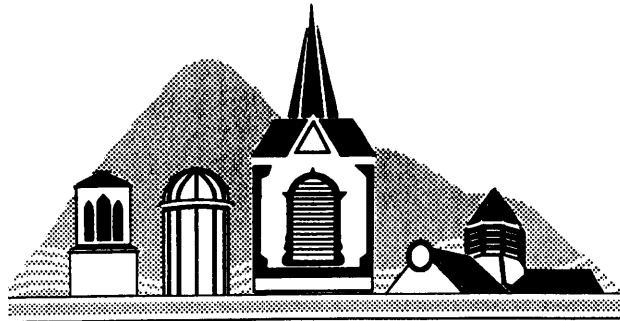


Town of Pawlet Zoning Regulations

Revision May 2009



All revisions pursuant to amendments of these Zoning Regulations since they were originally adopted on August 24, 1978 are incorporated herein.

The history of amendment and revision appears at the end of this document.

The Flood Plain Regulations and the Official Zoning Map are documents separate from these Zoning Regulations.

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ARTICLE I. ENACTMENT, OBJECTIVES, ESTABLISHMENT OF ZONING DISTRICTS, AND MAP

Section 1 Enactment

In accordance with 24 V.S.A., Chapter 117, Subchapter 6, Section 4401 of the Vermont Municipal and Regional Planning and Development Act, hereinafter referred to as the "Act," there are hereby established Zoning Regulations for Town of Pawlet which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Pawlet Zoning Regulations."

Section 2 Objectives

The standards and policies established by these Zoning Regulations are intended to accomplish the following objectives:

1. Promote the health, safety, and general welfare of all the inhabitants of the Town.
2. Protect and conserve the value of property.
3. Conserve and encourage the value of community, as reflected in the examples of:
 - Voluntarism,
 - Neighborhood cohesion,
 - Spontaneous assistance offered by townspeople to each other,
 - Social supports provided by churches, schools, scouts, 4-H, and other formal and informal groups.
4. Maintain the integrity of Pawlet and West Pawlet as respective villages within the framework of the Town.
5. Achieve the best possible quality of environment for the Town's residents.
6. Provide appropriate sites in the Town for residences that will be required by population growth in the foreseeable future, including accommodating the need for inexpensive housing.
7. Minimize the tax burden on property owners by maintaining a community that operates efficiently and economically.
8. Encourage agriculture to continue, in areas where soil and land are appropriate, by favorable zoning, tax policies, and other means, in recognition of the fact that agriculture is an important part of the Town's economic base and its historic character.
9. Permit, where appropriate, commercial and industrial enterprises that provide gainful employment for Town residents and augment the tax base of the Town.
10. Encourage home and cottage industries in the Town to continue and new ones to develop, as a means of enhancing the Town's community character.
11. Control residential development required for anticipated population in order to minimize both the need for additional roads in the Town and the costs of servicing them.
12. Keep the rugged and poorly accessible mountain and forest areas free from development, reserving them for forestry and other uses appropriate to their wilderness character.
13. Develop long range plans for recreation and education in cooperation with other towns and the region. Acquire sites for these facilities before development makes acquisition more difficult and costly.
14. Develop long range plans for public water supply and sewage disposal systems for village areas. In areas not served by the public systems, require a population density low enough to insure the permanent feasibility of private water supply and sewage disposal.

Section 3 Establishment of Zoning Districts

The Town of Pawlet is hereby divided into the following Zoning Districts, as shown on the Town Zoning Map:

- H Highland
- FP Flood Plain
- FA Forest & Agriculture
- I Industrial
- VC Village & Commercial
- ARR Agriculture & Rural Residential

Section 4 Zoning Map

The location and boundaries of Zoning Districts are established according to the Zoning Map ratified on March 7, 1994 and maintained in the Town Clerk’s Office. The Zoning Map is hereby made a part of these regulations, as it stands now, and subsequent amendments shall henceforth amend it. Supplemental zoning maps for the Village and Commercial Districts are maintained in the Town Clerk's Office.

Section 5 Interpretation of Zoning District Boundaries

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the Administrative Officer, after consultation with the Planning Commission, shall determine the location of such boundary.

ARTICLE II. ZONING DISTRICT REGULATIONS

Section 1 District #1 Highland H

Purpose: The Highland District consists of all land in the Town of Pawlet above 1500 feet elevation. This district is established to protect the forest resources, the natural beauty, the purity of the watershed headwaters, and the delicate ecological balance of these areas.

Permitted uses:

- 1. Forestry.
- 2. Non-commercial recreation when permitted by the property owner.
- 3. Non-commercial wildlife refuge.
- 4. Accessory use, limited to shelters, non-permanent buildings, or structures not used for residential purposes.
- 5. Historic site.

Dimensional requirements: None.

Section 2 District #2 Flood Plain FP

All descriptions, definitions, and specifications regarding Flood Plain are contained in the Flood Hazard Area Regulation, adopted January 19, 1994 and ratified March 1, 1994 as a separate ordinance from these regulations.

Section 3 District #3 Forest and Agriculture FA

Purpose: The Forest and Agriculture District consists primarily of land below the 1500 feet elevation most of which has slopes of more than 15%. The purpose of this district is to limit

residential use therein to a sufficiently low density to preserve water purity and insure safe and adequate sewage disposal.

Permitted uses:

1. Agriculture, including agricultural buildings.
2. Forestry.
3. One-family dwelling.
4. Non-commercial wildlife refuge.
5. Reservoir, pond type.
6. Non-commercial recreation when permitted by the property owner.
7. Golf course.
8. Organized camp.
9. Accessory use or building.
10. Home occupation.
11. Historic site.

Dimensional requirements:

Minimum set back from any property boundary	25 feet
Minimum set backs on a <i>surveyed</i> property:	
From the centerline of the traveled roadway	65 feet
From the edge of the right of way	40 feet
Minimum set back on a <i>non-surveyed</i> property:	
From the centerline of the traveled roadway	65 feet
Minimum frontage if on public road.....	150 feet
Minimum lot size	25 acres
Maximum building height (agricultural buildings excepted)	35 feet

Section 4 District #4 Industrial I

Purpose: The Industrial District is in the western part of the Town adjacent to and including the present location of quarrying operations. The purpose of the Industrial District is to promote the general welfare and the sound economic development of the Town and to encourage the best use of land in areas most appropriate for the location of suitable industrial establishments, but not excluding agricultural use.

Permitted uses:

1. Enclosed warehouse or wholesale use.
2. Public utility.
3. Machinery and transportation equipment, sales, service and repair.
4. Enclosed industrial processes and service.
5. Freight or trucking terminal.
6. Contractor's yard.
7. Animal hospital, veterinary clinic.
8. Quarry, sand, or gravel pit.
9. Research laboratory.
10. Enclosed service and repair.
11. Automobile service station or garage.
12. Car wash.
13. Parking.
14. Accessory use.
15. Non-commercial recreation when permitted by the property owner.

16. Agriculture & forestry.
17. Historic site.
18. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
19. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Conditional uses:

1. One family dwelling on a five-acre lot.
2. Wireless telecommunications facilities.
3. Accessory dwelling unit.

Dimensional requirements:

Minimum set back from any property boundary	25 feet*
Minimum set backs on a <i>surveyed</i> property:	
From the centerline of the traveled roadway	65 feet
From the edge of the right of way	40 feet
Minimum set back on a <i>non-surveyed</i> property:	
From the centerline of the traveled roadway	65 feet
Minimum lot size	1 acre
Minimum frontage on a public street.....	150 feet
Maximum building height.....	35 feet

* Except where a lot line is adjacent to a railroad siding, in which case the siding shall be considered as the yard requirement.

Section 5 District #5 Village and Commercial VC

Purpose: The purpose of the Village and Commercial District is to combine residential use with compatible commercial establishments in the traditional village pattern in order to provide pleasant living conditions and to promote convenient shopping and service facilities.

Permitted uses:

1. One-family and two-family dwelling.
2. Retail store.
3. Professional and business office and financial institution.
4. Personal service.
5. Appliance repair shop.
6. Historic site.
7. Home occupation.
8. Mortuary, funeral home.
9. Public park or playground.
10. Community center.
11. Hospital.
12. Clinic.
13. School.
14. Religious institution
15. Municipal fire or police station.
16. Town hall
17. Public sewer and water installations.
18. Telephone exchange.
19. Rooming house and tourist home with not more than 10 roomers or tourists.
20. Convalescent or nursing home. Home for the aged.

21. Restaurant.
22. Accessory use or building.
23. Non-commercial recreation when permitted by the property owner.
24. Craft shop.
25. Trucking terminal.
26. Accessory dwelling unit.
27. Mobile home park.

Conditional uses:

1. Planned residential development.
2. Hotel or motel.
3. Automobile service station or garage.
4. Multiple-family dwelling.
5. Building-trades or excavation contractor.
6. Craft shop in an existing building on a lot that does not include the owner's principal residence.
7. Wireless telecommunications facilities.

Dimensional Requirements:

Minimum set back from any property boundary	15 feet
Minimum set backs on a <i>surveyed</i> property:	
From the centerline of the traveled roadway	40 feet
From the edge of the right of way	15 feet
Minimum set back on a <i>non-surveyed</i> property:	
From the centerline of the traveled roadway	40 feet
Minimum lot area:	
When municipally operated sewage disposal is not available.....	1 acre
When municipally operated sewage disposal is available.....	12,000 sq. ft.
Minimum lot width	75 feet
Maximum building height.....	35 feet
Maximum building coverage:	
For 1 acre lot.....	20%
For 12,000 sq. ft. lot	30%

Section 6 District #6 Agriculture and Rural Residential ARR

Purpose: The Agriculture and Rural Residential District is established to insure preservation of the natural resources and the rural and scenic qualities of areas, which are planned to be predominantly agricultural and residential in character.

Permitted uses:

1. Farming, including but not limited to, dairying, orchards, wood lots and forestry, truck gardening and keeping of poultry.
2. One-family dwelling on five (5) acre lot, except that the owner of a lot of record at the time of the original adoption (August 24, 1978) of these Regulations, notwithstanding any other provisions of these Regulations, may create from the original lot as many as three (3) lots of at least one (1) acre each for one family dwellings only. All the other restrictions of the district as to uses and dimensions of lots, including the remaining portion of the original lot of record if any, will apply.
3. Two-family dwelling on ten (10) acre lot.
4. Home occupation.

5. Wildlife refuge, non-commercial.
6. Farm stand for the sale of produce primarily raised on the premises.
7. Plant nursery.
8. Clinic.
9. Kennel, provided that any structure for the housing of animals shall be at least 200 feet from any residential use other than those on the same lot.
10. Cemetery.
11. Tourist home or boarding house.
12. Riding stable.
13. Community center.
14. Golf club.
15. Tennis club.
16. Swimming club.
17. Public park.
18. Organized camp.
19. Municipally operated water, sewer or waste disposal facility.
20. School.
21. Religious institution.
22. Accessory use or building.
23. Non-commercial recreation when permitted by the property owner.
24. Craft shop.
25. Historic site.
26. Accessory dwelling unit.

Conditional uses:

1. Sand or gravel pit.
2. Planned residential development.
3. Agriculture-related industry or processing plant.
4. Building-trades or excavation contractor.
5. Auction barn.
6. Restaurant.
7. Professional offices in historic buildings.
8. Craft shop or office space in an existing building on a lot that does not include the owner's principle residence.
9. Wireless telecommunications facilities.

Dimensional requirements:

Minimum set back from any property boundary	25 feet
Minimum set backs on a <i>surveyed</i> property:	
From the centerline of the traveled roadway	65 feet
From the edge of the right of way	40 feet
Minimum set back on a <i>non-surveyed</i> property:	
From the centerline of the traveled roadway	65 feet
Minimum lot size	5 acres*
Minimum lot width	150 feet
Maximum building height (agricultural buildings excepted)	35 feet
* Except for one-acre lots as provided for in Article II, Section 6, item 2.	

ARTICLE III. CONDITIONAL USES

Section 1 Procedure

Every use listed in this section shall comply with the regulations of the district in which it is located and with the conditions and requirements specified herein. Every application for the use of property subject to conditions shall be filed with the Administrative Officer in accordance with the provisions of Article 6, Section 2 and shall be subject to approval by the Board of Adjustment in accordance with the provisions of Article 7, Section 3, item 2C, and approval by the Planning Commission in accordance with the provisions of Article 4, Section 16.

Section 2 Automobile Service Station or Garage

1. A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution.
2. Lot frontage shall be at least 150 feet.
3. Lot depth shall be at least 125 feet.
4. Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and side and rear lot lines.
5. All fuel and oil shall be stored at least 35 feet from any property line.
6. All automobile parts and dismantled vehicles are to be stored within a building.
7. No signs shall extend beyond the pumps, nor exceed 15 feet in height.
8. There shall be no more than two (2) access driveways from the street. The maximum width of each access driveway shall be 25 feet.

Section 3 Planned Residential Development

Planned Residential Developments are permitted in the Village and Commercial and Agriculture and Rural Residential Districts, subject to the following:

1. Uses Permitted. Within a Planned Residential Development, one-family or multiple-family residential uses, accessory uses, or any combination thereof, are permitted.
2. Required Parking Areas. Four (4) off-street spaces shall be provided for every three (3) dwelling units.
3. Permitted Density. Any combination of dwellings may be erected as long as the total number of dwellings units does not exceed the number that would be permitted if the tract were subdivided in conformance with the zoning regulations for the district in which the land is located.
4. Maximum Height Limit. No residential structure shall exceed a height of 35 feet.
5. Common Open Space. Common open space shall be established in an amount no less than forty (40) percent of the area of the Planned Residential Development. Common open spaces shall be used for amenity or recreational purposes only and shall be suitably improved for their intended use, except that, where appropriate, such open spaces may be left unimproved. The Planning Commission shall stipulate such provisions for the ownership and maintenance of the common open space as will insure its continuity and conservation.
6. Landscaping. The Planning Commission shall require that a Planned Residential Development provide suitable planting, and screening structures and landscaping at its perimeter so as to provide protection for adjacent properties.
7. Failure to Begin Planned Residential Development. If no construction has begun or no use established in the Planned Residential Development within twelve (12) months from the issuance of the zoning permit, the zoning permit for the Planned Residential Development shall become null and void. In its discretion, and for good

cause, the Planning Commission may, upon request of the applicant, extend for an additional six (6) months the period for the beginning of construction or establishment of a use. If the zoning permit becomes null and void under the provisions of this section, the zoning regulations applicable before the zoning permit was issued shall be revived and in effect.

8. Failure to Complete Planned Residential Development. If any Planned Residential Development, or portion thereof, is not completed within two (2) years from the issuance of the zoning permit, the zoning permit for the project shall become null and void. In its discretion, and for good cause, the Planning Commission may, upon request of the applicant, extend for one (1) additional year the period within which the Planned Residential Development shall be completed. If the zoning permit becomes null and void under the provisions of this sections, the zoning regulations applicable before the zoning permit was issued shall be revived and in effect.
9. Performance Bond. The Planning Commission shall require the posting of performance bonds in adequate amounts to protect the Town for any failures to meet the terms of these Regulations.
10. Amendments and Changes. Any and all amendments or changes to the Planned Residential Development, as approved by the Planning Commission, shall require approval by the Planning Commission and the issuance of an additional zoning permit by the Administrative Officer in accordance with the provisions set forth in this section.
11. Site Plan Approval. No permit shall be approved for the erection, alteration enlargement or relocation of a building or use in a Planned Residential Development until a site Development Plan shall have been approved by the Planning Commission. The site plan shall include the location, height and spacing of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplements of existing Zoning regulations.

Section 4 Sand and Gravel Pits

1. Before approval of any new sand or gravel operation, the applicant shall agree that upon completion of extraction, the site shall be left in a safe and useful condition. The owner shall submit a plan of proposed improvements to accomplish this end to the Planning Commission for approval.
2. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion, debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage shall meet with the approval of the Planning Commission.
3. Excavation, blasting, stockpiling of material, power-activated sorting machinery or equipment shall not be permitted within 200 feet of any street or property line unless agreed to by the owners of such properties. Rock crushing machinery shall be permitted.
4. Stripping of topsoil for sale or for use on other premises, except, as may be incidental to a construction project or sand or gravel operation on the same premises, shall be prohibited.
5. A sand or gravel pit on a farm shall be deemed accessory to an agricultural use and shall not be subject to provisions (1) and (4) of this Section, if all of the following requirements are met:
 - a) Provisions (2) and (3) are complied with.
 - b) The excavation area is confined to one-half acre or less.

- c) The sand or gravel pit is not a primary source of income for the owner thereof.

Section 5 Multiple-Family Dwelling

1. When served by a municipally operated sewage disposal system, the minimum lot size shall be 12,000 sq. ft. per dwelling unit. Otherwise, the minimum lot size shall be one acre per dwelling unit.
2. All dimensional requirements of the Village and Commercial District shall apply to the lot.
3. Four (4) off-street parking spaces shall be provided for every three (3) units, as required by Article 4, Section 15.

Section 6 Hotel or Motel

1. When served by a municipally operated sewage disposal system, the minimum lot size shall be 12,000 sq. ft. per unit. Otherwise, the minimum lot size shall be one acre per unit.
2. All dimensional requirements of the Village and Commercial District shall apply.
3. One (1) off-street parking space shall be provided for each guest room or unit, as required by Article 4, Section 15.

Section 7 Agriculture-Related Industry or Processing Plant

1. The plant must be related to the agricultural products of the local area.
2. There shall be a setback of 100 feet from all lot lines.

Section 8 Building-Trades or Excavation Contractor

1. There shall be no more than ten (10) employees (excluding members of the family) working on the premises, which shall be the principal residence of the owner. Not more than 20% of the land area of the property shall be used in the operation of this business.
2. If parked or stored equipment or material are in view of and less than 300 feet from a residence on adjoining property, the Planning Commission shall have the authority to require suitable screening.

Section 9 One Family Dwelling in Industrial District

1. The Board of Adjustment, after public hearing, shall determine whether the residential use will interfere with present or future industrial uses in the district and whether the location will be hazardous for a residence.
2. Buildings shall be set back at least sixty (60) feet from all lot lines.

Section 10 Auction Barns

1. Any structure shall be at least 200 feet from any residential use other than those on the same lot.
2. The applicant shall show that sufficient off-street parking space is available for peak periods of operation.
3. This use shall be permitted only when the owner's principal residence is located on the same lot.

Section 11 Restaurants

1. Any structure shall have a minimum side yard of 100 feet and a minimum rear yard of 100 feet.
2. Landscaping shall be provided as in Article 3, Section 3, item 6.
3. Off-street parking space shall be provided as in Article 4, Section 15, item 3.

Section 12 Craft Shop or Office Space in an existing building on a lot that does not include the owner's principal residence.

1. An existing building shall be a building that existed on its present foundation or footprint as of November 1, 2001. In no case shall remodeling, renovating, or other change expand the footprint or foundation area of the building so that it more than one hundred and twenty-five per cent of the footprint or foundation area that existed as of November 1, 2001.
2. Minimum lot size shall be one acre. A building may not be deeded, leased, rented, or otherwise let by the existing owner unless it is on a lot legally divided from rest of the owner's contiguous property. Only one business may occupy a lot.
3. All uses shall be confined to the existing building, except parking as provided below.
4. No retail trade may be conducted on the premises of businesses availing these conditional uses in the Agriculture and Rural Residential Zone. No such business may be a subsidiary, franchise, or similar enterprise not under complete commercial control of the local owner(s).
5. The existing agricultural and residential or village and commercial character, according to the respective zone, shall not be substantially changed by the conditional use for the building or lot, the surrounding area, or adjacent buildings.
6. The maximum number of employees allowed, exclusive of the owner(s) of the business, shall be six.
7. Uses in the area surrounding the existing building shall not be impaired by the conditional use, nor shall the conditional use be incompatible with surrounding uses.
8. No noise, vibration, electrical interference, dust, fumes, odors, or other disturbances shall be created, except as permitted and customary in the respective zones.
9. Any signs must be externally illuminated. Any outdoor lighting must be safe for passers-by, efficient as to its use, and it may not adversely affect the viewshed or the nighttime environment.
10. No substantial increase in traffic or parking activity shall be incurred by the conditional use.
11. Adequate off-street parking for employees, clients, customers, and any other regular users of the building must be provided or demonstrated, according to District Commission guidelines. In no case shall parking take place within twenty-five feet of any adjacent residential property.
12. Equipment, material, and other storage on the lot of the existing building in conditional use shall be limited to that used by the business exercising the conditional use and shall be contained in an enclosed structure or screened from surrounding view by effective fencing or planting compatible in character with the surrounding area.
13. Hours of operation shall be limited to 7 a.m. through 6 p.m., Monday through Saturday, except for office uses and insofar, as they do not create a nuisance.

Section 13 Wireless Telecommunications Facilities

1. An application for a building permit must include:

- a) A detailed site plan,
 - b) A report, plans, and elevations, stamped by qualified engineers,
 - i. Describing the height, design, and elevation of all proposed infrastructure,
 - ii. Documenting the height of all proposed antenna mounting positions on a tower,
 - iii. Describing the tower's proposed capacity, including number, height(s), and type(s) of antennas that the tower is expected to accommodate,
 - iv. Documenting the need for the proposed site and structure(s), and demonstrating why no other alternative or site will provide adequate coverage or capacity,
 - c) Any other information that may be required for administration and procedures of the Zoning Regulations,
 - d) Photographs of existing conditions at the proposed site, and accurate photo simulations showing post-construction conditions at the site.
 - e) Any additional information that may be required by the Administrator.
2. An applicant must be a wireless service provider or FCC licensee, or landowner with an executed contract to provide land or facilities to one of those entities. No permit shall be granted for facilities to be built on speculation. The principle of co-location shall be employed to the greatest extent possible.
 3. The applicant shall demonstrate that there are no other existing tower sites that can accommodate the proposed use(s). If other sites do exist, then the applicant must demonstrate that they are technically inadequate, and/or that bona fide, good faith negotiations with that landowner have failed. The duration and terms of any offer shall be disclosed to the Board of Adjustment.
 4. Insofar as is reasonably possible, antennas shall be located within existing tall structures such as church steeples or barn silos, or disguised as natural objects. Some standards herein stipulated may be modified to accommodate these situations.
 5. All towers and related infrastructure shall be designed to minimize the visual impact of height and mass. Materials shall be of a type, style, color, and location so as to blend into the site, minimize glare, and not result in undue adverse visual impacts to the natural landscape or the built environment.
 6. No tower or structure shall exceed 130 feet in height. No tower or structure may be higher than 10 feet above the average height of buildings within 300 feet of the proposed facility. If there are no nearby buildings, then no tower or structure shall be higher than 20 feet above the average tree canopy height measured within 100 feet of the proposed facility.
 7. The minimum setback requirement for any telecommunications tower or associated structure shall be as required in the applicable zoning district, plus an additional setback equal to the height of the tower (the "fall zone"). The minimum setback for any tower taller than 100 feet shall be 300 feet from any dwelling or road or adjacent property line. Where a tower is mounted on an existing structure such as a barn silo, church steeple, or utility pole, and the tower does not increase the height of the structure more than ten feet, then the additional "fall zone" setback is not required.
 8. Towers requiring lighting shall not be permitted, unless the Board of Adjustment finds it the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting that may be permitted is that required by FAA regulation. All lighting shall be shielded to minimize or prevent glare onto adjoining properties or into the night sky
 9. A study from a qualified engineer regarding the maximum projected noise from the proposed facility, measured in dB Ldn (decibels, logarithmic scale, accounting for greater sensitivity at night) may be required by the Board of Adjustment as a

- condition of the permit. This study shall include existing or ambient measurements, plus noise that may be created or caused by the proposed facility. The Board of Adjustment shall require that the noise not constitute an unacceptable nuisance.
10. Screening shall be required at the perimeter of the site, unless it is demonstrated that existing natural foliage is sufficient. Required screening shall be at least ten feet in depth, and at least ten feet tall, with the potential to grow to significant size at maturity. Disturbance to existing topography or vegetation shall be minimized, unless found necessary to mitigate visual or aesthetic impacts. The location and type of security fencing shall be shown and described on the site plan.
 11. Any roads or above ground utilities shall follow the contour of the land, and be sited and constructed to minimize visual impacts to the greatest extent possible.
 12. Telecommunications facilities and associated infrastructure shall avoid adverse impacts to the greatest extent possible on areas described in the Town Plan and otherwise designated by the Town as environmentally sensitive, including steep slopes, wetlands, floodways, unique natural features, wildlife habitat, historic sites, high elevations, ridgelines, and scenic resources and viewsheds. Where there may be adverse impacts, these impacts shall be mitigated to the greatest extent possible.
 13. Other wireless service providers shall be allowed to co-locate on any new or existing tower. The applicant shall provide written evidence as to how it will comply with this requirement, and under what terms such co-location will be allowed. Any permit granted shall include a condition detailing the terms of such co-location.
 14. The owner/operator shall make an annual report to the Town Clerk on the status of the facility, including adherence to permit conditions, operations, appearance, structural integrity, safety, noise, screening, landscaping, service roads, utility connections, and compliance with all applicable federal regulations or permit license conditions shall be provided by the owner/operator.
 15. At least 30 days prior to abandonment or discontinuation of use, the owner/operator shall provide written notice by certified mail to the Town Clerk of any intent to abandon or discontinue the use of the facility or site. Upon abandonment or discontinuation of use, the owner/operator shall physically remove all structures and facilities and return the site to its original condition.
 16. A bond or other means of security approved by Town counsel, sufficient to pay all costs for removal of all structures and restoration of the a site, should the owner/operator be unwilling or unable to do so, shall be required as a condition of permit approval by the Board of Adjustment.
 17. Any change in the number or size of facilities or equipment, or change in technology from the original permit, shall require an amendment to that permit.
 18. Independent consulting assistance may be engaged by the Board of Adjustment to review the application for conformance with the Zoning Regulations and Town Plan. Consistent with State law (24 V.S.A. 4407) the applicant will be required to pay any costs associated with that review. Payment shall be received before the Board of Adjustment may issue its decision.
 19. These regulations are consistent with the Telecommunications Act of 1996: They do not prohibit the provision of wireless telecommunications services, do not discriminate among service providers, and do not pre-empt FCC regulations governing radio frequency emissions.

Section 14 Accessory Dwelling Unit (ADU)

1. The ADU must be appurtenant to an owner-occupied single-family dwelling, or the ADU must be occupied by the owner of the single-family dwelling.

2. A single-family dwelling may have only one ADU.
3. The property to which the ADU is appurtenant must have sufficient wastewater capacity.
4. The unit must not exceed 30 percent of the total habitable floor area of the single-family dwelling to which the ADU is appurtenant.
5. Applicable setback, coverage, and parking requirements specified in the bylaws must be met.

ARTICLE IV. GENERAL REGULATIONS

Section 1 Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these Regulations shall require any change in plan or construction of a nonconforming structure for which an interim zoning permit has been issued and which has been completed within one year from the effective date of these Regulations.

Section 2 Nonconformities

1. Scope. Any lawful use of land or a building existing at the date of passage of these Regulations and located in a district in which it would not be permitted as a new use under the provisions of these Regulations, is hereby declared to be a non-conforming use, and not in violation of these Regulations at the date of adoption of these Regulations; provided, however, a non-conforming use shall be subject to the provisions of Article 4, Section 2, items 1 through 6 of these Regulations.
2. Record of Non-conforming Uses. Within one year after the adoption of these Regulations or any amendments thereto, the Administrative Officer shall prepare a complete record of all non-conforming uses of lands, buildings and structures existing at the time of the adoption of these Regulations or amendments and shall notify the owners of record of said lands, buildings and structures. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupancy other than the owner, and the nature and extent of such use. Such list shall be available at all times in the office of the Administrative Officer. The Administrative Officer shall also record any extensions or changes of non-conforming uses permitted under Article 4, Section 2, items 3 and 4.
3. Change of Non-conforming Use. A non-conforming use may be changed to another non-conforming use only with the approval of the Planning Commission and providing no structural changes are made in the building. Whenever a non-conforming use has been changed to a conforming use, it shall not revert to a non-conforming use.
4. Extension of a Non-conforming Use. A non-conforming use may be extended on the same lot provided that:
 - a) All provisions of these Regulations, except type of use, are complied with,
 - b) The Planning Commission determines that the character of the neighborhood will not be changed substantially by this extension,
 - c) The total extension or the sum of separate extensions does not exceed 50% of the area of the non-conforming use in existence at the time of the adoption of these Regulations, and
 - d) The use, if located in the Flood Plain District, meets the requirements of the Flood Hazard Area Regulations.
5. Restoration of Non-conforming Building. Nothing in these Regulations shall prohibit, within a period of one year from the date of damage or destruction of a non-

conforming building, the securing of a permit for the restoration of said building, provided that its size or degree of nonconformance is not extended.

6. Discontinuance of Non-conforming Use. Any non-conforming use of land or building which has ceased by discontinuance for a period of one year shall thereafter conform to the provisions of these Regulations. However, any such structure located in the Flood Plain District shall meet the requirements of the Flood Hazard Area Regulations.

Section 3 Development of Existing Small Lots

Any lot in individual, separate, and non-affiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of 40 feet.

Section 4 Required Frontage On, or Access to, Public Roads or Public Waters

No land development may be permitted on lots which do not have either (a) frontage on a public road or public waters or (b) access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width, providing such access is approved by the Planning Commission.

Section 5 Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect on the character thereof.

Section 6 Front Yard Setback

Notwithstanding provisions for front yards elsewhere in these Regulations, on streets with less than 50 foot right-of-way, the front yard requirement shall be measured from the center line of the existing roadway and 25 feet shall be added to the front yard requirement.

Section 7 Non-conforming Lots

The following govern development or alteration:

1. Development on a nonconforming Lot or Parcel: An existing nonconforming lot or parcel may be normally developed provided that all provisions of these regulations, except those that create the nonconformity, are complied with, provided that the development also complies with the conditions for existing small lots (See also Section 3 of this Article, [Development of] Existing Small Lots.)
2. Alteration of a nonconforming Lot or Parcel: The boundaries of a nonconforming lot or parcel may be altered only in a manner that decreases, or does not increase, its degree of nonconformity.

Section 8 Limitations on Municipal Bylaws

In accordance with Section 4413 of the Act, certain uses, practices, etc. may not be regulated by the municipality or the municipality must observe specific statutory qualifications in its regulation of these certain uses, practices, etc.

Section 9 Lots in More than One Zoning District

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than 30 feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 10 Building Coverage, Open Porches, Carports and Garages

In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

Section 11 Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these Regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 12 Required Area or Yards

Space required under these regulations to satisfy area, yard or other open space requirements in relation to one building shall not be counted as a part of a required open space for any other building.

Section 13 Temporary Uses and Structures

Temporary permits may be issued by the Administrative Officer for a period not exceeding one (1) year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one (1) year.

Section 14 Destroyed or Demolished Structures

Within one (1) year after a permanent or temporary building or structure has been destroyed or demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Section 15 Off-Street Parking Space Requirements

For every building, except for one-family dwelling units, hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least 20 feet clear in width.

1. Residential Uses. Multiple-family dwelling units--four (4) parking spaces for every three (3) units.
2. Hotel, Motel, Tourist Home. One (1) space for each guest room.
3. Places of Assembly. Every structure used as an amusement facility, auditorium, community center, club, library, museum, church, lodge halls, or any other place of public or private assembly which provides facilities for seating people--One (1) parking space for every five (5) seats. Where there are no seats provided, one (1) Parking space shall be provided for every 200 square feet of floor area.
4. Professional and Medical Offices. One (1) space for every 200 square feet of office space.

5. Commercial, Business and Unspecified Uses. One (1) parking space for every motor vehicle used in the business, plus one (1) space for every 200 square feet of floor area.
6. Restaurant. One (1) parking space for every 150 square feet of floor area.
7. Industrial, Wholesale, Warehouse Storage, Freight and Trucking Uses. One (1) parking space for every motor vehicle used in the business, plus one (1) parking space for every employee in the largest work shift, plus one (1) space for every 200 square feet of office floor Space.

Section 16 Site Plan Approval

For all conditional uses and all uses in the Village and Commercial District with the exception of one-family dwellings and accessory uses, but including all Child Care Facilities whose owner or operator is required to be licensed or registered by the State, a zoning permit shall be issued by the Administrative Officer only after the Planning Commission grants Site Plan Approval.

The Owner shall submit two (2) sets of maps and supporting data to the Planning Commission which shall include the following: Site plan drawn to scale, showing existing features, contours, structures, easements, and proposed structure locations and land use area; and also showing streets, driveways, circulation, parking, and loading spaces, pedestrian walks, and landscaping, including site grading and screening.

In the light of these maps and data, the Planning Commission shall consider the features of the proposed development for adequacy of traffic access, circulation and parking, and landscaping and screening before granting or denying Site Plan Approval.

Section 17 Signs

No signs or billboards shall be permitted in any district except as specifically permitted herein:

1. Signs in Agriculture and Rural Residential District. The following signs are permitted when located on the immediate property:
 - a) One (1) professional or home occupation Sign, not exceeding four square feet.
 - b) One (1) temporary real estate sign, not exceeding six square feet.
 - c) Signs identifying any non-residential building or use permitted in residential districts, not exceeding a total of 20 square feet.
 - d) Directional or information sign, not exceeding four square feet.
 - e) Signs necessary for public safety or welfare.
2. Signs in Village and Commercial District and in Industrial District.
 - a) All Signs permitted under Article 4, Section 17, item 1.
 - b) One (1) business sign not larger than one square foot for each one lineal foot of frontage occupied by the establishment.
 - c) One (1) directory Sign not exceeding 10 square feet in area.
3. General Conditions.
 - a) Every wall sign shall not exceed the highest point of the building's roof.
 - b) Every projecting sign shall:
 - Not extend more than four feet from the building wall, and
 - Not be less than 10 feet above the surface of a public walkway area.
 - c) Every ground sign shall:
 - Not exceed 20 feet in height above the finished grade, and
 - Be set back at least 10 feet from any street line, and at least 10 feet from any other lot line.
 - d) Roof signs shall not be permitted in any zoning district.

4. Computation of Permissible Sign Area. When computing the total permissible sign area for any use:
 - a) Existing signs shall be included.
 - b) The total area of all signs shall not exceed the requirements as set forth in these Regulations.
 - c) Signs consisting of free standing letters, numerals or other device shall include any intervening spaces between them.
 - d) Back to back signs may be counted as one sign.
5. Illuminated and Flashing Signs.
 - a) Illuminated signs shall be shielded so as not to cast direct light onto any residential district or onto any property or building used in whole or in part for residential purposes.
 - b) Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare.

Section 18 Camping Trailers

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach or motor home on any public or private property, except in accordance with the following regulations:

1. The owner of a camping trailer may park it on his own property provided it is not used as a permanent living quarters.
2. A camping trailer may be occupied on any lot for a period not to exceed 90 days in any 12-month period. A camping trailer may be used as permanent living quarters only by complying with all regulations of the zoning district in which it is located.

Section 19 Housing Needs

No provision of this bylaw may have the effect of excluding from the municipality housing to meet the needs of the population based upon inventories, studies, and analyses of current trends and considering the probable social and economic consequences as presented in the Town Plan in accordance with 24 V.S.A. Section 4382(c).

Section 20 Merger of Existing Small Lots

Existing small lots will be deemed merged when held in common ownership except in the case of lots with pre-existing structures, in which circumstance the owner has the option of maintaining the lots as separate.

Section 21 Mobile Home Parks

The following tables and specifications detail standards for a Mobile Home Park:

	Basic Requirements	
	With Municipal Water/Septic	With On-Site Water/Septic
Minimum Mobile Home Park units.	5	5
Minimum land per individual mobile home lot.	12,000 sq ft	1 acre
Maximum mobile home lots in a Park.	20	5

Mobile Home Lot Dimensions		
	Municipal Water/Septic	On-Site Water/Septic
Minimum Area.	12,000 sq ft	1 acre
Minimum Average Width.	100 ft	100 ft
Minimum Average Depth.	120 ft	120 ft

Minimum Setbacks	
From all mobile home lot edges.	15 ft
Buildings not physically connected to a mobile home.	15 ft

Access		
	Municipal Water/Septic	On-Site Water/Septic
Minimum width of right-of-way (ROW) to the Park and its lots.	25 ft	25 ft
Minimum width of traveled portions of an ROW road.	20 ft	20 ft
Minimum road base depth within ROW.	15 in. gravel	15 in. gravel
Minimum radius of curves on access ROW.	30 ft	30 ft
<ul style="list-style-type: none"> • The ROW shall have suitable grade and alignment to allow for servicing of the lots by fire, rescue, utility and other vehicles ordinarily and necessarily incident to such use, maintained by the owner to town road standards. • No dead-end or cul-de-sac ROW shall be permitted unless it is provided with a turnaround that has a minimum 50ft. interior radius. 		

Additional requirements for a Mobile Home Park:

1. On-Site septic systems shall meet State requirements,
2. A minimum of 20% of total land area of a Mobile Home Park shall be common open space,
3. Two off-street parking spaces must be provided per mobile home with a gravel or better surface. The spaces may be included in the minimum lot area requirement and shall be indicated on the site plan,
4. Units must have individual lots, adequate driveways, sufficient parking, and open or recreational space,
5. There must be suitable provisions for the protection of pedestrian traffic,
6. The following facility provisions may be made by the Park owner: laundry, recreation building, central maintenance shed, central TV antenna system, and underground utilities, including fuel storage.

ARTICLE V. DEFINITIONS

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future and the singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association corporation, company, or organization.

Doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Board of Adjustment.

Accessory Dwelling Unit.

An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. A new accessory dwelling unit is created whenever:

1. A new accessory dwelling structure is constructed,
2. The height or floor area of the existing ADU is increased, or
3. The dimensions of parking areas servicing an ADU are increased.

Accessory Use or Building.

A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

Area of Special Flood Hazard.

See the separate Flood Hazard Area Regulations Ordinance.

Agricultural or Forest Use.

Land which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; and, as an accessory use, the sale of agricultural products raised on the property.

Building Area.

Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building Front Line.

Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or not enclosed, but does not include steps.

Building Height.

Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Camp, Organized.

Land on which two or more cabins, trailers, shelters, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes, are located.

Clinic.

An office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments.

Community Center.

Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, not operated primarily for profit.

Coverage, Lot.

That percentage of the lot area covered by the building area.

Craft Shop.

An establishment having ten (10) or less employees, (excluding members of the family) located on the same lot as the owner's principal residence.

Development.

The division of a parcel into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Dwelling Unit.

Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, or tourist home, but shall include mobile home.

Dwelling, One- or Single-Family.

A building used as living quarters by one family, including:

1. A *Family Child Care Home or Facility* providing care to up to six children on a full-time basis within a single-family dwelling, whose owner or operator is required to be licensed or registered by the State. All child-care facilities, including facilities that care for up to six full-time children and four part-time children are subject to site plan review.
2. A *Residential Care Home or Group Home* operated under State licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

Dwelling, Two-Family.

A building used as living quarters by two families living independently of each other.

Dwelling, Multiple-Family.

Building used as living quarters by three or more families living independently of each other.

Family.

One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage, civil union, or adoption, no such single housekeeping unit shall contain more than five members.

Flood Hazard Areas.

See the separate Flood Hazard Area Regulations Ordinance.

Floor Area.

Sum of the gross horizontal area of the floors of a building, excluding the basement. All dimensions shall be measured between interior faces of walls.

Frontage.

The boundary of a lot along a traveled way or along public waters.

Historic Site.

A building or area deemed worthy of preservation for historical reasons. The building area may be so classified by either Federal, State, or Local Authority.

Home Occupation.

Any use customarily conducted within a dwelling or a building accessory thereto by the residents thereof which is clearly secondary to the dwelling used for living purposes and does not change the residential character thereof, and where not more than two persons outside the family are employed, and using no more than an area equivalent to 30% of the floor area of the dwelling, or 500 square feet, whichever is greater. (See also *Craft Shop.*)

Lot.

Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which the land is situated.

Lot Coverage.

See Coverage, Lot.

Mobile Home.

A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

1. Transportable in one or more sections; and
2. At least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. Any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. [Reference: 10 V.S.A. § 6201 (1) (A, B, C)]

Mobile Home Park.

Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer, who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. [Reference: 10 V.S.A. § 6201 (2)]

Motel.

Building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom.

Non-conforming Use.

Use of land or structure which does not conform with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these Regulations.

Non-conforming Lot.

A lot which does not conform with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these Regulations, except that in no case shall a lot be developed that is (a) less than one-eighth acre in area; or (b) has a width or depth dimension of less than 40 feet.

Non-conforming Structure.

Structure not conforming with the Zoning Regulations for the district in which it is located, where such structure conformed with all applicable laws, ordinances, and regulations prior to enactment of these Regulations.

Owner Occupied Dwelling.

A dwelling, not rented, used as a full or part-time residence of the owner.

Parking Space.

Off-Street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and 22 feet long, not including access driveway, and having direct access to a street or alley.

Personal Service.

An establishment for the performance of personal services such as barber shop, hair dresser, beauty parlor, shoe repair, shoe shine, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services. (See Home Occupation.)

Planned Residential Development.

A tract of land which is developed as a unit under single ownership or control, on which a combination of dwellings may be erected as provided in this Regulation.

Private Road or Right of Way (ROW)

A way designated by covenant or deed between private property owners.

Retail Store.

An enclosed shop or store for the sale of goods at retail.

Restaurant.

An enclosed building for the purpose of serving meals and drinks. Entertainment and/or dancing shall be strictly a secondary and minimal activity at such a facility.

Sign.

Any device, structure, building, or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Street.

Public way for vehicular traffic which affords the principal means of access to abutting properties.

Street Frontage.

Lot lines which abut a public street.

Street Line.

Right-of-way line of a street as dedicated by deed or record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the centerline of the street.

Structure.

Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something permanently located on the ground. For the purposes of these Regulations a mobile home is considered a structure and the following are considered exempt structures: Driveways, (state and town permits may be required), fences, septic systems, walls not more than four (4) feet in height, water wells, and any structure which is less than one hundred (100) square feet in area.

Substantial Improvement.

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Trailer.

Includes any vehicle used as camping or temporary living quarters mounted on wheels or a camper body usually mounted on a truck, and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, live-stock, or boats or as an office.

Traveled Way.

The entire right-of-way of a highway, road or other way which exists for vehicular travel, exclusive of a driveway serving not more than two single-family residential uses.

Wireless Telecommunications Facilities.

Any and all towers, antennas, and associated equipment, buildings, and infrastructure that are licensed and/or regulated by the Federal Communications Commission for the provision of wireless telecommunications.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

Section 1 Administrative Office

[Reference: 24 VSA, Chapter 117, Section 4448]

An Administrative Officer is appointed in accordance with Section 4448 (a) of the Act to administer the Zoning Regulations.

Said officer shall literally enforce the provisions of these Regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

The Administrative Officer may enter upon property in the performance of his duties, to inspect property for which applications for a zoning permit has been made, or upon which unauthorized development is occurring. This inspection shall take place in the presence of the owner of the property, or with his permission.

An acting Administrative Officer shall be appointed as provided in Section 4448 (b) of the Act.

Section 2 Zoning Permits

[Reference: Section 4449]

1. No building construction or land development may commence and no land or structure may be devoted to a new or changed use within the municipality without a zoning permit duly issued by the Administrative Officer in accordance with Section 4449 of the Act.
2. Applications. All applications for a zoning permit shall be accompanied by two copies of a sketch plan drawn to scale showing the dimensions of the lot to be built on, location of the building and accessory buildings to be erected, a surveyor's plot plan of the property, if available, and such other information as may be necessary to determine and provide for the enforcement of this Regulations.
For conditional Use Permit for non-conforming uses in the Flood Plain District the application shall also include:
 - a) Two (2) copies of plans drawn to scale showing the nature, location, dimensions and elevations of the lot,
 - b) Existing and proposed structures including the elevation of the lowest floor including basement and confirmation as to whether such structure contains a basement, and
 - c) Proposed fill and/or storage of materials information.
3. Fee. The fee for a zoning permit shall be according to the fee schedule established in Article XII of the Regulation.
4. Issuance of Permit. A zoning permit shall be issued by the Administrative Officer only if an application, fee, and sketch plan have been properly filed and other requirements of this Regulation and relevant state laws have been complied with.
5. Posting of Permit. Within three days following the issuance of a zoning permit, the Administrative Officer shall:
 - a) Deliver a copy of the permit to the Listers of the Town, and
 - b) Post a copy of the permit in at least one public place in the Town until the expiration of 15 days from the date of issuance of the permit.
6. Time of Issuance. A zoning permit shall be issued or denied by the Administrative Officer within thirty (30) days of the submission of a complete application. If the Administrative Officer fails to act within that period of time, the permit shall be considered as issued on the thirty-first (31) day.
If a zoning permit is denied, the Administrative Officer shall so notify the applicant in writing, stating the reasons for denial.
7. Effective Date. If a zoning permit is issued, it shall not take effect until the expiration of a fifteen (15) day appeal period. In the event that notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
8. All activities as authorized by the issuance of the permit shall be completed within two (2) years of the date of issue or the permit shall become null and void, and reapplication and reissuance of another zoning permit shall be required to complete the activities as initiated under the original permit.

Section 3 Stay of Issuance of Permit

[Reference: Section 4449 (a) (3)]

The issuance of a permit may be stayed in accordance with Section 4449 (a) (3) of the Act.

Section 4 Enforcement

[Reference: Section 4451]

The administrative Officer shall enforce the provisions of this Regulation in conformity with Section 4451 of the Act.

ARTICLE VII. BOARD OF ADJUSTMENT

Section 1 Creation of Zoning Board of Adjustment

There is hereby created a Zoning Board of Adjustment for the Town of Pawlet.

Section 2 Appointment and Term of the Board

[Reference: Sections 4440 and 4471]

- 1. Members. The Board of Adjustment shall consist of five members of which two shall be members of the Pawlet Planning Commission.
- 2. Appointment. Members of such Board shall be appointed and any vacancy filled by the Selectboard. The term of each member shall be for four (4) years, except that the terms of the members first appointed shall be so fixed that no more than two (2) terms shall expire during any future calendar year. Each member of the Board of Adjustment may be removed for cause by the Selectboard upon written charges and after public hearing
- 3. Appropriations. The Town shall make such appropriations in its annual budget as are sufficient to afford the Board of Adjustment the technical and material assistance necessary to the fulfillment of its duties as outlined herein.

Section 3 General Powers and Duties of the Board

[Reference: Sections 4460, 4461, and 4471]

- 1. General Powers. The Board of Adjustment is a body with limited powers. Except as specifically provided herein and in accordance with the provisions of 24 VSA, Chapter 91, the Board of Adjustment may not amend, alter, invalidate or affect any plan or bylaw of the Town or the implementation or enforcement thereof, or allow any use not permitted by the Zoning Regulations or any other bylaw.
- 2. General Duties. The Board of adjustment shall be charged with the proper interpretation of the Zoning Regulations and their consequent application within the Town, and with the administration of the procedures allocated to it by this Zoning Regulation including the following:
 - a) To hear and rule on appeals to any order, requirement, decision or determination made by the Administrative Officer in the administration and enforcement of the Zoning Regulations.
 - b) To hear and grant or deny a request for a variance in the application of provisions for the Zoning Regulations, according to Article 7, Section 9 of this Regulation.
 - c) To approve a request for a conditional use within any zoning district if, within sixty (60) days after public notice and hearing as prescribed in Article 10, Section 1 of this Regulation, the Board determines that the proposed use conforms to the Standards as designated in the Zoning Regulations.

- d) To hear, review and decide, after due public notice and hearing as prescribed in Article 10, Section 1, all matters referred to it or upon which it is required to pass according to this or any other regulation.

Section 4 Officers of the Board

[Reference: Section 4461]

The Board of Adjustment shall elect its own officers and adopt rules of procedure subject to the provisions of these Zoning Regulations and the Act. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material pertinent to any issue under appeal.

Section 5 Meetings

[Reference: Section 4461]

Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. All such meetings shall be open to the public.

Section 6 Rules of Procedure

[Reference: Sections 4461]

The Board shall adopt, from time to time, such rules and regulations as it determines are necessary to effect the provisions of this ordinance in accordance with Sections 4462 and 4463 of the Act.

Section 7 Fees

Fees for actions before the Board of Adjustment are set forth in Article XII of this Regulation. The payment of the appropriate fee shall be a condition to the validity of the filing of notices of appeal and any other acts under these Regulations.

Section 8 Appeals to the Board, Applications and Stay of Enforcement

An interested person may appeal any decision or action taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board of Adjustment or with the Town Clerk if no such secretary has been elected.

1. Time for Filing.
If the appeal is made with respect to any decision or action of the Administrative Officer, such notice of appeal must be filed within fifteen (15) days of the date of such decision or action and a copy of the notice of appeal shall be filed with such Officer.
2. Interested Persons. [Reference: Section 4465]
For the purpose of these regulations, an interested person is as defined in Section 4465 (a) and (b) of the Act.
3. Notice of Appeal. [Reference: Section 4466]
Any notice of appeal shall be filed on a form prescribed by the Board of Adjustment and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is made, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant and the alleged grounds why such requested relief is believed appropriate under the circumstances.

4. Hearing on Appeals. [Reference: Section 4468]
The Board of Adjustment shall set a date for a public hearing for an appeal under these Regulations, which shall be within sixty (60) days of filing of the notice of such appeal.

The Board shall give public notice of the hearing, and shall mail to the appellant a copy of such notice at least fifteen (15) days prior to the hearing date. Copies shall also be sent to adjoining property owners if known, although a failure to comply with this provision shall not invalidate any action taken.

Any person or body empowered by Section 7.8.2 of these Regulations to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at such hearing.

Any hearing held under this section may be adjourned by the Board on occasion, provided, however, that the date and place of the reconvened hearing shall be announced at that time.

All hearings held under this section shall be open to the public.

5. Decisions on Appeals. [Reference: Section 4464 (b)]
The Board of Adjustment shall render its decisions on each appeal, which shall include findings of fact, within forty-five (45) days after completing the hearing, in accordance with Section 4464 (b) of the Act.

If the Board fails to act within this period, it shall be deemed to have made the decision in favor of the appellant and granted the relief requested by him on the last day of such period.

6. Minutes and Findings. [Reference: Section 4464 (b)]
The Board shall keep minutes of its proceedings, indicating the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk of the municipality as a public record.

All findings and actions of the Board shall be in writing and shall include the reasons for the action taken irrespective of its nature. Findings shall be detailed and in specific terms, discussing the cause of the decisions, beyond such generalities as "in the interest of public health, safety and general welfare." In every instance, a statement of the facts upon which such action is based shall appear in the minutes.

Section 9 Specific Powers of the Board to Grant Variances

[Reference: 24 VSA, Section 4469]

On an appeal, as discussed in Section 7, item 8 of these Regulations, wherein a variance from the provisions of the Zoning Regulation constitutes the relief requested by the appellant, the Board of Adjustment may grant such variances, and render a decision in favor of the appellant, if all the following facts are established by the Board and are specified in its decision:

1. That there are unique physical circumstances, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located.

2. That as a result of such physical problems, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and
5. That such variance, if authorized, represents the minimum that will afford relief, and provide the least modification possible of the Zoning Regulations and of the comprehensive plan.

Before granting the variance, the Board of Adjustment in its review of the appeal shall also make a finding of fact that the variance, if granted, will not conflict with one of the several purposes and intents of the Zoning Regulations.

In rendering a decision in favor of an appellant under this section, the Board of Adjustment may attach such conditions to the variance as it considers necessary and appropriate under the circumstances to implement the various purposes of these Regulations and the Town Plan then in effect.

No variance granted by the Board of Adjustment permitting the erection or alteration of a building or structure or the use of a building, structure, or land shall be valid for a period longer than six (6) months unless such use is established within such period or, where the establishment of a use is dependent upon the erection or alteration of a building or structure, all necessary permits for the erection or alteration of such building or structure are issued and such erection or alteration is initiated and proceeds to completion in accordance with the terms of such permits and such use is established within six (6) months of the completion of the building or structure.

Section 10 Granting Waivers

Waivers may be granted for a permitted use by the Zoning Administrator to reduce dimensional requirements as need to allow for disability accessibility, fire safety, and other requirements of law.

1. Qualifying for a Waiver
 Waivers may be considered by the Zoning Board of Adjustment for a Conditional Uses to reduce dimensional requirements, but not density requirements, if the proposed development meets any of the following criteria:
 - a) The proposed development conforms to the existing development patterns of the immediate neighborhood.
 - b) The proposed development will more effectively preserve open land or scenic vistas.
 - c) The proposed development will provide for energy conservation and renewable energy structures.
 - d) Meeting the dimensional requirements will create an undue hardship on the applicant and the hardship was not created by the applicant
2. Standards for Granting Waivers
 The Zoning Board of Adjustment May grant a conditional use waiver if the Board finds that the proposed development meets ALL the following standards:
 - a) The proposed development shall not reduce the dimensional requirements by more than the minimum amount necessary.
 - b) The proposed development does not alter the essential character of the

- neighborhood or district in which the property is located.
 - c) The proposed development does not substantially or permanently impair the appropriate use or development of adjacent property.
 - d) The proposed development does not reduce access to renewable energy resources.
 - e) The proposed development shall not be detrimental to the public welfare including the safety and maintenance of the Town's highways.
3. Expiration of Variance or Waiver
 Any variance or waiver approval granted under this Bylaw shall expire two (2) years from the date of the written decision granting such approval unless a zoning permit has been issued by the Zoning Administrator for the approved project.

Section 11 Appeals From Decisions of the Board

[Reference: Section 4471]

An interested person may appeal a decision of the Board of Adjustment to the environmental court, in accordance with Section 4471 of the Act.

ARTICLE VIII. THE PLANNING COMMISSION

Section 1 Continuation of the Planning Commission

The Planning Commission representing the Town of Pawlet is hereby continued.

Section 2 General Review of the Zoning Ordinance

The Planning Commission shall carry on a continuous review of the zoning ordinance and initiate proposals for amendment as required.

As part of the accomplishment of its duties, the Planning Commission shall maintain complete records of its proceedings, studies and recommendations, as well as keep the Selectboard of the Town and the Rutland Regional Planning Commission informed on a current basis of the status of the Zoning Regulations and their effectiveness within the Town.

Section 3 Review of Zoning Amendments

The Planning Commission shall receive and evaluate proposals for amendment of the Zoning regulations, hold public hearings on such amendments after due public notice as required in Article 10, Section 1, and make recommendations to the Selectboard of the Town with respect to such amendments.

Section 4 Specific Powers of the Commission to Evaluate Applications

The Planning Commission shall receive and review applications for site plan approval and grant or deny approval of such applications in conformance with the provisions ordinance.

Section 5 Advisory Counsel to Other Agencies

Upon request, the Planning Commission shall serve as guide and counsel to the Selectboard of the Town, the Administrative Officer, the Board of Adjustment, and other public offices in matters relative to the Zoning Regulations.

Section 6 General Rules of Procedure

No meeting or hearing in any way affecting the zoning ordinance may be held by the Commission without the attendance of a majority of the commission members; nor may any official action be

taken with respect to the Zoning Regulations without the concurrence of a majority of the commission members.

ARTICLE IX. AMENDMENTS AND REPEALS

Scope of Amendments

Any provision of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to the provisions 4403 and 4404 of the Act.

ARTICLE X. PUBLIC NOTICE

Notice of Hearing

[Reference: 24 VSA, Sections 4464 and 4468]

Any public notice required for public hearing under this Zoning Regulations shall be given by the publication of the date, place, and purpose of such hearing in a newspaper of general circulation in the Town, and the posting of a notice in one or more public places within the Town not less than fifteen (15) days prior to the date of the public hearing.

Where such hearing is called in reference to any amendment of these Zoning Regulations or any other matter relating to written material, such public notice shall include either the full text or a brief summary describing the principal provisions and a reference to a place within the Town where copies of the proposed material may be examined.

Notwithstanding the provisions of this section, public notice for a stay of enforcement shall be in accordance with the provisions of Section 4466 of the Act.

ARTICLE XI. PENALTIES FOR VIOLATION

Specific Penalties for Violating the Ordinance

Any person who violates these Zoning Regulations after they have been adopted shall be liable for penalties as prescribed in Section 4451 of the Act.

ARTICLE XII. FEES

Establishment of Fees

The following fees are hereby established. Such fees shall not apply to applications or appeals initiated by the Town of Pawlet. A fee shall be charged as set forth by the Selectboard to cover the cost of all notices.

All appeals.....	\$25.00
For any application to amend this Regulation	\$35.00
For any procedure, other than the above, before the Planning Commission or Board of Adjustment required by the Regulation.....	\$15.00
For any zoning permit	\$ 5.00

No application for any permit may be accepted by the Administrative Officer unless accompanied by a check or money order made out to the Town of Pawlet for the amount of the specified fee.

ARTICLE XIII. SEPARABILITY AND EFFECTIVE DATE

Section 1 Separability

Should any court of competent jurisdiction judge any provision of this Regulation to be invalid, such judgment shall not affect the validity of the Regulation as a whole or any part other than the part so declared to be invalid.

Section 2 Effective Date of Amendment or Repeal

[Reference: Sections 4441 and 4442]

This regulation shall take effect in accordance with the voting and other procedures contained in Section 4404 of the Act.

Revision History

These Zoning Regulations were originally adopted August 24, 1978.

Subsequent revisions are incorporated herein as follows:

1. Under Article II, Zoning District Regulations, “Historic Site” is added as a permitted use in all districts. (Ratified by vote of the Town on March 2, 1982.)
2. Under Article V, Definitions, is added the definition, “an Historic Site is a building or area deemed worthy of preservation for historical reasons. The building may be so classified by Federal, State, or Local Authority.” (Ratified by vote of the Town on March 2, 1982.)
3. Under Article V, Definitions, is also added the definition of a Structure, “Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something permanently located on the ground. For the purposes of these Regulations a mobile home is considered a structure and the following are considered exempt structures: Driveways (state and town permits may be required), fences, septic systems, walls not more than four (4) feet in height, water wells, and any structure which is less than one hundred (100) square feet in area.” (Ratified by vote of the Town on March 2, 1982.)
4. Under Article II, Zoning District Regulations, Section 6, District #6, is added Conditional Use 7, Professional Offices in Historic Buildings. (Ratified by vote of the Town on October 14, 1997.)
5. Under Article III, Conditional Uses, Section 4, Sand and Gravel Pits, item 3, is revised to permit rock crushing machinery. (Ratified by vote of the Selectboard on January 9, 2001.)
6. Article III, Conditional Uses, is amended to add Section 12, Craft Shop or Office Space in an existing building on a lot that does not include the owner’s principle residence. Article II, Zoning District Regulations is amended to add this conditional use in District #5, Village and Commercial, and in District #6 Agriculture and Rural Residential. Article V, Definitions, is amended to define this conditional use. (Ratified by vote of the Selectboard on November 27, 2001.)
7. Article III, Conditional Uses, is amended to add Section 13, Wireless Telecommunications Facilities. Article II, Zoning District Regulations is amended to add this conditional use in District #4, Industrial, District #5, Village and Commercial, and in District #6 Agriculture and Rural Residential. Article V, Definitions, is amended to define this conditional use. (Ratified by vote of the Selectboard on May 14, 2002.)
8. Major revision incorporating numerous changes required by Chapter 117 of Title 24, V.S.A., pursuant to Act 115, adopted May 2004. Notable among the changes are the following:
 - i. Objectives as listed in the Town Plan are incorporated.
 - ii. Accessory Dwelling Unit regulations are added.
 - iii. Mobile Home Park regulations are added.
 - iv. Dimensional specifications have been rationalized across districts and setbacks changed in the Village and Commercial District.
 - v. Section 10 “Granting Waivers” is added to Article VII, and the previously existing Section 10 is renumbered to 11.
 - vi. Article VII, Section 8 (4) “Stay of Enforcement” is removed in accordance with a change to the Act.
 - vii. Article VII, Sec 10 has been rewritten to refer appeals to the Environmental Court, in accordance with a change to the Act.
(Ratified by vote of the Selectboard on May 20, 2009.)