

TOWN OF CLARENDON

Zoning Regulations

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Adopted _____

CLARENDON ZONING REGULATIONS

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ARTICLE I: ENACTMENT, OBJECTIVES, AND PURPOSE

Section 101: Enactment

In accordance with the Vermont Planning and Development Act, Chapter 117 of Title 24 of the Vermont Statutes Annotated, hereinafter referred to as the "Act", there are hereby established land use regulations for the Town of Clarendon which shall be known and cited as the "Town of Clarendon Zoning Regulations".

Section 102: Objectives and Intent

To implement the policies of the duly adopted Town Plan for Clarendon, Vermont.

Section 103: Purpose

These regulations promote the health, safety, and general welfare of the people of Clarendon. Specific objectives are to protect and enhance the value of property, to facilitate the adequate provision of transportation, water, wastewater treatment, schools, and other public facilities and services.

Section 104: Permit Required

No person shall take or cause to be taken any of the following actions without first obtaining a permit: the construction, reconstruction (not including maintenance and/or repairs), conversion, relocation, or enlargement of any building, and any change in the use of any building and commercial extraction of soil, sand and gravel.

ARTICLE II: ESTABLISHMENT OF LAND USE DISTRICTS AND MAP

Section 201: Establishment of Land Use Districts

The Town of Clarendon hereby establishes the following four (4) land use districts and one (1) overlay district.

- A. Agricultural and Rural Residential
- B. Residential and Commercial
- C. Commercial and Industrial
- D. Conservation
- E. Flood Hazard Area Overlay (Attachment B)

The permitted uses and conditional uses allowed in each district are as specified in Article III: Table of Uses

Dimensional requirements for each district are as specified in Article IV

Boundaries for each district are specified in the Land Use District Map (see Sections 203 and 204)

Section 202: Land Use District Descriptions and Purpose

A. Agricultural and Rural Residential District

a. Purposes:

- i. Planned residential developments and land uses that do not remove the potential of the land for agricultural production, such as open space, conservation, and certain forms of outdoor recreation
- ii. Low-density residential and recreational development that is compatible with the district purposes and guidelines.
- iii. Compatible uses include agricultural and forest uses, family dwellings, professional residence-office, tourist home, motel/ hotel, religious institution, school, community, center, hospital, private club, membership clubhouse, outdoor recreation, wildlife refuge, cemetery accessory use and home occupations.
- iv. The following uses may be permitted after issuance of a Conditional Use Permit by the Board of Adjustment in accordance with the provisions of Article V, Section 504 of the Regulations:
light industry, gravel pit, gasoline station, animal hospital or veterinary clinic; (provided that any structure for the housing of animals shall be at least two hundred feet from any residential or any other use in the district to which it would be detrimental).

B. Residential and Commercial District

a. Purposes:

- i. Provide for residential areas and encourage affordable housing, while permitting commercial enterprises.
- ii. Provide for development compatible with existing commercial and residential structures.
- iii. Allow single and two-family residences and other compatible uses, such as small scale, multi-family housing.
- iv. Allow uses at densities appropriate with the physical capability of the land and the availability of community facilities and services where applicable.
- v. Compatible uses include all uses that are permitted in Agricultural and Rural Residential district excluding manufacturing.

C. Commercial and Industrial District

a. Purposes

- i. Provide employment opportunities in manufacturing, warehousing, and research and development.

- ii. Provide commercial and retail uses for employment opportunities as well as expand the economic base.
 - iii. Allow commercial and industrial use including:
 - a. Manufacturing and/or processing and/or assembly
 - b. Warehouse storage and/or distribution of goods, services and material
 - c. Research facilities
 - d. Residential and agricultural uses in conformance with minimum standards under residential uses of these regulations
 - e. Commercial or industrial services
 - f. Retail and/or wholesale operations
 - g. Agriculture
- D. Conservation District
- a. Purposes
 - i. Protect the critical and natural resource value of lands that are essentially undeveloped.
 - ii. Protect wildlife and wildlife habitat, and lands unsuitable for land development.
 - iii. Maintain Class 3 roads in their present state.
- E. Flood Hazard Area Overlay District
- a. Purposes
 - i. Minimize and prevent the loss of life and property.
 - ii. Minimize and prevent the disruption of commerce.

Section 203: Land Use District Map

The location and boundaries of land use districts are established as shown on the Official Land Use District Map. The Land Use District Map is hereby made a part of these land use district regulations. No changes shall be made to the Official Land Use District Map except in accordance with the procedures for amending zoning bylaws.

Regardless of the existence of copies of the Land Use District Map that may from time to time be made or published, the Official Land Use District Map shall be that located in the Clarendon Town Clerk's office.

Section 204: Interpretation of Land Use District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Use District Map, the following rules shall apply:

- A. Boundaries that approximately follow the centerlines of roads, streams, transportation and utility rights-of-way shall be construed to follow such centerlines;
- B. Boundaries that approximately follow lot lines shall be construed to follow such lot lines;
- C. Boundaries that follow shorelines shall be construed as the low mean water level;

- D. Boundaries which are parallel to or extensions of features in A through C above shall be so construed;

Where circumstances are not covered by A through D above or the rules are not clear, the Zoning Administrator shall consult with the Planning Commission.

ARTICLE III: TABLE OF PERMITTED AND CONDITIONAL USES

Section 301: Permitted Uses

Permitted uses (**P**) are permitted in those districts specified in the Table of Permitted and Conditional Uses in Section 305.

Section 302: Conditional Uses

Conditional Uses are uses permitted upon compliance with Article V.

Section 303: Non-Listed Uses

Uses not listed in the Table of Permitted and Conditional uses shall not be allowed unless the BZA determines that a non-listed use has the same general characteristics and the same impacts on adjoining land uses as a listed use.

Section 304: Prohibited Uses

In all districts the following uses are not permitted: hide tanning or curing plants; rendering plants, junkyards; asphalt processing plants, cement plants, manufacturing or processing of chemical fertilizer, bone, rubber, paper, ammonia, chlorine, or explosives; manufacturing or refining of petroleum or gas; crematories; and pornographic uses.

Section 305: Table of Uses

A person shall not use any land or structure within the town except in conformance with the use provisions of the Table of Uses.

District abbreviations: Agricultural and Rural Residential (ARR), Residential and Commercial (RC), Commercial and Industrial (CI), Conservation (CON), Flood Hazard Overlay (FHO) For each district, permissible uses are given one of four designations:

Exempt (E) uses and structures are permissible without obtaining any town permit.

Notified (N) structures are permissible without obtaining any town permit *but* require a written notification to the Zoning Administrator of intent to build.

Permitted (P) uses and structures are permissible upon issuance of a development permit. Such uses may be subject to site plan review (Article VI) by the Planning Commission prior to issuance of a permit.

Conditional (C) uses and structures are permissible only upon issuance of a conditional use permit by Board of Zoning Adjustment (Article V)

Uses not listed as exempt, notified, permitted, or conditional must be reviewed by the Board of Zoning Adjustment for compatibility with the regulations.

PROPERTY USE.	ARR	RC	CI	CON	FHO	NOTES
Agricultural Structures (not including dwellings)	N	N	N	N	N	Allowed in all Districts.
Accepted Agriculture/ Silviculture Practices	N	N	N	N	N	Allowed in all Districts.
Accessory Apartment	P	P	P	P	P	
Accessory Use or Structure	P	P	P	P	P	
Animal Hospital, Veterinary Clinic	P	P	P			
Automobile Repair	C	C	P			
Automobile Gas/Service Station	C	C	C			
Bed & Breakfast	P	P	P			
Hotel & Motel	C	C	P			
Campgrounds, Trailer Camps	P	P		C		
Cemetery Accessory	P	P	P			
Child Care Facility, small	P	P	P			
Child Care Facility, large	C	C	C			
Community Center	P	P	P			
Contractor's Storage Yard	P	P	P			
Cottage Industry	P	P	P			
Home Occupation	P	P	P	P		
Hospital	P	P	P			

Light Industry and Warehouse	C	C	P			
Manufacturing, and/or Processing		C	P			
Membership Club House		P	P			
Minor Improvements	E	E	E			
Mobile Home Park	C	C	C			
Museum, Gallery Places of Public Assembly	P	P	P			
Post Office	P	P	P			
Private Outdoor Recreation	P	P	P			
Private Club	P	P	P			
Professional Office/Personal Services	C	P	P			
Public Power Generating Plant/ Transmission Facilities.	E	E	E			
Research Facilities			P			
Residence, Single Family	P	P	C			
Residence, Two Family	P	P	P			
Residence, Multifamily	C	P	P			
Residential Care/Group Home (serving 8 or less)	P	P	P			
Residential Care/Group Home (serving 9 or more)	C	C	C			
Restaurant, Tavern	C	P	P			
Retail Establishment	C	P	P			
Sand & Gravel Pits	C	C	C			
Special Public Uses (Section 813)	E	E	E			
Trailers/Motor Homes	N	N	N			

ARTICLE IV: DIMENSIONAL REQUIREMENTS

Section 401: Overall Intent

The following requirements apply to all uses shown as Permitted (P) in the Table of Uses (see Section 301). Conditional Uses shall meet the requirements of this Section and any applicable requirements under Article V.

DISTRICT	MIN LOT SIZE	MIN SETBACK			MIN LOT DEPTH	MIN LOT FRONTAGE	Max Building Coverage	Max Building Height**
		FRONT*	REAR	SIDE				
ARR	40,000 sq. ft.	40 ft.	30 ft.	20 ft.	150 ft.	125 ft.	20 percent	3 stories or 35 ft.
RC	40,000 sq. ft.	40 ft.	30 ft.	20 ft.	150 ft.	125 ft.	35 percent	3 stories or 35 ft.
CI	40,000 sq. ft.	40 ft.	30 ft.	20 ft.	150 ft.	125 ft.	50 percent	3 stories or 35 ft.
CON	40,000 sq. ft.	40 ft.	30 ft.	20 ft.	150 ft.	125 ft.	20 percent	3 stories or 35 ft.

All Town Road Rights-of-Way are assumed to be 49.5 feet minimum

*Front setbacks are measured from edge of road right of way

**Max. building height greater than 35 but less than 50 feet subject to conditional use

*See Section 810 for additional requirements for Residential Care/Group Home

Multiple residences are permitted without subdivision of the lot if location of the buildings results in the ability to subdivide at a future date within conformance of the minimum lot size, setbacks, lot depth, lot frontage and building coverage.

Section 402: Density

Any combination of dwelling units may be erected; the maximum permitted density shall be one (1) dwelling unit for each development unit. A "Development Unit" is determined by dividing the total acreage of the parcel to be subdivided by the minimum lot size for the district in which that parcel is located.

Affordable housing development may exceed density limit by 40%, which may include an additional floor in areas with municipal sewer/water service.

ARTICLE V: USES PERMITTED SUBJECT TO CONDITIONS

Section 501: Overall Intent

Uses listed as "conditional" in these regulations are considered to be permitted in the Town of Clarendon. However, certain attributes of these activities must be addressed. It is important that the activities being pursued will not have an "undue adverse effect".

Section 502: Scope

No development listed as Conditional in the Table of Uses (see Section 305) may commence without receipt of a conditional use permit from the Zoning Board of Adjustment (hereinafter ZBA) following a public hearing and review. In making its determination, the ZBA shall consider the provisions of this article and Article VI.

Section 503: Submission Requirements

The owner and/or applicant shall submit three (3) sets of a site plan, application fee and supporting data to the Board of Adjustment (BZA):

- A. Basic Information including:
 - i. Name and address of the owner of record of this, adjoining lands, and lands adjacent (across a road);
 - ii. Name and address of applicant, agent, lessee, or landowner;
 - iii. Name and address of person or firm preparing the plan; and
 - iv. A description of the property giving location of the property.
- B. Site Plan showing: (unless waived by the BZA)
 - i. Proposed structure(s), locations, and land use areas;
 - ii. Roads, access points, driveways, traffic circulation, parking and loading spaces and pedestrian walks;
 - iii. Utilities both existing and proposed, including water, wells, and wastewater disposal systems;
 - iv. Landscaping plans, including site grading, screening, fencing, or gating.
- C. A traffic study if issues of safety are a significant concern to the BZA.
- D. The location, size and details of proposed signs.

- E. A certification signed by the applicant that all adjoining and adjacent property owners have been notified by mail of the application. A copy of the notice shall be filed with the certification.
- F. If deemed necessary for the proposed project by the Board of Adjustment, a Property Survey showing:
 - i. Scale of map, north point and date and/or
 - ii. 20 foot or 3-meter contour lines and/or
 - iii. Existing features including structures, stonewalls, and roads and/or
 - iv. Utility easements and/or
 - v. Rights-of-way and/or
 - vi. Land use and deed restrictions, and/or
 - vii. Land use district classification and/or
 - viii. Forested areas, existing surface waters (brooks, ponds, etc.), critical wildlife habitat (if any) and/or
 - ix. The location of proposed structures with approximate distance from lot lines indicated.

Section 504: General Standards for Review

No permit shall be granted unless the applicant demonstrates that the proposed conditional use will not have an undue adverse effect on any of the following:

- A. The capacity of existing or planned community facilities:
- B. The character of the area, as defined by the purpose of the land use district.
Conditional uses are created with the intent of allowing for a diversity of development types in various districts while at the same time retaining the unique character of each neighborhood in the town.
- C. Traffic on town or state highways in the vicinity:
 - i. The project shall have adequate traffic access and circulation and shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities.
 - ii. The BZA may also consider any local or regional traffic plans or studies in place. Traffic engineering and/or impact studies may be required of the applicant.
- D. Local bylaws or ordinances in effect;
- E. The BZA will consider whether the proposed development will interfere with the sustainable utilization of renewable energy resources.
- F. A decision rendered by the BZA for a housing development or the housing portion of a mixed-use development shall not:
 - i. Require a larger lot size than the minimum as determined in the municipal bylaws
 - ii. Require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of S.100 (Act 47)

- iii. Limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height;
- iv. Limit the density of dwelling units to below that allowed in the municipal bylaws
- v. Otherwise disallow a development to abide by the minimum or maximum applicable municipal standards. However, a decision may require adjustments to the applicable municipal standards listed if the panel or officer issues a written finding stating:
 - a. Why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and
 - b. How the identified restrictions do not result in an unequal treatment of housing, or an unreasonable exclusion of housing development otherwise allowed by the bylaws.

Section 505: Bond

The BZA may require the applicant to provide a suitable performance bond or other form of security to secure compliance with the standards set forth in Section 504.

Section 506: Appeals

An interested person may appeal any decision or act taken by the administrative officer by filing a notice of appeal with the secretary of the BZA. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

A. An Interested Person means any one of the following:

- i. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- ii. The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- iii. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- iv. Any ten persons who may be any combination of voters, municipal residents, or real property owners within a municipality listed in subdivision (2) of this subsection above who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies,

purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

- v. Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this section, and the agency of commerce and community development of this state.

- B. For residential development, appeals of conditional use approvals in state designated areas, including the Clarendon village center, are prohibited.

ARTICLE VI: SITE PLAN

Section 600: Overall Intent

Uses requiring "Site Plan Review" are considered to be permissible in their listed districts (Article III). Site Plan review is to ensure that the proposed construction/use of the site will provide adequate parking and loading areas, adequate vehicular and pedestrian circulation, and the mitigation of adverse impacts from lighting on adjacent properties.

Section 601: Scope

A development permit shall be issued by the Zoning Administrator for any use or structure only after the Planning Commission grants site plan approval except in the following cases:

- A. One- and two-family dwellings and associated accessory uses and buildings;
- B. Any use or structure requiring a conditional use permit.

Section 602: Submission Requirements

The owner and/or applicant shall submit to the Planning Commission three (3) sets of a site plan and supporting data, which shall include the following information presented in drawn form and/or written text.

- A. Proposed structure(s), locations, and land use areas;
- B. Roads, access points, driveways, traffic circulation, parking and loading spaces and pedestrian walks;
- C. Details of proposed signage;
- D. Landscaping plans, including site grading, screening or fencing, or gating.

Section 603: Site Plan Review Considerations

The Planning Commission shall review the site plan map and supporting data before approval or approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives.

- A. Safety of pedestrian and vehicular circulation between the site and the streets.
- B. Adequacy of circulation, parking and loading facilities.
- C. Adequacy of landscaping, screening and setbacks in regard to adjacent property.
- D. Protection of the utilization of renewable energy sources
- E. The size, location and illumination of signs
- F. Exterior lighting

Where the Planning Commission is reviewing a "special public use" as described in Section 813, the BZA shall not impose conditions which shall have the effect of interfering with the intended functional use of the facility.

ARTICLE VII: NONCONFORMITIES

Section 700: Overall Intent

This section applies to all existing buildings and uses which do not conform to the requirements of these Regulations.

Section 701: Construction Approved Prior to Adoption or Amendment of Regulations

Nothing contained in these Regulations shall require any change in a nonconformity where such nonconformity conformed to all applicable laws, ordinances and regulations, or the permit for which was issued, prior to the enactment of these regulations.

Section 702: Change of Nonconforming Use

A Nonconforming Use may be changed to another Nonconforming Use only with the approval of the BZA and then only to a use which in the judgment the BZA is of a lesser, or no more, nonconforming nature. Whenever a Nonconforming Use has become conforming, it shall not be changed back to a Nonconforming Use.

Section 703: Extension of a Nonconforming Use within an Existing Structure

A nonconformity may be extended throughout the structure, provided no structural alterations or changes are made therein, except those required by law or ordinance or as may be required for safety or necessary to secure or ensure the continued advantageous use of the structure during its lifetime.

Section 704: Enlargement of a Nonconforming Use

A nonconforming use may be enlarged on the same lot provided that:

- A. All provisions of these Regulations, except type of use, are complied with;
- B. The BZA determines that there will be no undue, adverse effect on the character of the neighborhood;
- C. Only one such extension is made; and
- D. The total enlargement does not exceed fifty (50%) percent of the area of the Nonconforming Use in existence at the time of the adoption of these Regulations.

Section 705: Restoration of a Use Nonconformity

Any use nonconformity which has been destroyed or damaged by fire, explosion, act of God, or by vandalism or public enemy, may be restored within a one year period, to the same use nonconformity as existed before such damage. This use nonconformity may be restored further upon annual application to the BZA where it can be demonstrated that restoration within the original time period is not possible.

Section 706: Discontinuance of Use Nonconformity

Any use nonconformity which has ceased by discontinuance, or abandonment for a period of one year shall thereafter conform to the provisions of the Regulations. Intent to resume a use nonconformity shall not confer the right to do so unless actual resumption occurs within the specified time period or application for an extension is made to the BZA.

Section 707: Maintenance of a Dimensional Nonconformity

A dimensional nonconformity of a structure may be normally maintained and repaired provided that such action does not increase the degree of nonconformance.

Section 708: Expansion of a Dimensional Nonconformity

A dimensional nonconformity of a structure may be expanded provided such action does not increase the degree of nonconformity or create a greater nuisance, detriment to the public health, safety or welfare than the existing dimensional nonconformity.

Section 709: Restoration of a Dimensional Nonconformity

Any dimensional nonconformity which has been destroyed or damaged by fire, explosion, act of God, or by vandalism or public enemy, may be restored within a one year period, to the same use nonconformity as existed before such damage. This dimensional nonconformity may be restored further upon annual application to the BZA where it can be demonstrated that restoration within the original time period is not possible.

Section 710: Alternation of a Lot or Parcel with a Dimensional Non-Conformity

The boundaries of a lot or parcel with a dimensional nonconformity may be altered only in a manner that decreases, or does not increase, its degree of nonconformity.

ARTICLE VIII: GENERAL REGULATIONS

Section 801: Compliance with Regulations

No land, building, or premises; or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with this Regulation.

No lot shall have an area, width, or a front, side or rear yard, less than that set forth unless otherwise provided with these Regulations.

No building or buildings shall occupy in the aggregate a greater percentage of lot area than set forth unless otherwise provided with these Regulations.

Section 802: Existing Small Lots

Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet. If a lot not conforming to the minimum lot size requirements in the district in which it is located is or subsequently comes under

common ownership with one or more contiguous lots, the nonconforming lot(s) shall not be deemed merged and shall be considered separate lots.

Section 803: Required Frontage on, or Access to, Public Roads or Public Waters

Land development may be permitted on lots that do not have frontage on either a public road or public waters provided that access through a permanent easement or right of way, has been approved by the Planning Commission. All such access shall be at least twenty (20) feet in width and have a maximum sustained grade of not more than 18%. When reviewing an application for an easement for access to a public road or public water from an otherwise inaccessible parcel, permission and any agreed-upon use restrictions, in writing, from the landowner of the property to be used for the easement or deeded right-of-way and a map or sketch of the proposed easement with verification of grade shall be submitted to the Planning Commission.

Section 804: Home Occupation

No regulation herein is intended to infringe upon the right of any resident to use a portion of a dwelling or accessory building for an occupation which is customary in residential areas and

- A. The use does not have an undue adverse impact on the character of the area and the dwelling, accessory buildings, and the lot shall maintain a residential appearance at all times.
- B. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference significantly beyond what normally occurs in the applicable zoning district.
- C. Storage of equipment and inventory related to the Home Occupation shall be within an enclosed structure or properly screened to maintain the character of the area.

Section 805: Equal Treatment of Housing

Nothing herein shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

Nothing herein shall have the effect of excluding from the municipality housing to meet the needs of the population as determined in 24 V.S.A § 4382 (a) (10) of the Vermont Statutes Annotated.

Nothing herein shall be construed to prevent the establishment of mobile home parks in accordance with chapter 153 of Title IO of the Vermont Statutes Annotated.

Section 806: Multifamily Dwellings

A multifamily dwelling shall be considered a permitted use in the Residential and Commercial District and the Commercial and Industrial District and a conditional use in the Agricultural and Rural Residential District.

Section 807: Accessory Apartment

An accessory dwelling shall be a permitted use. An accessory dwelling unit is a distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- A. The property has sufficient wastewater capacity;
- B. The unit does not exceed 50 percent of the total habitable floor;
- C. Applicable setback, coverage, and parking requirements specified in the bylaws;
- D. An Accessory Dwelling Unit shall be considered a public building if it is rented, and therefore subject to fire and building safety codes.

Section 808: Child Care Facilities

A "family child care home or facility" as used in this section means a home or facility where the owner or operator is to be licensed or registered by the state for child care. A family child care home serving six or fewer children shall be considered to constitute a permitted single family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7); shall be considered to constitute a permitted use of property but requires site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part time children shall be reviewed as a conditional use.

Section 809: Residential Care/ Group Homes

A residential care home or group home, to be 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, shall be considered to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home. A residential care home or group home, to be operated under state licensing or

registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review

Section 810: Trailers/Motor Homes

Parking a camping trailer, travel trailer, pickup coach or motor home on any public or private property, is permitted only in accordance with the following regulations:

- A. It is not used as a permanent living quarters; and
- B. If more than ten (10) feet in length it is parked so as to comply with the setback requirements of the district; and
- C. It is not occupied for more than 180 days in any 12 month period unless it is being used as temporary living quarters for a maximum of two years while a permanent residence is under construction.

Section 811: Trailer Camp Permits

No person or persons shall construct or operate a travel trailer camp without first obtaining site plan approval from the Planning Commission and a permit from the Zoning Administrator.

Application for travel trailer camp site plan approval shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings showing property lines, sanitary sewer and storm sewer drainage facilities, garbage collecting stations and electrical distribution.

Travel trailer camps shall comply with applicable State Regulations.

Section 812: Agricultural Structures

Pursuant to 24 V.S.A. § 4413(d) agricultural structures, excluding dwellings, are exempt from local permitting requirement. However, persons intending to erect a agricultural structure must

notify the municipality of the intent to build and abide by setbacks contained in Article IV, unless they obtain an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets.

The notification shall contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all agricultural structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program.

Section 813: Special Public Uses

The following "special public uses" shall be subject to Article VI, Section 604 Site Plan Review (24 V.S.A. Section 4416)

- A. State- or community-owned and operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the State Department of Education.
- C. Houses of worship and all related and appurtenant structures
- D. Public and private hospitals.
- E. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Section 814: Mobile Home Parks

Mobile home parks are permitted as a conditional use in the specific zoning districts listed in Article III and are subject to review under Article V of these bylaws. New mobile home parks and any addition or alteration to an existing mobile home park, requires conditional use approval by the BZA. The following requirements shall apply to mobile home parks:

- A. Mobile home lots in a Mobile Home Park shall not be located within a flood way and all mobile home pads within the park, if located in a Flood Hazard Area, shall meet the requirements of Appendix A: Clarendon Flood Hazard Zoning Regulations.
- B. A minimum of eight thousand (8,000) square feet of land shall be provided for each mobile home lot within a Mobile Home Park.
- C. Within the Mobile Home Park the minimum width of a lot shall be fifty (50) feet, front setbacks shall be 20 feet and the side and rear setbacks shall be fifteen (15) feet. All buildings not physically connected to a mobile home must be at least fifteen (15) feet from all buildings.
- D. The access right-of-way width to the Park and its Lots shall be a minimum of thirty (30) feet with the traveled portions of the road to be at least twenty (20) feet in width.

The Right of Way 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.

- E. Minimum radius of curves on access rights-of-way shall be at least thirty (30) feet.
- F. There shall be no dead end rights of-way unless with a turnaround or cul-de-sac having at least a fifty (50) foot interior radius.
- G. At least two (2) off street parking spaces shall be provided for each mobile home. Minimum surface treatment of such parking spaces shall be gravel. The space may be included in the minimum lot area requirement and shall be indicated on the site plan.
- H. Each lot shall be landscaped and maintained by the owner and or lessee according to State regulations.

Section 815: Calculation of Minimum Lot Size

To calculate the required lot area, existing public road rights-of-way shown on the official map shall not be considered as part of the minimum lot size.

Section 816: Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year, for use as a temporary building, for construction and conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. A 6 month extension of this date may be approved by the Zoning Administrator.

Section 817: Abandonment of Structures

Within one year after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all excavation remaining shall be filled to the normal grade by the owner and all building waste and/or structures shall be removed.

Section 818: Obstruction of Vision

In all districts on a corner lot, within the triangular area formed at the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

Section 819: Open Storage

In any district, unregistered motor vehicles shall not be parked in front yard. Section 820: Off Street Parking and Loading Space Requirements

Off-street parking spaces shall be provided at least as set forth below.

A required driveway shall be at least twenty feet (20) clear in width, except for one- and two-family dwelling use. A parking space shall be at least nine (9) feet by eighteen (18) feet.

- A. Residential:
 - i. Single-family, two-family dwelling units:
 - a. two parking spaces for every unit
 - ii. Multifamily dwelling units:
 - a. one-and-a-half parking spaces for every unit;
- B. Professional residence office;
 - i. one (1) parking space plus one (1) additional parking space for every three hundred square feet of office space
- C. Hotel, Motel, Bed and Breakfast;
 - i. One space (1) for every guest room
- D. Nursing home, Hospital;
 - i. One (1) space for every two (2) beds
- E. Places of Public Assembly
 - i. One (1) parking space for every five (5) seats; where there are no seats, one (1) parking space shall be provided for every two hundred (200) square feet of floor area.
- F. Business, Professional and Medical Office
 - i. One (1) parking space for every two hundred (250) square feet of office space
- G. Retail Establishment;
 - i. One(1) parking space for every motor vehicle used in the business, plus one(1) parking space for every two hundred (250) square feet of office space.
- H. Restaurant, Tavern and Private Club;
 - i. One (1) parking space for every one hundred-fifty (150)-square feet of floor space

Section 821: Signs

The following signs are permitted when located on the immediate property:

- A. One (1) professional or home occupation sign, not exceeding six (6) square feet.
- B. One (1) temporary real estate sign, not exceeding six (6) square feet
- C. Signs identifying any permitted non-residential use, within any district including, not exceeding a total of twenty square feet.
- D. Signs necessary for public welfare or deemed to be in the public interest by the planning commission.

NOTE: Signs for non-residential use that trigger Act 250 will be regulated by the State of Vermont.

Section 822: Commercial Extraction of Soil, Sand and Gravel

The removal of soil, sand or gravel for sale shall be permitted only upon approval of a plan as part of a conditional use permit for the rehabilitation of the site by the BZA. Rehabilitation shall complement the landscaping in the immediate vicinity.

Section 823: Home Sale Disclosure

A property owner located on a class 4 road must disclose to the buyer that the municipality is not required to maintain the road.

ARTICLE IX: WAIVERS

Waivers may be considered by the BZA 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.

The BZA may grant a conditional use waiver if the Board finds that the proposed development meets ALL of the following standards:

- A. Shall not reduce the dimensional requirements by more than the minimum amount necessary.
- B. Does not alter the essential character of the neighborhood or district in which the property is located.
- C. Does not substantially or permanently impair the appropriate use or development of adjacent property.
- D. Shall not be detrimental to the public welfare including the safety and maintenance of the Town's highways.

The BZA may impose conditions regarding the design and screening of the project to mitigate any impacts on neighboring properties.

ARTICLE X: DEFINITIONS

Accepted Agricultural/ Silvicultural Practices: as defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively.

Agricultural Structure: a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

Accessory Dwelling Unit An accessory dwelling unit is a distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- A. The property has sufficient wastewater capacity; and
- B. The unit does not exceed 50 percent of the total habitable floor
- C. Applicable setback, coverage, and parking requirements specified in the bylaws.
- D. An Accessory Dwelling Unit shall be considered a public building if it is rented, and therefore subject to fire and building safety codes.

Accessory Use or Structure: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. Accessory uses or structures are subject to the same requirements as principal structures.

Bed and Breakfast: An owner-operated lodging facility located within a residential dwelling with up to ten rooms designed for two persons each, or twenty guests.

Building Height: Vertical distance measured from the average elevation of the finished grade to the highest point of the roof for flat and mansard roofs, and to the average height between eave and ridge for other types of roofs. Building height provisions shall not apply to agriculture structures.

Contractor's Storage Yard: An unenclosed portion of the lot or parcel upon which a contractor maintains its principal office. Designation of the area as a contractor's storage yard would allow the area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the contractor.

Cottage Industry: An expanded home occupation conducted by the resident(s) of a dwelling unit, which is carried on within the principal dwelling and/or an accessory structure and has no more than four (4) nonresident employees.

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

Development shall not include the usual and customary removal of rock, gravel or related materials from mining operations that pre-exist this regulation or are operating under a valid permit.

Dwelling Unit: A building or part thereof used as living quarters for one family.

Family Child Care Home: A family day care home is a day care facility which provides for care on a regular basis in the caregiver's own residence. For the purpose of this section, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day.

These shall not include children who reside in the residence of the caregiver.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Home Occupation: An accessory use conducted within a portion of a dwelling or an accessory building by the residents thereof.

Light Industry: The manufacture of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Includes those uses which are generally not objectionable because of noise, frequent and/or heavy truck traffic, or fumes. Light industry uses are those which consist of the production, processing, cleaning, testing or distribution of materials or goods.

Minor Improvement: Normal maintenance and repair of an existing structure which do not result in exterior alterations or expansion of change of use. Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use. Exterior alterations to structures which do not result in any change to the footprint or height of the structure or a change in **use**.

Mobile Home (Statutory Definition 24 V.S.A. Sections 4412 and 4413): 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 transportable in one or more sections.

Mobile Home Park (10 V.S.A. § 6201(2)): 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.

Modular (or Prefabricated) Housing (24 V.S.A. Sections 4412 and 4413): A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Nonconforming Lots or Parcels (24 V.S.A. § 4303(13)): Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

Nonconforming Structure: (24 V.S.A. § 4303(14)): A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator.

Nonconforming Use (24 V.S.A. § 4303(15)): Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator.

Professional Office: An office or office structure, not greater than 3,000 square feet in total area, whose use is limited to work that causes ordinary noise, odor, air, water, or soil pollution.

Residence, Single-Family (to include mobile homes & modular homes): Building used as living quarters by one family.

Residence, Two-Family: Building used as living quarters by two families living independently of each other, with separate entrances and cooking and toilet facilities for each dwelling unit.

Residence, Multi-Family: Building designed for occupancy by three or more families living independently of each other, with separate entrances and cooking and toilet facilities for each dwelling unit.

Residential Care Home (33 V.S.A. § 7102(1)): A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator.

Restaurant: An establishment whose principal business is the selling of food and beverages primarily to persons served within or adjacent to the building. Typical uses include cafes and coffee shops.

Retail Establishment: a store used primarily engaged in selling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

Structure: an assembly of materials for occupancy or use, including a building, mobile home, trailer, sign, wall or fence.

Substantially Commenced: will apply to a permitted project that has approximately +/- 40% of the permitted project constructed including but not limited to a foundation, well/septic and/or walls with a roof.