minimize the loss and fragmentation of important farmland and important wildlife habitat.
  - (3) **Character of the Area and Privacy.** The proposed PUD will not alter the existing or planned character of the surrounding area in a manner that limits, impairs or precludes lawful use of neighboring properties. The PUD will not reduce the privacy of neighboring landowners. The proposed PUD will create or retain appropriate transitions from public to private spaces within the PUD, and between the PUD and adjoining properties.
  - (4) **Access and Circulation.** Vehicular access will be provided to each proposed lot in accordance with the standards of these regulations. Traffic generated by the proposed PUD will not have an undue adverse impact on the condition, capacity, safety and function of the transportation infrastructure serving the development. Pedestrian access will be provided within the PUD and along roads as appropriate given the location of the subject property.
  - (5) **Infrastructure, Utilities, Facilities and Services.** Public facilities and services will be adequate to accommodate the proposed PUD. Infrastructure and utilities will be provided within the PUD as necessary to accommodate the proposed development. Infrastructure and utilities will be located underground to the extent economically and physically feasible.
  - (6) **Access to Open Space and Recreation.** The proposed PUD will be designed and located to provide private or common outdoor space for enjoyment and recreation. The proposed PUD will be designed and located to maintain any pre-existing open space and recreational uses or access on the subject property to the extent that is physically feasible and compatible with the future use.
  - (7) **Performance Standards.** The proposed PUD meets the performance standards listed in Chapter 420.

- (8) **Site Plan Review Criteria.** The proposed PUD meets the site plan review criteria listed in Section 525.
- (E) **DRB Action.** A PUD requires both preliminary and final plan review as follows:
- (1) The Development Review Board must hold a public hearing on a complete application for the preliminary PUD plan within 60 days of its filing. The hearing must be warned as per Section 533 of these regulations.
  - (2) The Development Review Board must issue a written determination, with findings of fact, within 45 days after closing the hearing in accordance with Section 535 of these regulations.
  - (3) Within 12 months of the written determination, the applicant must submit the final PUD plan.
  - (4) The Development Review Board must hold a public hearing on a complete application for the final PUD plan within 60 days of its filing. The hearing must be warned as per Section 533 of these regulations.
  - (5) The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 535 of these regulations.
- (F) **Filing Requirements.** Within 180 days after a PUD plan is approved, the applicant must file 3 copies of the final PUD plan, including one mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of PUD plans not filed and recorded within this 180-day period will expire. The applicant may request that the Zoning Administrator grant one 90-day extension to the plan filing deadline if other required local and/or state permits are still pending.

#### **Section 528. Combined Review**

- (A) When proposed development requires more than one type of review, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on the application. The Zoning Administrator will identify proposed development appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- (B) Notice for a combined review hearing must be made in accordance with Section 533 of these regulations. The notice must include a statement that the hearing will be a combined review of the proposed development and list each type of review the Development Review Board will conduct.
- (C) All hearing and decision requirements, and all deadlines applicable to each review process will apply. The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but the decisions should be coordinated where appropriate.

#### **Section 529. Major Modifications to Approved Plans**

- (A) Any material change to a plan approved by the Development Review Board will require review and approval by the Development Review Board. The Zoning Administrator may approve minor changes to approved plans (see Section 515).

- (B) The application and review process for a material change to an approved plan will be the same as for the original application. However, the Development Review Board will limit the scope of its review and any conditions of approval to the elements of the development that will be affected by the proposed change.

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**CHAPTER 530. APPLICATIONS, HEARINGS AND DECISIONS**

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**Section 531. Application Requirements**

- (A) A complete application for Development Review Board review must include the plans and materials listed in this table unless waived as per Section 523, in addition to any additional application requirements specified in these regulations. An applicant for a PUD approval must meet both the requirements for site plan and PUD plans if the proposed application includes construction of buildings in addition to the subdivision of land. The Development Review Board may request additional information as it deems necessary to determine whether an application meets the standards of these regulations.

**SITE PLAN**  
**PUD PLAN**

**Ownership**

- Name and address of applicant and owner
- Statement signed by the owner authorizing the application by someone other than the owner
- Name and address of all adjacent property owners as shown on current tax records
- Signature block prepared for the dated signature of the Development Review Board chair

**Base Map and Topography**

- Boundary of the development site and total area encompassed, described and mapped at a scale of at least 1 inch = 200 feet
- Location of all property lines, existing easements, rights-of-way, watercourses and roadways
- Location and area of water bodies, wetlands, floodplains and steep slopes
- All monuments and pins established in the field
- Topographic contour intervals of no greater than 10 feet
- Spot elevations or topographic contour intervals of no greater than 2 feet where an existing slope of 15% or greater will be disturbed

**Planning**

- Date of preparation, graphic and written scale, and north arrow
- Location map at a scale of at least 1 inch = 2,000 feet on an aerial photo base locating and describing the site in context
- Zoning district boundaries and total area of property within each district
- Location and dimensions of all existing and proposed lots and setbacks
- Location, footprint and general use of all existing and proposed buildings
- Tabulation of impervious surface and lot coverage
- Tabulation of number of dwelling units and residential density, and floor area by use for non-residential uses
- Tabulation of parking and loading spaces

**Infrastructure**

- Location and widths of all existing and proposed roadways within the development site
- Location of existing and proposed entrances onto adjacent roadways
- Location of any existing or proposed sidewalks, paths, trails or other pedestrian or bicycle travel ways
- Traffic impact analysis, if applicable

Location, area and general description of any land to be set aside for parks or open space  
Location and general description of all existing and proposed water and wastewater systems or infrastructure, and buffers and replacement areas  
Location of all existing and proposed utilities  
Lighting plan (if applicable, see Section 414)  
Signage plan (if applicable, see Section 416)  
Landscaping plan (if applicable, see Section 415 and Section 417)  
Floor plans and elevation drawings for all new or substantially modified buildings

**Section 532. Site Visits**

- (A) The Development Review Board may schedule a site visit as part of its review of a development application. If a quorum of Development Review Board members will be present, the site visit must be warned and open to the public.

**Section 533. Notification**

- (A) **Notice Requirements for Minor Applications.** A public hearing, warned as described below, is required for all waiver, site plan, site visit, and preliminary subdivision or PUD applications or any other type of development review not specifically listed in Paragraph (B), below.
  - (1) The date, place and purpose of the hearing must be posted in 3 or more public places within Cabot not less than 48 hours before the date of the public hearing.
  - (2) Owners of all properties adjoining the property subject to development (including those across the road) must be notified in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to appeal the Development Review Board's decision. The Zoning Administrator may provide applicants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.
- (B) **Notice Requirements for Major Applications.** A public hearing, warned as described below, is required for all conditional use, variance, Zoning Administrator appeal, and final subdivision applications.
  - (1) The date, place and purpose of the hearing must be published in a newspaper of general circulation in Cabot not less than 15 days before the date of the public hearing.
  - (2) The date, place and purpose of the hearing must be posted in 3 or more public places within Cabot not less than 15 days before the date of the public hearing. One of the public posting places must be on the property within view of the nearest public right-of-way. The Zoning Administrator will provide the landowner with a form for posting. It is the landowner's responsibility to ensure that the notice remains posted for the entire warning period.

- (3) Owners of all properties adjoining the property subject to development (including those across the road) must be notified in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to appeal the Development Review Board's decision. The Zoning Administrator may provide applicants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.
- (C) **Notice Errors.** A defect in the form or substance of the public notice requirements will not invalidate any act or decision of the Development Review Board when a reasonable effort has been made to provide adequate warning.

**Section 534. Hearings**

- (A) **Hearing Recess,** The Development Review Board may recess a hearing on any application pending submission of additional information. If the Development Review Board recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.
- (B) **Hearing Attendance,** The applicant (or an authorized representative) is strongly encouraged to be present at any public hearing or meeting when the Development Review Board will be considering his or her application. The Development Review Board may continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present. In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
- (C) **Hearing Participation,** The Development Review Board must conduct public hearings in accord with its adopted rules of procedures. Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of the hearing. The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.

**Section 535. Decisions**

- (A) After the Development Review Board closes a hearing, it may discuss and make a decision on the application either in open public session or in a closed deliberative session.
- (B) The Development Review Board must make a decision based on the applicable criteria in these regulations. The Development Review Board may rely on the personal knowledge of its members, testimony submitted during public hearings, inspections or site visits of the property, and any reports available to it to determine whether an application meets the required criteria.
- (C) The Development Review Board may approve an application with any conditions it deems necessary to achieve the purposes of these regulations and the goals of the town plan, including but not limited to specific modifications to the scale, layout and/or design of the project, or restrictions on its operation and/or intensity. Any conditions or limitations must be specifically described in its written decision.

- (D) Within 45 days of closing a hearing, the Development Review Board must issue a decision to approve, approve with conditions or deny the application. The written decision must include findings of fact that explain how and why the Development Review Board made its decision and any conditions of approval.

**Section 536. Approvals**

- (A) Following Development Review Board approval of a waiver, variance, site plan or conditional use, the Zoning Administrator will issue a zoning permit. If the approved use or development, is not substantially completed before the zoning permit expires (see Section 512(K)), the Development Review Board approval will expire with the zoning permit. If the approved use or development is substantially completed before the zoning permit expires, the Development Review Board approval will remain in effect unless the use or development is discontinued (see Section 127). Development Review Board approvals and any related conditions run with the land (they remain in effect even if property is sold or transferred to another owner).
- (B) A final subdivision or PUD plan properly approved by the Development Review Board, signed and filed in the town land records will not expire.

**Section 537. Appeals**

- (A) Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the Development Review Board's decision to the Vermont Environmental Court within 30 days.
- (B) A notice of appeal must be sent to every interested person who participated in the hearing. The interested person list will be available from the Zoning Administrator.
- (C) When the Zoning Administrator issues a zoning permit to implement a Development Review Board approval, it is an action that cannot be appealed under Section 522.
- (D) If the Zoning Administrator has issued a zoning permit based on a Development Review Board approval, the appeal of that Development Review Board approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved as described in Section 512(I).

# ARTICLE 6. DEFINITIONS

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## CHAPTER 600. DEFINITIONS

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### Section 601. Interpretation

- (A) The words used in these regulations have their normal dictionary meaning unless they are specifically defined in this chapter or elsewhere within these regulations.
- (B) The words defined in this chapter have the specific meaning stated unless the context clearly indicates that they have another meaning.
- (C) These regulations use “must” and “will” to express that something is required. They use “must not” and “will not” to express that something is prohibited. They use “may” and “may not” for discretionary actions. They use “should” and “should not” when something is encouraged or discouraged.
- (D) These regulations use “parcel” and “lot” interchangeably to refer to areas of land delineated in a lawful subdivision plan or deed.
- (E) These regulations use “development site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels.
- (F) These regulations use “landowner”, “applicant” and “developer” to refer to the party responsible or authorized to act under these regulations. Those terms may include any individual designated to act on behalf of the landowner or applicant.
- (G) These regulations use “business” to refer generally to any non-residential land use, regardless of whether it is a for-profit or non-profit enterprise.
- (H) These regulations use “home”, “residence”, “dwelling” to refer to a dwelling unit that is intended for occupancy by a single household regardless of the type of structure it is located within or whether it is owned or rented.

### Section 602. Defined Terms

**ACCEPTABLE MANAGEMENT PRACTICES** means the most recently adopted laws and regulations governing timber harvesting in Vermont (more information is available at the town office and online from the Vermont Division of Forestry at <http://www.vtfpr.org/regulate>).

**ACCEPTED AGRICULTURAL PRACTICES** means the most recently adopted laws and regulations governing farming in Vermont (more information is available at the town office and online from the Vermont Agency of Agriculture, Food and Markets at [http://agriculture.vermont.gov/protecting\\_lands\\_waters](http://agriculture.vermont.gov/protecting_lands_waters)).

**ACCESSORY DWELLING** means a small, secondary dwelling unit on the same lot as or within a single-family home.

**ACCESSORY USE OR STRUCTURE** means a use or structure that is subordinate in size or purpose to the principal structure or use of the same lot and that serves a purpose customarily incidental to the principal structure or use.

**AFFORDABLE HOUSING** as defined in state law means ownership or rental housing with a total housing cost that does not exceed 30% of the household income of a household earning 80% of the median income in Washington County, and that is subject to covenants or restrictions that will preserve that affordability for at least 15 years.

**AGRICULTURE** as defined by the Vermont Agency of Agriculture, Food and Markets means:

- (a). The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
- (b). The raising, feeding, or management of livestock, poultry, fish, or bees;
- (c). The operation of greenhouses;
- (d). The production of maple syrup;
- (e). The on-site storage, preparation and sale of agricultural products principally produced on the farm;
- (f). The on-site production of fuel or power from agricultural products or wastes produced on the farm; or
- (g). The raising, feeding, or management of four or more horses owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of horses.

**AMBIENT SOUND** means the composite of all the sounds associated with a given place and time, and it is measured by averaging the sound level over a 15-minute period without inclusion of sounds from isolated, identifiable sources.

**BUILDABLE LAND** means all portions of a parcel except for:

- (a). Flood hazard areas and river corridors and any required buffers from those areas.
- (b). Mapped streams, ponds or wetlands and any required buffers from those features.
- (c). Steep slopes (slopes greater than a 25% grade).
- (d). Land that cannot be built on because of an easement, right-of-way or similar legal restriction.

**BUILDING** means a structure with a roof that is supported by walls or columns that may be used to shelter, house or enclose people, animals, equipment, goods or materials of any kind.

**BUILDING FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.

**BUILDING FRONTLINE** means a line extending parallel from the exterior front wall of a building from which the setback for accessory structures, parking lots, or outdoor storage or display areas may be measured.

**BUILDING PERIMETER** means the total length of a building's exterior walls at ground level.

**CALIPER** means the minimum diameter of a tree measured 6 inches above the ground.

**CAMPGROUND** means a parcel or facility designed to accommodate more than 3 tents, lean-tos, camping cabins, travel trailers or other camping units that are primarily occupied for vacation or recreational purposes.

**CHIMNEY** means a structure containing one or more flues for drawing off emissions from stationary sources of combustion that does not require state or federal air pollution control permits. Also see definition of STACK.

**COMMERCIAL USE** means an activity involving the sale or lease of goods or services.

**COMMUNITY FACILITY** means any government-owned or –operated institution or facility, any place of worship or religious facility, and any of the following if certified or licensed by the state: schools, educational facilities, hospitals, healthcare facilities, and waste management facilities.

**CONGREGATE HOUSING** means a facility intended for long-term residential occupancy with communal dining facilities, which may also provide other support services to residents such as housekeeping and laundry, personal care, social and recreational activities, or transportation (assisted living facility, nursing home, dormitory, etc.).

**COTTAGE INDUSTRY** means a small business operated from the business owner’s residential property. See Section 432 for further guidance.

**CULTURAL FACILITY** means a public or non-profit institution for the documentation, display, performance or enjoyment of heritage, culture, history, science or the arts such as a library, museum, interpretative site or performance venue.

**DECK** means an unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts that is not used as a dock.

**DENSITY INCREASE** means additional dwelling units that the Development Review Board may approve as part of a planned unit development in excess of what would be allowed in a conventional subdivision based on the density standard of the zoning district(s).

**DEVELOPMENT** means constructing, installing, reconstructing, converting, structurally altering, relocating or enlarging any building or structure; mining, excavating, filling or grading land; changing or extending the use of land or a structure; adjusting or relocating the boundary between two parcels; or dividing a parcel into two or more lots.

**DOCK** means a permanent or temporary structure built or installed over or floating on the water that can be used as a landing place for boats or to provide direct access to the water.

**DWELLING UNIT** means a building or part of a building intended for human habitation that contains living, sleeping, cooking and sanitation facilities.

**ESSENTIAL SERVICE** means any site, structure, facility or infrastructure owned and operated by the town, state, other unit of government, or a public utility.

**EXTRACTION** means the removal of topsoil, sand, gravel, rock, stone, other mineral, or groundwater for off-site sale or use.

**FAMILY CHILDCARE HOME** means a facility that provides care on a regular basis in the caregiver’s home for not more than 10 children at any one time and that operates under state licensing or registration.

**FOREST USES** mean the conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and/or protection of scenic character.

**FORESTRY** as defined by the Vermont Department of Forests, Parks and Recreation means growing and harvesting trees or timber under proper forest management for purposes other than their fruit.

**FULLY SHIELDED LIGHT FIXTURE** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward).

**GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**GROUP HOME** means a single-family home occupied by not more than 8 residents with a handicap or disability and operated under state licensing or registration.

**GUN CLUB** means a building or site operated as a commercial business or private club that includes a shooting range or other facilities intended to be used for firearms training, sport or competitive shooting, target practice, skeet and trap shooting, or similar uses of firearms.

**HAZARDOUS MATERIAL** means all toxic, corrosive or other chemicals and related sludge that are included in petroleum, hazardous wastes, or substances defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980. Hazardous material does not mean herbicides and pesticides applied in conformity with federal and state laws and according to the manufacturer's instructions, or livestock wastes managed in accordance with accepted practices.

**HAZARDOUS WASTE** means any waste matter that in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or that may have an unusually destructive effect on water quality if discharged to ground or surface waters. Hazardous waste does not mean livestock wastes managed in accordance with accepted practices or nuclear waste as defined by the Atomic Energy Act of 1954 as amended.

**HISTORIC STRUCTURE** means a structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Properties, or a structure determined to be eligible for such listing by the State Historic Preservation Officer.

**HOLIDAY LIGHTS** means outdoor lighting used for temporary decorative purposes to celebrate a specific holiday.

**HOME OCCUPATION** means an occupation, profession, activity or use that is carried on for gain within a home by a resident that does not alter the home's exterior or affect the residential character of the property. See Section 432 for further guidance.

**HOUSEHOLD** means one or more people living together in a dwelling unit with common use of the living and cooking facilities.

**IMPERVIOUS SURFACE** means any area of ground that has been altered or developed in a manner that causes precipitation to run off it rather than infiltrate into it, including driveways and parking areas surfaced with gravel.

**INTERESTED PERSON** means:

- (a). The applicant;
- (b). The Town of Cabot or any adjoining municipality;
- (c). A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who

alleges that a decision or act made under these regulations is not or will not be in accord with the town plan or these regulations.

- (d). Any 10 people, who may be any combination of Cabot voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the town plan or these regulations by a signed petition. The petition must designate one person to serve as the group's representative.
- (e). Any department and administrative subdivision of the state owning property or any interest in property in Cabot; or
- (f). The Vermont Agency of Commerce and Community Development.

**JUNK** means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined vehicles or vehicle parts.

**JUNK VEHICLE** means an unregistered, uninspected, discarded, dismantled, wrecked, scrapped, or ruined vehicle or vehicle parts except for a utility vehicle used solely on the owner's property.

**LANDMARK BUILDING** means a structure that is commonly recognized in the community as having significant historical, architectural, or cultural value.

**LARGE TREE** means a tree with a mature height of at least 50 feet that is at least 10 feet in height or 2 inches in caliper when planted.

**LIGHT FIXTURE** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.

**LIGHT INDUSTRIAL USE** means an activity involving the manufacturing, production, processing, assembly or storage of goods or materials that can be conducted in conformance with the standards established in these regulations.

**LOCAL FARM OR FOREST PRODUCT** means farm or forest products that are grown, raised or harvested within, or within 30 miles from, Vermont.

**LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.

**MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.

**MEDIUM TREE** means a tree with a mature height of at least 30 and less than 50 feet that is at least 8 feet in height or 1½ inches in caliper when planted.

**MIXED USE** means a lot or structure that contains more than one principal use. The term "mixed-use development" is commonly used to refer to a type of development typical traditional village areas with buildings that house retail uses on the ground floor road frontage and office and/or residential uses behind or above.

**MOBILE HOME** means a structure that is: built on a permanent chassis, designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities; transportable in one or more sections; and at least 320 square feet in size or, if constructed prior to June 15, 1976, is at least 8 feet wide by 32 feet long.

**MOBILE HOME PARK** means a parcel of land that is designed to accommodate more than 2 mobile homes except for:

- (a) The lawful storage or display of uninhabited mobile homes.
- (b) The placement of not more than 4 mobile homes on land owned by agricultural employer to be used for farm worker housing.
- (c) A lawful campground that contains mobile homes used on a seasonal basis for vacation or recreational purposes.

**MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.

**MULTI-FAMILY HOUSE** means a building, or portion thereof, designed exclusively for occupancy by three or more households living independently of each other in individual dwelling units.

**NOISE** means an unwanted sound that may disturb or annoy the average person.

**NON-COMMERCIAL STORAGE** means the use of a building or site for the storage of personal property without compensation to the owner of the building or site.

**NONCONFORMITY** means a structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations. See Section 124.

**OPEN SPACE** means land retained as working farm or forest land, as a recreation area, or in an essentially undeveloped state for resource protection. Designation of land as open space does not imply public or common ownership or access.

**OUTDOOR RECREATION, HIGH-INTENSITY** means a public, commercial or group recreational use that occurs primarily outdoors and involves one or more of the following:

- (a). Significant physical changes to the site, a building with a footprint of more than 200 square feet, or outdoor lighting.
- (b). Significant physical changes to the site, a building with a footprint of more than 200 square feet, or outdoor lighting.
- (c). Use of firearms, mechanized equipment, or motorized vehicles.
- (d). Campsites or other overnight accommodations, except for primitive campsites and lean-tos with no sanitation facilities or other utilities.

**OUTDOOR RECREATION, LOW-INTENSITY** means a public, commercial or group recreational use that occurs primarily outdoors and does not involve any of the following:

- (a) Significant physical changes to the site, a building with a footprint of more than 200 square feet, or outdoor lighting.
- (b) Use of firearms, mechanized equipment, or motorized vehicles.
- (c) Campsites or other overnight accommodations except for primitive campsites and lean-tos with no sanitation facilities or other utilities.

**PARCEL** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.

**PARTIALLY SHIELDED LIGHT FIXTURE** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down (see **Error! Reference source not found.**).

**PLANNED UNIT DEVELOPMENT (PUD)** means a development project that may be eligible for a density increase, may include mixed uses, or that may be allowed to deviate from the dimensional standards which would otherwise apply to a conventional subdivision or development in that area (see chapter 450).

**PRINCIPAL USE OR STRUCTURE** means the primary, predominant or main use or structure on a lot. On any lot with an occupied single- or two-family home, the residence will be considered the principal structure and the principal use will be considered residential.

**PUBLIC ART** means art that is located so as to be visible from public vantage points and adjacent properties, and that is not located and designed primarily to draw attention to a business or any of its products or services.

**PUBLIC RECREATIONAL ACCESS** means that the general public is allowed to enter and use private land for recreation to the extent authorized by the landowner.

**PUBLIC WATER ACCESS** means that the general public is allowed to access a water body over private land for recreational use to the extent authorized by the landowner.

**RETAIL SALES** means a commercial use involving the sale or lease of goods or merchandise directly to the general public or end customer.

**ROAD** means state highways, town highways or private rights-of-way (that meet the standards of these regulations) established for the purpose of providing vehicular access to abutting properties.

**SANITATION FACILITIES** means one or more of the following: a sink, flush toilet, bathtub, or shower.

**SELF-STORAGE FACILITY** means a site with one or more buildings containing separate, self-contained spaces for storing personal property available for lease or rent.

**SHOOTING RANGE** means an area or structure specially designed for the safe discharge of firearms.

**SHRUB** means a woody plant with a mature height of at least 4 feet that is at least a 2-gallon container size when planted.

**SIGN** means any object, device, fixture, display or structure used for visual communication that is intended to attract attention and that is visible from public vantage points or adjacent properties. This definition specifically excludes merchandise normally displayed in a storefront window, outdoor display in accordance with Section 416 of these regulations, and public art.

- (a). **SIGN, BUILDING-MOUNTED** means a sign attached or affixed to a building including but not limited to wall signs, window signs, roof signs, projecting signs, hanging signs, blade signs and marquees.
- (b). **SIGN, ELECTRONIC MESSAGE** means a sign with a fixed or changing message or image shown on an electronic display or video screen.
- (c). **SIGN, GROUND-MOUNTED** means a sign not attached or affixed to a building including but not limited to freestanding signs, pole signs and monument signs.
- (d). **SIGN, INTERNALLY ILLUMINATED** means a sign with an interior light source that shines through a transparent or translucent surface material to make the sign readable at night.
- (e). **SIGN, NEON** means a sign created by or containing gas discharge tubes that emit light or glow when electric voltage is applied.

**SINGLE-FAMILY HOUSE** means a detached building used exclusively as a dwelling unit occupied by one household.

**SMALL RENEWABLE ENERGY SYSTEM** means a wind or solar system that has a total capacity of less than 15 kW and that primarily generates power for on-site use.

**SMALL TREE** means a tree with a mature height of less than 30 feet that is at least 6 feet in height or 1 inch in caliper when planted.

**SOLID FENCE** means a fence that is constructed in a manner that substantially blocks visibility through it from a height of 2 feet to 6 feet above the ground.

**STACK** means a structure containing one or more flues for drawing off emissions from stationary sources of combustion that does require state or federal air pollution control permits. Also see definition of CHIMNEY.

**STRUCTURE** means a combination of materials that a person constructs, assembles, installs or places for occupancy, use or decoration including but not limited to a building, sign, wall, fence, driveway or parking lot.

**SUBDIVISION** means the division of land into one or more lots by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the town records. For the purposes of these regulations, Cabot will consider land that is divided by a public road or road right-of-way to already be divided into separate lots.

**SUBSTANTIALLY COMPLETE** means that construction or development has been completed to a point where a structure or site can be safely used for its intended purpose.

**TEMPORARY** means a use or structure that will be occurring or located on a site for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.

**TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.

**TRUCK, SINGLE-UNIT** means a commercial motor vehicle on a single frame.

**TRUCK, TRAILER** means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

**TRUCK TRAFFIC** means the number of trips made by a single-unit truck or a trailer truck.

**TWO-FAMILY HOUSE** means a detached building that contains two dwelling units designed exclusively for occupancy by two households living independently of each other.

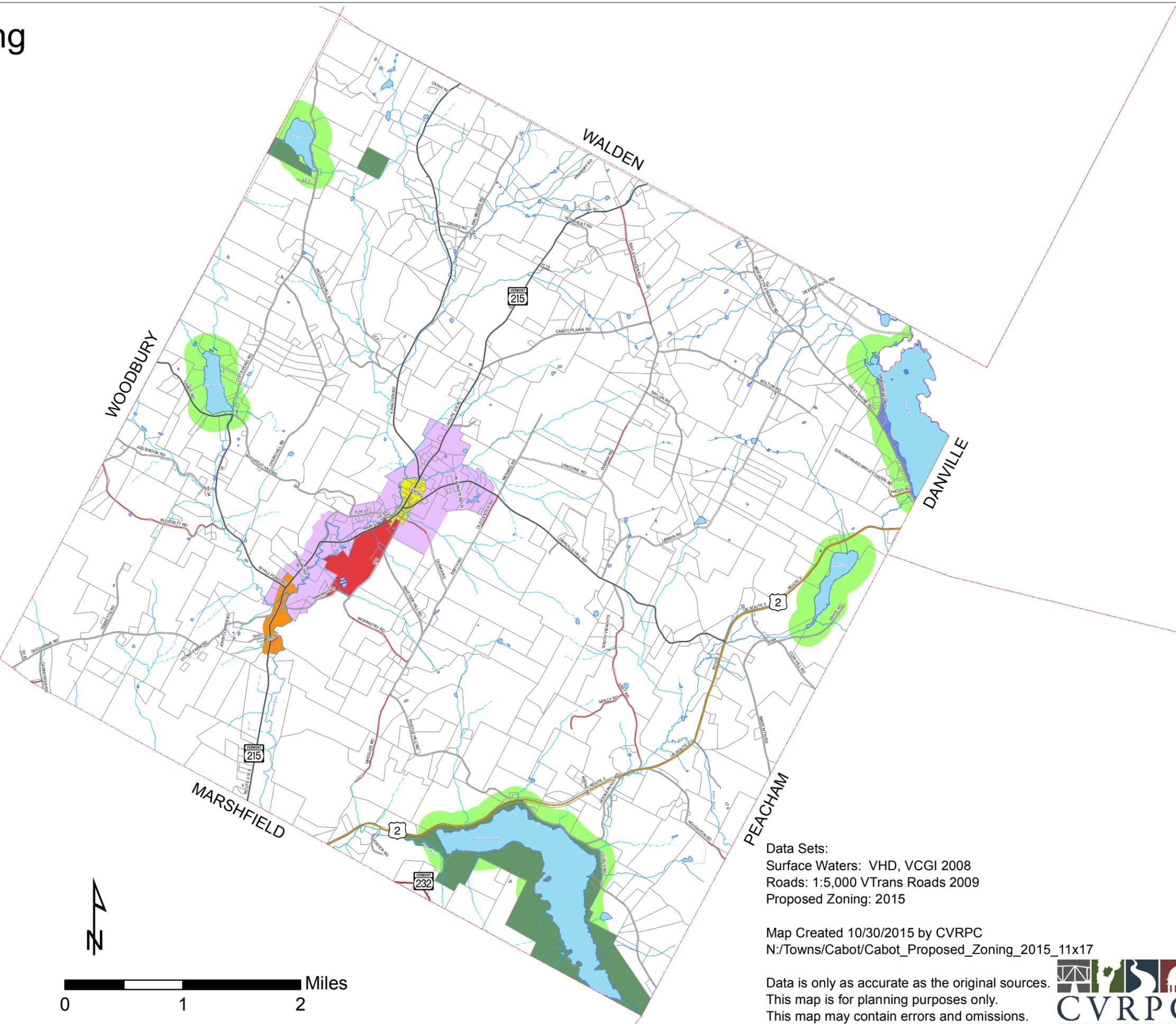
**UNBUILDABLE LAND** means any land that is not buildable. See definition of BUILDABLE LAND.

**VEHICLE** means any conveyance used to transport people, animals, goods or materials.

**WASTE** means a material that is discarded or is being accumulated, stored, or treated prior to being discarded, or that has served its original intended use or is a by-product of a use and is normally discarded.

**WATER-DEPENDENT STRUCTURE OR USE** means a structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.

# Proposed Zoning



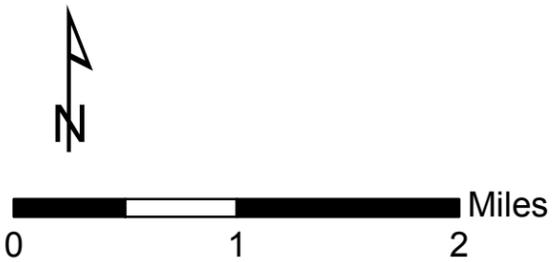
**Legend**

**Cabot Proposed Zoning Districts**

- Village Center District
- Village Neighborhood District
- Lower Village District
- Commercial/Industrial District
- Rural District
- Developed Shoreland District
- Shoreland District
- Conservation District

**Roads**

- Class 2
- Class 3
- Class 4
- Private Rds
- Vermont State Highways
- US Highways
- Legal Trail
- Lakes/Ponds
- Stream/River
- Perennial Stream
- Intermittent Stream



Data Sets:  
 Surface Waters: VHD, VCGI 2008  
 Roads: 1:5,000 VTrans Roads 2009  
 Proposed Zoning: 2015

Map Created 10/30/2015 by CVRPC  
 N:/Towns/Cabot/Cabot\_Proposed\_Zoning\_2015\_11x17

Data is only as accurate as the original sources.  
 This map is for planning purposes only.  
 This map may contain errors and omissions.



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## ARTICLE 1. GENERAL

### Section 101. Title

- (A) These are the Town of Cabot Subdivision Regulations.

### Section 102. Purpose

- (A) These regulations implement the policies of the *Cabot Town Plan* and the *Vermont Planning and Development Act*, 24 VSA Chapter 117. They are intended to:
- (1) Protect public health, safety and welfare;
  - (2) Protect and conserve natural, scenic and historic resources;
  - (3) Protect and conserve rural character, working farm and forest land and open space;
  - (4) Ensure that the rate of growth and development does not exceed Cabot's ability to provide services and does not place an undue burden on taxpayers;

### Section 103. Applicability

- (A) The Development Review Board must approve a subdivision plan before a landowner may divide a parcel of land into two or more lots except for a single lot division approved in accordance with the Cabot Zoning Regulations.

### Section 104. Authority

- (A) The Vermont Planning and Development Act, 24 VSA Chapter 117, provides towns with the authority to regulate the subdivision of land. These regulations must be adopted in accordance with and meet the requirements of state law.

### Section 105. Effective Date

- (A) These regulations became effective upon adoption by the voters of the Town of Cabot on [\*DATE].

### Section 106. Amendment

- (A) These regulations may be amended at any time in accordance with state law.
- (B) The Planning Commission, Selectboard or any town residents may propose a change to these regulations.
- (1) If the change does not originate from the Planning Commission, the commission will review the proposed change, take public comment and make a recommendation to the Selectboard as to whether or not these regulations should be amended as requested.

### Section 107. Severability

- (A) If a court finds any part of these regulations unlawful, that decision will not affect the remaining portions of these regulations.

## ARTICLE 2. SUBDIVISION PROCEDURES

### Section 201. Applicability

- (A) Except as specifically exempted below, subdivision approval by the Development Review Board is required before the Zoning Administrator may issue a zoning permit for any land development involving land to be subdivided or a landowner may file a subdivision plan in the town land records.
  - (1) **Exemptions.** Subdivision review is not required for landowners to convey rights-of way or easements, to adjust or eliminate boundary lines or for a single lot division (see the Cabot Zoning Regulations.).

### Section 202. Application Process

- (A) **Pre-Application Meeting.** Before submitting a subdivision application, the applicant must meet with the Zoning Administrator to discuss the application requirements, review process and subdivision standards. The Zoning Administrator must certify that a pre-application meeting was held with the applicant before a subdivision application will be considered complete. The applicant is also encouraged to meet informally with the Development Review Board to discuss conceptual plans. No advice offered or comments made at a pre-application meeting will be binding on any future review of a subdivision application.
- (B) **Application Requirements.** The applicant must file a complete subdivision application and plan with the Zoning Administrator. An applicant may request that the Development Review Board waive one or more application requirements.

### Section 203. Classification

- (A) The Zoning Administrator will classify a complete subdivision application as either a minor or major subdivision. A major subdivision requires applicants to provide more detailed plans and information, and has a more extensive review process than a minor subdivision.
- (B) A major subdivision must be designed as a planned unit development in accordance with the provisions of the Cabot Zoning Regulations.
- (C) If the proposed subdivision would result in any of the following, the Zoning Administrator must classify it as a major subdivision, otherwise it is classified as a minor subdivision.
  - (1) The further subdivision of a parcel within 5 years of a prior subdivision, adjustment or elimination of a boundary line, or single lot division that has been approved after the effective date of these regulations, irrespective of any subsequent change in land ownership.
  - (2) The subdivision of a parcel into 5 or more lots (including the parent parcel).
  - (3) The subdivision of land in the Shoreland, Developed Shoreland or Conservation districts.
  - (4) The creation or extension of a public or private road.
  - (5) The upgrade of a Class 4 town road, driveway, farm or forest road or similar vehicular access to town road standards for Class 3 or higher public roads, as applicable.
  - (6) A subdivision that requires an Act 250 permit.

**Section 204. Application Requirements Table**

- (A) A complete application must include the plans and materials listed in this table unless waived by the Development Review Board, in addition to any additional application requirements specified in these regulations. Preliminary subdivision plans will not be required to be fully engineered and may represent the approximate location of the various site features or elements identified below. The Development Review Board may request additional information, as it deems necessary to determine whether an application meets the standards of these regulations.

	PRELIMINARY PLAN	FINAL PLAN
<b>Ownership</b>		
Name and address of applicant and owner		
Name and address of all adjacent property owners as shown on current tax records		
Signature block prepared for the dated signature of the Development Review Board chair		
Draft legal documents and/or agreements for any private roads, infrastructure and common land or facilities		
<b>Base Map and Topography</b>		
Boundary of the development site and total area encompassed at a scale of at least 1 inch = 200 feet		
Location of all property lines, existing easements, rights-of-way, watercourses and roadways		
Location and area of water bodies, wetlands, floodplains and steep slopes		
All monuments and pins established in the field		
Topographic contour intervals of no greater than 10 feet		
Topographic contour intervals of no greater than 2 feet where a slope of 15% or greater will be disturbed		
<b>Planning</b>		
Date of preparation, graphic and written scale, and north arrow		
Location map at a scale of at least 1 inch = 2,000 feet on an aerial photo base locating the site in context		
Zoning district boundaries and total area of property within each district		
Location and dimensions of all existing and proposed lots and setbacks		
<b>Infrastructure</b>		
Location and widths of all existing and proposed roadways within the development site		
Location of existing and proposed entrances onto adjacent roadways		
Location of any existing or proposed sidewalks, paths, trails or other pedestrian or bicycle travel ways		
Location, area and general description of any land to be set aside for parks or open space		
Location and general description of all existing and proposed water and wastewater systems or infrastructure, and any buffers and replacement areas		
Location of all existing and proposed utilities		

**Section 205. Review Criteria**

- (A) In addition to meeting all applicable standards of these regulations, the Development Review Board must find all of the following:
- (1) **Siting and Suitability.** The siting, design and layout of the proposed subdivision will be compatible with its setting and context, and will conform to the standards of these regulations. Lots will establish suitable sites for future development in terms of their size, shape, location, topography and capability.
  - (2) **Natural Features.** The natural landscape, vegetation and topography will be preserved to the maximum extent practical considering the site's capacity and constraints. The proposed subdivision will be designed and located to minimize the loss and fragmentation of important farmland and important wildlife habitat.
  - (3) **Character of the Area and Privacy.** The proposed subdivision will not alter the existing or planned character of the surrounding area in a manner that limits, impairs or precludes lawful use of neighboring properties. The proposed subdivision will not reduce the privacy of neighboring landowners. The proposed subdivision will create or retain appropriate transitions from public to private spaces within the subdivision, and between the subdivision and adjoining properties.
  - (4) **Access and Circulation.** Vehicular access will be provided to each proposed lot in accordance with the standards of these regulations. Traffic generated by the proposed subdivision will not have an undue adverse impact on the condition, capacity, safety and function of the transportation infrastructure serving the subdivision. Pedestrian access will be provided within the subdivision and along roads as appropriate given the location of the subject property.
  - (5) **Infrastructure, Utilities, Facilities and Services.** Public facilities and services will be adequate to accommodate the proposed subdivision. Infrastructure and utilities will be provided within the subdivision as necessary to accommodate the proposed development. Infrastructure and utilities will be located underground to the extent economically and physically feasible.
  - (6) **Lighting.** Lighting will be designed, located and used to: provide the minimum amount of lighting needed to create a safe environment for human activity; avoid increasing pre-existing light levels beyond the subject property; prevent glare and shield light sources; and minimize energy use.
  - (7) **Access to Open Space and Recreation.** The proposed subdivision will be designed and located to provide private or common outdoor space for enjoyment and recreation. The proposed subdivision will be designed and located to maintain any pre-existing open space and recreational uses or access on the subject property to the extent that is physically feasible and compatible with the future use.

**Section 206. Review Process**

- (A) **Minor Subdivision.** A minor subdivision requires only final plan review by the Development Review Board.
- (B) **Major Subdivision.** A major subdivision requires both preliminary and final plan review by Development Review Board. The two-phase review of a major subdivision allows applicants to

## ARTICLE 2. SUBDIVISION PROCEDURES

receive preliminary approval before completing any necessary final engineering, which should minimize time and expense associated with re-working plans.

- (C) **Preliminary Plan.** The Development Review Board must hold a public hearing on a complete application for the preliminary subdivision plan within 60 days of its filing as follows:
  - (1) The hearing must be warned as per Section 209 of these regulations.
  - (2) The Development Review Board must issue a written determination, with findings of fact, within 45 days after closing the hearing in accordance with Section 211 of these regulations.
- (D) **Final Plan.** For major subdivisions, the applicant must submit a fully engineered final subdivision plan within 12 months of the written determination on the preliminary plan. The Development Review Board must hold a public hearing on a complete application for the final subdivision plan within 60 days of its filing as follows:
  - (1) The hearing must be warned as per Section 209 of these regulations.
  - (2) The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 211 of these regulations.
- (E) **Filing Requirements.** Within 180 days after a subdivision plan is approved, the applicant must file 3 copies of the final subdivision plan, including one mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17.
  - (1) **Expiration.** Approval of subdivision plans not filed and recorded within this 180-day period will expire.
  - (2) **Extension.** The applicant may request that the Zoning Administrator grant one 90-day extension to the plan filing deadline if other required local and/or state permits are still pending.

### Section 207. Modifications to Approved Plans

- (A) Any change to a subdivision plan approved by the Development Review Board will require review and approval by the Development Review Board.
- (B) The application and review process for a change to an approved subdivision plan will be the same as for the original application. However, the Development Review Board will limit the scope of its review and any conditions of approval to the elements of the development that will be affected by the proposed change.

### Section 208. Site Visits

- (A) The Development Review Board may schedule a site visit as part of its review of a subdivision application.
- (B) If a quorum of Development Review Board members will be present, the site visit must be warned and open to the public.

**Section 209. Notification**

- (A) **Preliminary Plan Hearing.** A public hearing, warned as described below, is required for all preliminary subdivision applications.
  - (1) The date, place and purpose of the hearing must be posted in 3 or more public places within Cabot not less than 48 hours before the date of the public hearing.
  - (2) Owners of all properties adjoining the property subject to development (including those across the road) must be notified in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to appeal the Development Review Board's decision. The Zoning Administrator may provide applicants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.
- (B) **Final Plan Hearing.** A public hearing, warned as described below, is required for all final subdivision applications.
  - (1) The date, place and purpose of the hearing must be published in a newspaper of general circulation in Cabot not less than 15 days before the date of the public hearing.
  - (2) The date, place and purpose of the hearing must be posted in 3 or more public places within Cabot not less than 15 days before the date of the public hearing. One of the public posting places must be on the property within view of the nearest public right-of-way. The Zoning Administrator will provide the landowner with a form for posting. It is the landowner's responsibility to ensure that the notice remains posted for the entire warning period.
  - (3) Owners of all properties adjoining the property subject to development (including those across the road) must be notified in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to appeal the Development Review Board's decision. The Zoning Administrator may provide applicants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.
- (C) **Errors.** A defect in the form or substance of the public notice requirements will not invalidate any act or decision of the Development Review Board when a reasonable effort has been made to provide adequate warning.

**Section 210. Hearings**

- (A) **Hearing Recess.** The Development Review Board may recess a hearing on any application pending submission of additional information. If the Development Review Board recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.
- (B) **Hearing Attendance.** The applicant (or an authorized representative) is strongly encouraged to be present at any public hearing or meeting when the Development Review Board will be considering his or her application. The Development Review Board may continue its consideration of an application to its next regularly scheduled meeting if the applicant or an

authorized representative is not present. In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.

- (C) **Hearing Participation**, The Development Review Board must conduct public hearings in accord with its adopted rules of procedures. Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of the hearing. The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.

**Section 211. Decisions**

- (A) After the Development Review Board closes a hearing, it may discuss and make a decision on the application either in open public session or in a closed deliberative session.
- (B) The Development Review Board must make a decision based on the applicable criteria in these regulations. The Development Review Board may rely on the personal knowledge of its members, testimony submitted during public hearings, inspections or site visits of the property, and any reports available to it to determine whether an application meets the required criteria.
- (C) The Development Review Board may approve an application with any conditions it deems necessary to achieve the purposes of these regulations and the goals of the town plan. Any conditions or limitations must be specifically described in its written decision.
- (D) Within 45 days of closing a hearing, the Development Review Board must issue a decision to approve, approve with conditions or deny the application. The written decision must include findings of fact that explain how and why the Development Review Board made its decision and any conditions of approval.

**Section 212. Approvals**

- (A) A final subdivision plan properly approved by the Development Review Board, signed and filed in the town land records in accordance with these regulations will not expire.

**Section 213. Appeals**

- (A) Any interested person who participated in a Development Review Board hearing on a subdivision application may appeal the Development Review Board's decision to the Vermont Environmental Court within 30 days.
- (B) A notice of appeal must be sent to every interested person who participated in the hearing. The interested person list will be available from the Zoning Administrator.

**Section 214. Fees**

- (A) The Selectboard may establish reasonable fees that the Zoning Administrator or other town employees will charge to administer these regulations. These fees may include the cost of posting and publishing notices, and holding public hearings.

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- (B) The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of an independent technical review of an application. In accordance with those procedures and standards, the Development Review Board may hire qualified professionals to assist in the review of an application, as it deems necessary.
- (C) The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of ongoing monitoring and inspection of development. The Development Review Board may condition approval upon such monitoring and inspection, as it deems necessary.

### Section 215. Surety

- (A) The Development Review Board may request the Selectboard require applicants to provide a letter of credit, bond, escrow account or other surety in a form acceptable to the Selectboard as a condition of approval to assure one or more of the following:
  - (1) The completion of the project;
  - (2) Adequate stabilization of the site; or
  - (3) Protection of public facilities that may be affected by the project.
- (B) The surety should be in an amount sufficient to cover the full cost of completing the required public improvements and their maintenance for a 2-year period after completion as estimated by the town. The Development Review Board may require the surety for a term of up to 3 years. With the consent of the applicant, the Development Review Board may extend the surety for an additional 3-year term.
- (C) If the landowner has not installed or maintained the required improvements as provided within the term of the surety, the surety must be forfeited to the town and the town will install or maintain the improvements.

### Section 216. As-Built Drawings

- (A) As-built drawings will be required for any infrastructure to be built within public rights-of-way or to be turned over to the town.

## ARTICLE 3. SUBDIVISION STANDARDS

### Section 301. Standards for All Subdivisions

- (A) **General.** The land to be subdivided must be suitable for use without endangering public health or safety, and adversely impacting the environment, neighboring properties or the character of the area. To the maximum extent feasible, a subdivision must:
  - (1) Follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district and the planning goals and policies expressed in the *Cabot Town Plan*.
  - (2) Connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors.
- (B) **Protection of Natural Resources.** Subdivision boundaries, lot layout and development envelopes must be located and configured to avoid undue adverse impacts to wetlands, surface waters, flood hazard areas and their required buffers and setbacks.
- (C) **Number of Lots.** The number of lots must not exceed the density allowed in the zoning district except that the Development Review Board may allow a higher density as a planned unit development (see Cabot Zoning Regulations).
- (D) **Lot Configuration.** The lot size, frontage and layout must meet zoning district standards (see Cabot Zoning Regulations). Lots with frontage on more than one road must be able to accommodate the required setback for each road.

### Section 302. Standards for Major Subdivisions

- (A) **PUDs Required.** Major subdivisions must be designed and approved as planned unit developments (PUDs) in accordance with the Cabot Zoning Regulations.
- (B) **Roads.** Any private roads serving a subdivision must be designed and constructed in accordance with the Cabot Zoning Regulations and any town public works specifications.
- (C) **Water and Wastewater.** A subdivision must have sufficient water and wastewater capacity available for its needs as follows:
  - (1) A subdivision must not result in an unreasonable burden on the town's existing or planned water or sewer systems.
  - (2) The applicant must demonstrate that all lots within a subdivision comply with state water and wastewater regulations.
  - (3) The Development Review Board may approve a subdivision conditional upon the applicant obtaining all necessary water or wastewater permits or allocations. The final subdivision plat must not be signed and recorded until the applicant receives and provides a copy of those permits or allocations to the Zoning Administrator.

- (4) The Development Review Board may waive the requirements of this subsection for lots not intended for development purposes (ex. conserved land). The Development Review Board must condition approval of such lots on the applicant permanently restricting future development through legally enforceable means such as a conservation easement, deed restriction and/or notation on the plat.
- (D) **Utilities.** All lots within a subdivision must be served by utilities as follows:
  - (1) All utility lines within the subdivision must be located underground unless otherwise approved by the Development Review Board where it is not technically feasible due to physical conditions.
  - (2) Utility lines must be located within road rights-of-way to the maximum extent feasible. The applicant must establish utility easements to be shown on the plan, as necessary to ensure access to any utilities not located within street rights-of-way.
  - (3) The Development Review Board may require the applicant to provide utility easements to facilitate the future provision of utilities to adjacent land outside the subdivision.
- (E) **Fire Protection.** The subdivision must provide adequate water storage or distribution facilities for fire protection. The Development Review Board may require the applicant to install infrastructure to suppress or fight fire such as sprinkler systems, fire hydrants, dry hydrants, cisterns or ponds.
- (F) **Landscaping.** Existing vegetation must be retained within the subdivision to the maximum extent feasible. The Development Review Board may require the applicant to plant additional vegetation to screen and landscape the subdivision as deemed necessary to further the purposes of these regulations.

**Section 303. Easements**

- (A) The Town of Cabot may, but is not required to, accept easements for public use of any land or improvement. The Development Review Board may require land dedicated as a natural area, green space, open space, or farm or forest land with no further development rights to be subject to a lawfully executed conservation easement meeting the requirements of and enforceable in accordance with state law.
- (B) As a condition of subdivision approval, the Development Review Board:
  - (1) Must require a minimum easement at least 10 feet wide for utilities as needed to provide service within the subdivision. Such easements must be cleared and graded as necessary to facilitate installation of utilities.
  - (2) May require one or more easements to allow future road connections.
  - (3) May require a buffer easement at least 15 feet wide between the subdivision and any adjoining incompatible use, across which there must be no right of access.

**Section 304. Marking Property Lines**

- (A) The developer must mark the outer edges of the subdivision and the lines of all roads with concrete, stone or iron monuments with monument caps, and must mark individual lots with iron pins or pipe.

- (B) The Development Review Board may require that all monuments be in place and verified before the final plat is signed.

**Section 305. Maintenance of Common Lands or Facilities**

- (A) The developer must provide for the future maintenance of any common lands or facilities within the subdivision through legally enforceable mechanisms such as owners' associations or management agreements.
- (B) If an owners' association will be formed, the developer must provide a copy of the draft legal documents (public offering statement, declarations, covenants, bylaws, etc.) forming and governing the association as part of the application for final subdivision review and approval by the Development Review Board as follows:
  - (1) The association bylaws must make membership in the owners' association automatic for everyone who purchases a home or property within the subdivision.
  - (2) The bylaws must also authorize the owners' association to place liens on the real property of members who fail to pay their dues.

## ARTICLE 4. DEFINITIONS

### Section 401. Interpretation

- (A) The words used in these regulations have their normal dictionary meaning unless they are specifically defined in this chapter or elsewhere within these regulations.
- (B) The words defined in this chapter have the specific meaning stated unless the context clearly indicates that they have another meaning.
- (C) These regulations use “must” and “will” to express that something is required. They use “must not” and “will not” to express that something is prohibited. They use “may” and “may not” for discretionary actions. They use “should” and “should not” when something is encouraged or discouraged.
- (D) These regulations use “parcel” and “lot” interchangeably to refer to areas of land delineated in a lawful subdivision plan or deed.
- (E) These regulations use “development site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels.
- (F) These regulations use “landowner”, “applicant” and “developer” to refer to the party responsible or authorized to act under these regulations. Those terms may include any individual designated to act on behalf of the landowner or applicant.

### Section 402. Defined Terms

**BUILDABLE LAND** means all portions of a parcel except for:

- (a) Flood hazard areas and river corridors and any required buffers from those areas.
- (b) Mapped streams, ponds or wetlands and any required buffers from those features.
- (c) Steep slopes (slopes greater than a 25% grade).
- (d) Land that cannot be built on because of an easement, right-of-way or similar legal restriction.

**DEVELOPMENT** means constructing, installing, reconstructing, converting, structurally altering, relocating or enlarging any building or structure; mining, excavating, filling or grading land; changing or extending the use of land or a structure; adjusting or relocating the boundary between two parcels; or dividing a parcel into two or more lots.

**FOREST USES** mean the conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and/or protection of scenic character.

**INTERESTED PERSON** means:

- (a). The applicant;
- (b). The Town of Cabot or any adjoining municipality;
- (c). A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision or act made under these regulations is not or will not be in accord with the town plan or these regulations.
- (d). Any 10 people, who may be any combination of Cabot voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the town plan or these regulations by a signed petition. The petition must designate one person to serve as the group's representative.
- (e). Any department and administrative subdivision of the state owning property or any interest in property in Cabot; or
- (f). The Vermont Agency of Commerce and Community Development.

**LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.

**OPEN SPACE** means land retained as working farm or forest land, as a recreation area, or in an essentially undeveloped state for resource protection. Designation of land as open space does not imply public or common ownership or access.

**PARCEL** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land.

**PLANNED UNIT DEVELOPMENT (PUD)** means a development project that may be eligible for a density increase, may include mixed uses, or that may be allowed to deviate from the dimensional standards which would otherwise apply to a conventional subdivision or development in that area.

**PUBLIC RECREATIONAL ACCESS** means that the general public is allowed to enter and use private land for recreation to the extent authorized by the landowner.

**PUBLIC WATER ACCESS** means that the general public is allowed to access a water body over private land for recreational use to the extent authorized by the landowner.

**ROAD** means state highways, town highways or private rights-of-way (that meet the standards of these regulations) established for the purpose of providing vehicular access to abutting properties.

**SUBDIVISION** means the division of land into one or more lots by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the town records. For the purposes of these regulations, Cabot will consider land that is divided by a public road or road right-of-way to already be divided into separate lots.

**UNBUILDABLE LAND** means any land that is not buildable. See definition of BUILDABLE LAND.