



**ZONING ORDINANCE  
TOWN OF PITTSFORD, VERMONT**

**ADOPTED: February 6, 2013**

**EFFECTIVE: February 27, 2013**

Pittsford Town Clerk's Office  
this 27<sup>th</sup> day of February, 2013  
at 11:30 o'clock P. M.  
received and recorded in Vol. Ordinance  
at page Annex  
Helen F. McKelvey Town Clerk

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| A: Flood Hazard Area Regulations                               |           |

## **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 Zoning Regulations for Town of Pittsford which shall be known and cited as the "Town of Pittsford Zoning Regulations".

### **Section 102: Objectives and Intent**

The objective of the Zoning Regulation is to establish standards and policies concerning development of land, which further the goals of the Pittsford Town Plan.

It is intended that standards and policies established by the Zoning Regulations reflect and express a sense of community values toward Pittsford's environment including the value of appearance and congenial arrangement for the conduct of farming, trade, industry, residential and other uses of land necessary to the community's well-being insofar as such values are related to the objectives of the adopted Town Plan.

### **Section 103: Purpose**

These regulations promote the health, safety, and general welfare of the people of Pittsford and implement the Pittsford Town Plan. 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, to provide for orderly growth and to further the purposes set forth in the Plan.

### **Section 104: Application of this Bylaw**

Unless expressly exempted herein, or by Federal or State law, no development shall be commenced unless and until an administrative permit has been issued by the Zoning Administrator in conformance with this Zoning Regulation and the Pittsford Flood Hazard Area Regulations (See Attachment A).

### **Section 105: Exemptions**

The following construction activities and/or land uses shall be exempt from review under these Bylaws and no administrative permit for said construction activities or land uses shall be required:

1. Normal maintenance, repair, upgrading, or remodeling of a building or structure that neither increases the building's or structure's footprint nor involves a change in use.
2. The construction of an accessory structure containing not more than 150 square feet on a residential lot so long as said accessory structure is in compliance with all applicable setbacks;
3. Above-ground pools having a capacity to hold not more than 3,000 Gallons;

4. The import or removal of fill, in an aggregate amount of not more than 30 yards, is exempt from regulation, provided that no slope thereby will be caused to exceed 12%, and that there is no undue adverse impact on adjoining properties.
5. The conducting of accepted agricultural practices (AAP's), or accepted management practices (AMP's) for forestry and silvaculture, including the construction of farm structures as such practices are defined by the Secretary of Agriculture or Commissioner of Forest, Parks & Title 6 of the Vermont Statutes Annotated. However, any person intending to construct a farm structure as that term is defined at Section 4413(d)(1) of the Act must comply with Section 1121 hereof;
6. The construction of electric generating plants and transmission facilities or telecommunications facilities which are otherwise regulated under 30 V.S.A. § 248.

### **Section 106: Limitations on Regulation under this Bylaw**

Notwithstanding any other provision of this Bylaw, the following uses may be regulated only with respect to location, size, height, lot coverage, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- (1) State- or community-owned and operated institutions and facilities.
- (2) Public and private schools and other educational institutions certified by the state department of education.
- (3) Churches and other places of worship, convents, and parish houses.
- (4) Public and private hospitals.
- (5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
- (6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

## ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

### Section 201: Establishment of Zoning Districts

The Town of Pittsford hereby establishes the following seven (7) major Zoning Districts and two (2) overlay Zoning Districts.

- A. Conservation I & Conservation II
- B. Rural
- C. Village
- D. Rural Commercial
- E. Commercial
- F. Industrial
- G. Flood Hazard Overlay District
- H. Wetlands Overlay District

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

The minimum lot sizes, set back requirements, frontage requirements and height limitations for each district are as specified in Article IV: Lot Size, Setbacks, Yards, Height Limitations

Subject to Section 203, if and to the extent that there is any discrepancy between the descriptions of the zoning districts set forth below and the districts as shown on the Official Zoning Map, the district boundaries as shown on the Official Zoning Map shall control.

#### A. Conservation

1. Description: Lands above the 800 foot contours that are generally characterized by dense forests, steep hills with shallow or otherwise fragile soils, stream banks and elevations where potential development is limited. Some of the more prominent areas within this district are Cox Mountain, Biddie Knob, Bald Peak, and Blueberry Hill. Other protected areas include lands owned by the Nature Conservancy, the Towns of Proctor and Pittsford and the State of Vermont.
  - (a) Within the Conservation District the Conservation I District includes the areas between eight hundred (800) and one thousand one hundred (1,100) feet above sea level in elevation as shown on the Map.
  - (b) Within the Conservation District the Conservation II District includes those areas on the Map located at an elevation of one thousand one hundred (1,100) feet above sea level or higher.

2. Purpose: To provide habitat for wildlife and offer scenic vistas of Pittsford, which are essential components of the tourist industry. Development between the 800 and 1,100-foot contours should be limited to residential and agricultural uses on lots of at least two acres. Above 1,100 feet, where residential uses prove feasible given the availability of water and on-site sewage disposal, lots should be at least five acres.

To provide land area for low-impact recreational uses, such as nature and hiking trails and low-density residential development, farming, forestry, recreation and other rural land uses. Residential development above 1,100-foot contour should be extremely limited.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Hazard Overlay District. Please check the Official Zoning Map and see Attachment A

#### B. Rural

1. Description: Those areas outside the Village District not otherwise designated for commercial, industrial or conservation.
2. Purpose: To preserve the rural character by managing the development of open space and woodland while fostering appropriate economic activity. Growth should be managed consistent with the character of the area, the availability of services, and the site conditions.
3. Flood Hazard Areas: There may be some land within this district that is within the Flood Hazard Overlay District. Please check the Official Zoning Map and see Attachment A

#### C. Village

1. Description: The Pittsford village area is mostly the former Village of Pittsford. The Village is the site for much of the state and local governmental uses.
2. Purpose: To maintain the village's traditional social and physical character. Some portions of the village are long established and have little room for new growth being suitable mainly for residences, commercial uses, and recreation.

The development of certain areas of the Town along US Route 7 is the area that is most extensively served by municipal water and sewer services. This is the area of the town, which historically has the most intense development.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Hazard Overlay District. Please check the Official Zoning Map and see Attachment A

D. Rural Commercial

1. Description: Portions of Vermont Route 3 as designated on the zoning map.

Lots, a portion of which lie within 600 feet from the centerline of VT Route 3, and which are in an area designated as a Rural Commercial District; and which have a minimum of 200 feet of frontage on VT Route 3 or a minimum of a 200 foot wide access strip to VT Route 3.

Lots whose depth extends more than 600 feet from the centerline of VT Route 3, are allowed to have the Rural Commercial District designation extended to the rear property line, or to the Conservation District, whichever is closer to VT Route 3.

2. Purpose: To provide an area where light commercial uses would be permitted that would not detract from the residential atmosphere common throughout most of Route 3 but would permit residents to engage in activities that are somewhat more intensive than customary home occupations but not as intensive as the uses in the commercial areas.
3. Flood Hazard Areas: There may be some land within this district that is within the Flood Hazard Overlay District. Please check the Official Zoning Map and see Attachment A

E. Commercial

1. Description: Areas proximate to primary transportation routes and currently or likely to be areas of commercial growth as shown on the zoning map including the access into and out of the village along sections of Route 7.

Lots, a portion of which lie within 600 Feet from the centerline of U S Route 7, and which are in an area designated as a Commercial District and which have a minimum of 200 feet of frontage on U S Route 7 or a minimum of a 200 foot wide access strip to U S Route 7 and whose depth extends more than 600 feet from the centerline of U S Route 7, are allowed to have the Commercial District designation extended to the rear property line, or to the Conservation District, whichever is closer to U S Route 7.

2. Purpose: To provide opportunities for commercial uses.
3. Flood Hazard Areas: There may be some land within this district that is within the Flood Hazard Overlay District. Please check the Official Zoning Map and see Attachment A.

F. Industrial

1. Description: The area is composed primarily of land owned by OMYA and the railroad. Other sites, adjacent or nearby to OMYA lands, and along access to the OMYA lands, are also considered to have potential for industrial uses.
2. Purpose: To allow for industrial development in those areas of the town that offer the potential for further industrial expansion if the resources are available to make them useable for industrial purposes.
3. Flood Hazard Areas: There may be some land within this district that is within the Flood Hazard Overlay District. Please check the Official Zoning Map and see Attachment A

G. Flood Hazard Overlay

1. Description: All lands shown on the official Zoning Map as flood hazard areas are based on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.; the area is also generally shown on the Official Zoning Map as an overlay. See also Attachment A: Flood Hazard Area Regulations.
2. Purpose: It is the purpose of this district and its regulations to promote the public health, safety, and welfare, to control development of lands in areas of special flood hazard, and to minimize losses due to floods by:
  - (a) Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood or cause excessive increase in flood heights or velocities;
  - (b) Requiring that uses vulnerable to floods, including public facilities that serve such uses be protected at the time of initial construction, against flood damage;
  - (c) Protecting individuals from buying lands that are unsuitable for their intended purposes because of flood hazard.
3. Uses within the Flood Hazard Overlay District are subject to the provisions of Attachment A.

#### H. Wetlands District Overlay

1. Description: Those lands generally designated on the Vermont Significant Wetlands Inventory Maps which incorporate, in part, the National Wetlands Inventory Maps. Note that on-the-ground analysis of sites may be necessary and not all sites have been identified.
2. Purpose: To preserve and protect designated wetlands by limiting development to recreational, agricultural, and open space.

#### **Section 202: Zoning Map**

The location and boundaries of Zoning Districts are established as shown on the Official Zoning Map, and in accordance with provisions in this regulation. The Zoning Map is hereby made a part of these zoning regulations. No changes shall be made to the Official Zoning Map except in accordance with the procedures for amending zoning regulations.

Where available (i.e., Zones A1 through A30, AE and AH), the base flood elevations and floodway limits provided by the National the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations; the area is also generally shown on the Official Zoning Map as an overlay. See also Attachment A: Flood Hazard Area Regulations.

In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, base flood elevation and floodway information available from state or federal agencies, or other sources, shall be obtained and reasonably used.

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

#### **Section 203: Interpretation of Zoning District Boundaries**

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

- A. Boundaries that approximately follow the centerlines of roads, streams, and 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; and

E. Boundaries shall be determined based on the language in the Zoning Regulation.

Where circumstances are not covered by A through E above, the Zoning Administrator shall interpret the district boundaries. For lots divided by a zoning district boundary, see Section 1111.

**ARTICLE III: TABLE OF USES**

**SECTION 300: Table of Uses**

**ALL NON-EXEMPT USES REQUIRE A PERMIT**

The Table of Uses, below, identifies use categories as permitted (“P”) or conditional (“C”) in the various zoning districts defined in Article II.

- A. All uses are subject to the requirements of Article IV and Article XI.
- B. No use identified as either a Permitted (“P”) or Conditional (“C”) Use shall be commenced unless and until an administrative permit has been obtained pursuant to Section 1302.
- C. Conditional Uses also are subject to the provisions of Article V, as applicable.
- D. For the purposes of the table below: C II = Conservation II; C I = Conservation I; R = Rural; V = Village; RC = Rural Commercial; C = Commercial; I = Industrial.

| Property Use                            | C II |     | C I |   | R | V | RC | C | I | COMMENTS |
|---|------|-----|-----|---|---|---|----|---|---|----------|
|   | P/C  | P/C | P   | P |   |   |    |   |   |          |
| Accessory Dwelling Unit                 |      |     |     |   |   |   |    |   |   |          |
| Accessory Structure                     | P    | P   | P   | P |   |   | P  | P | P |          |
| Animal Boarding/Kennels                 |      |     |     |   |   |   | C  | C | P |          |
| Animal Hospital/Veterinarians           |      |     |     |   |   | C | C  | C | P |          |
| Appliance – Retail Sales and Service    |      |     |     |   |   | C |    | P |   |          |
| Appliance – Wholesale Sales and Service |      |     |     |   |   | C |    | P |   |          |
| Art Gallery                             |      |     |     |   |   | P | C  | P |   |          |
| Associations: Clubs and Lodges          |      |     |     |   |   | P |    | P |   |          |
| Auction House                           |      |     |     |   |   | C |    | P | P |          |
| Automobile; Storage (inside)            |      |     |     |   |   | C | C  | P | P |          |
| Bank                                    |      |     |     |   |   | C |    | P | P |          |
| Bars & Night Clubs                      |      |     |     |   |   | C |    | C | C |          |
| Beach (Gov. or Private Organization)    |      |     |     |   | C |   |    |   |   |          |
| Bed & Breakfast (Lodging)               |      |     |     |   | C | P | C  | P | P |          |

| Property Use  | C II | CI | R | V | RC | C | I | COMMENTS        |
|---|------|----|---|---|----|---|---|-----------------|
| Beer & Wine Distributors                                      |      |    |   |   |    | P | P |                 |
| Book Store  |      |    |   | C | C  | P | P |                 |
| Bowling Alley   |      |    |   | C |    | P | P |                 |
| Building Materials Sales/Storage                              |      |    |   | C | C  | P | P |                 |
| Camp: Commercial/Organized                                    |      | C  |   |   |    |   |   |                 |
| Camp: Seasonal Use - residential/hunting                      | P    | P  | P |   | P  | P | P |                 |
| Campgrounds (Gov. or Private Organization)                    |      | C  | C |   | C  | C |   |                 |
| Car Wash  |      |    |   | C |    | P | P |                 |
| Cemeteries  |      | C  | C | P | C  | C |   |                 |
| Children's Buildings: Play Houses less than 150 square feet   | E    | E  | E | E | E  | E | E |                 |
| Clinic (Human) Medical  |      |    |   | P | C  | P |   |                 |
| College   |      |    |   | C | C  | C |   |                 |
| Community Care Facility                                       |      |    |   | C | C  | C |   |                 |
| Community Center / Hall                                       |      |    | C |   |    |   |   |                 |
| Computer and Business Machines Sales/Service                  |      |    |   | C |    | P |   |                 |
| Concrete Products Sales                                       |      |    |   |   |    |   | P |                 |
| Contractors Yards   |      |    |   |   |    | C | P |                 |
| Convenience Stores/Small Groceries (No Gas)                   |      |    |   | C |    | P | C |                 |
| Cottage Industry  |      |    | C | P | P  | P | P | See Section 504 |
| Cultural Facilities (Public & Private)                        |      |    | C | C | P  | P |   |                 |
| Dairies, Processing & Distributing                            | P    | P  | P | C | P  | P | P |                 |
| Day Care Facility-(Seven (7) or More) Adults                  |      |    | C | C | C  | P | P |                 |
| Day Care Facility-(Six (6) or Less) Adults                    | P    | P  | P | P | P  | P | P |                 |
| Dog House (1), Less than 16 Sq. Ft. Footprint                 | E    | E  | E | E | E  | E | E |                 |
| Drive-in Establishments:                                      |      |    |   | C |    | P |   |                 |
| Earth Resources Extraction/Quarrying                          |      |    | C |   | C  |   | P |                 |
| Electric Power Co., Offices (not requiring an Act 248 permit) |      |    |   | C | C  | C |   |                 |
| Electrical Supplies, Wholesale & Retail                       |      |    |   | C | C  | C | P |                 |
| Explosives; Storage and Distribution                          |      |    |   |   |    |   | C |                 |
| Fabric Retail Sales   |      |    |   | C |    | P |   |                 |
| Family Child Care Home/Facility (Seven (7) or More) Children  |      |    | C | C | C  | P | P |                 |

| Property Use  | C | I | R | V | RC | C | I | COMMENTS  |
|---|---|---|---|---|----|---|---|-----------|
| Family Child Care Home/Facility (Six (6) or Less) Children            | P | P | P | P | P  | P | P |           |
| Farm Supply Center  |   |   |   | C | C  | P | P |           |
| Fill (aggregate amount of more than 30 yards)                         | P | P | P | P | P  | P | P | See §1118 |
| Fire Station  |   |   | C | P | P  | P | P |           |
| Firearm Sales/Gunsmith  |   |   |   | C | C  | P |   |           |
| Flag Pole   | E | E | E | E | E  | E | E |           |
| Flooring Retail Sales/Installation (Carpet/tile/linoleum)             |   |   |   | C | C  | P |   |           |
| Florist   |   |   |   | P | C  | P |   |           |
| Fuel: Commercial Bulk Plant/LP Gas/Oil (Supply & Storage)             |   |   |   |   |    |   | P |           |
| Funeral Home/Mortuary   |   |   |   | C |    | P |   |           |
| Furnace / Boilers Located Outdoors                                    |   | C |   | C | C  | C | C |           |
| Furniture and Home Furnishings; Upholstering & Refinishing            |   |   |   | C | C  | P | P |           |
| Furniture and Home Furnishings; Wholesale & Storage                   |   |   |   |   |    |   |   |           |
| Furniture and Home Furnishings; Retail Sales, New and Used            |   |   |   | C |    | P |   |           |
| Garden Center – Retail  |   |   |   | C |    | P | P |           |
| Gift Shops, Antique Stores, Crafts                                    |   |   |   | C | C  | P |   |           |
| Glass Sales & Repair  |   |   |   | C | C  | P |   |           |
| Golf Course   |   |   | C |   | C  | P |   |           |
| Golf Driving Range  |   |   |   |   | C  | P |   |           |
| Golf, Miniature   |   |   |   | C | C  | P |   |           |
| Grave Stones and Markers  | E | E | E | E | E  | E | E |           |
| Greenhouse – Commercial or Non-Commercial of greater than 150 sq. ft. |   |   |   | C | C  | P | P |           |
| Grocery Store/Market  |   |   |   | C |    | P |   |           |
| Hardware Sales  |   |   |   | C | C  | P |   |           |
| Health Club/Gymnasium/Spa/Fitness Center                              |   |   |   | C |    | P |   |           |
| Home Occupation   | P | P | P | P | P  | P | P |           |
| Hospital: Medical   |   |   |   | C | C  | P |   |           |
| Hotel   |   |   |   | C |    | P |   |           |
| House Trailer: (Mobile/Manufactured Home) Sales - Rental, Leasing     |   |   |   |   |    | P |   |           |
| Humane Society  |   |   |   |   | C  | C |   |           |
| Ice skating rink (Gov. or Private Organization)                       |   |   | C | C | C  | C |   |           |

| Property Use  | CII | CI | R | V | RC | C | I | COMMENTS        |
|---|-----|----|---|---|----|---|---|-----------------|
| Landscaping Contractor  |     |    | C | C | C  | C | P |                 |
| Landscaping less than 3 Ft. in height, including flower Beds, and Raised Gardens. | E   | E  | E | E | E  | E | E |                 |
| Lawn & Garden Sheds Less than 150 Sq. Ft. foot print                              | E   | E  | E | E | E  | E | E |                 |
| Library   |     |    | C | P |    |   |   |                 |
| Liquor Store  |     |    |   | C |    |   | P |                 |
| Lumber Yard   |     |    |   |   |    |   | C | P               |
| Machinery Sales and Service: Agricultural, Industrial, Construction               |     |    |   | C |    |   | P |                 |
| Mall/Shopping Center - Retail Sales   |     |    |   | C |    |   | C |                 |
| Manufactured Homes Sales Dealership   |     |    |   |   |    |   | P |                 |
| Manufacturing   |     |    |   |   |    |   | P |                 |
| Marble Contractors & Sales  |     |    |   | C | C  | C | C | P               |
| Meat; Retail Sales  |     |    |   | C |    |   | P |                 |
| Meat Cutting/Processing/Packing   |     |    |   |   |    |   | C | P               |
| Mobile Home Park  |     |    | C |   |    |   | C | See Section 506 |
| Mobile/Manufactured/Modular Home Sales  |     |    |   |   |    |   | P |                 |
| Motel   |     |    |   | C | C  | C | P |                 |
| Motor Vehicle Parts & Supplies  |     |    |   | C |    |   | P |                 |
| Motor Vehicle Rental  |     |    |   | C |    |   | P |                 |
| Motor Vehicle Repair  |     |    |   | C |    |   | P |                 |
| Motor Vehicle Sales and Service – New/Used  |     |    |   | C |    |   | P |                 |
| Municipal Offices   |     |    |   | P | P  |   |   |                 |
| Museum  |     |    |   | C | C  | C | P |                 |
| Musical Instruments - Retail Sales & Service                                      |     |    |   | C | C  | C | P |                 |
| Nursery (Horticultural)   |     |    | C | C | C  | C | P | P               |
| Nursing Homes   |     |    |   | C | C  | C |   |                 |
| Office Equipment - Retail Sales & Service   |     |    |   | C |    |   | P |                 |
| Organized Summer Camps  |     | C  | C | C | C  | C | C |                 |
| Other Religious Uses  |     | C  | C | C | C  | C | C |                 |
| Parish House  |     |    | C | P | C  | C | C |                 |

| Property Use  | CI | CI | R  | V | RC | C | I | COMMENTS   |
|---|----|----|----|---|----|---|---|--|
| Park or Playground Non Profit                       | C  | C  | C  | C | C  | C |   |  |
| Park or Playground, Municipally Owned               | C  | C  | C  | C | C  | C | C |  |
| Personal Services                                   |    |    |    | C | C  | C | P |  |
| Pet Shops   |    |    |    | C |    |   | P |  |
| Pharmacy  |    |    |    | C |    |   | P |  |
| Planned Residential Development (PRD)               | P  | P  | P  | P | P  | P | P | See Article VI                                       |
| Play Gym less than 150 Sq. Ft. Footprint            | E  | E  | E  | E | E  | E | E |  |
| Plumbing Fixtures-Supplies, Wholesale               |    |    |    |   |    |   | P |  |
| Plumbing Fixtures-Supplies, Retail                  |    |    |    | C |    |   | P |  |
| Plumbing Service                                    |    |    |    | C |    |   | P |  |
| Pool (Above Ground) less than 3,000 Gal.            | E  | E  | E  | E | E  | E | E |  |
| Pool: Private In-Ground/Above Ground over 3,000 Gal | P  | P  | P  | P | P  | P | P |  |
| Pools (Swimming) Equipment Sales                    |    |    |    | C | C  | C | P |  |
| Post Office   |    |    |    |   | P  | P | P |  |
| Printing & Publishing                               |    |    |    | C | C  | C | P |  |
| Private Clubs/Lodges                                |    |    |    | P |    |   | P |  |
| Professional Office/Business                        |    |    |    | C | C  | C | P |  |
| Professional Residence/Office                       |    | C  | C  | P | C  | C | P |  |
| Propane Distributor                                 |    |    |    |   |    |   | C | P  |
| Public Works Facility                               |    | C  | C  | P | C  | C | C | P  |
| Quarrying   |    |    |    |   |    |   |   | P  |
| Real Estate Office                                  |    |    |    | C | C  | C | P |  |
| Recreational Area, Private (Indoor/Outdoor)         |    |    |    | C | C  | C | P |  |
| Recycling Station                                   |    |    |    |   |    |   | C | P  |
| Religious Institutions                              |    |    |    | C | P  | C | P |  |
| Rendering Facility                                  |    |    |    |   |    |   |   | C  |
| Research and Development Facility                   |    |    |    |   |    |   |   |  |
| Residential- Multi Family Dwelling                  |    | C  | C* | C | C  | C | C | *No more than 8 units per building in Rural District |
| Residential - One Family or Two                     | P  | P  | P  | P | P  | P | P |  |

| Property Use  | C II | CI | R | V | RC | C | I | COMMENTS        |
|---|------|----|---|---|----|---|---|-----------------|
| Restaurant/Snack Bar  |      |    |   | C |    |   | P |                 |
| Retail Sales: Other   |      |    |   | C |    |   | C |                 |
| Rooming or Boarding House   |      |    |   | C | C  |   | C |                 |
| RV Park   |      |    |   |   |    |   | C |                 |
| Salvage Yard  |      |    |   |   |    |   | C |                 |
| School Bus Shelter not more than 150 square feet                      | E    | E  | E | E | E  | E | E | E               |
| Schools – Private/Public  |      |    |   | C | C  |   | C |                 |
| Shooting Range: Archery   |      |    |   |   | C  |   | C |                 |
| Shooting Range: Paint Ball, Etc. - indoor                             |      |    |   |   |    |   | C |                 |
| Shooting Range: Rifle & Pistol - indoor                               |      |    |   |   |    |   | C |                 |
| Shooting Range - outdoor  |      |    |   |   |    |   | C |                 |
| Sign  | P    | P  | P | P | P  | P | P | See Article IX  |
| Ski Area (Gov. or Private Organization. NORDIC)                       | C    | C  | C |   |    |   |   |                 |
| Slaughter House   |      |    |   |   |    |   |   | C               |
| Sporting Goods & Camping -Retail Sales                                |      |    |   | C |    |   | P |                 |
| State or Community owned and operated Institutions                    |      |    | C | C | C  |   | C |                 |
| Storage Buildings: Seasonal/Temporary                                 | E    | E  | E | E | E  | E | E | E               |
| Storage Buildings; Permanent (Residential) - Greater than 150 sq. ft. | P    | P  | P | P | P  | P | P | P               |
| Storage; Self-Storage Facility  |      |    |   | C | C  |   | P |                 |
| Swing Sets less than 150 Sq. Ft. footprint                            | E    | E  | E | E | E  | E | E | E               |
| Telecommunication Towers & Antenna                                    | C    | C  | C | C | C  | C | C | See Article XII |
| Tent - Under 150 sq. ft.  | E    | E  | E | E | E  | E | E | E               |
| Tent – (Temporary) Over 150 sq. ft.                                   | P    | P  | P | P | P  | P | P | P               |
| Theaters  |      |    |   | C |    |   | P |                 |
| Trailer Sales-Renting, Leasing  |      |    |   | C |    |   | P |                 |
| Tree House – off the ground   | E    | E  | E | E | E  | E | E | E               |
| Tree Maintenance Service  |      |    |   | C |    |   | P | P               |
| Truck-Stop  |      |    |   |   |    |   | C |                 |
| Video Rental & Sales  |      |    |   | C |    |   | P |                 |
| Warehouse   |      |    |   |   |    |   |   | P               |
| Welding Shop  |      |    |   | C | C  | C | P | P               |

| Property Use             | C II | C I | R | V | RC | C | I | COMMENTS |
|--------------------------|------|-----|---|---|----|---|---|----------|
| Well Drilling Contractor |      |     |   |   |    |   | P |          |
| Wood Manufacturing       |      |     | C |   | C  | C | P |          |
| Wholesale                |      |     |   |   |    | P | P |          |

**Section 301: Interpretation of Table of Uses:**

- A. If a proposed use falls into a use category identified in the Table of Uses, but is proposed in a district where the use is neither Permitted (P) nor Conditional (C), the proposed use is prohibited.
- B. If a proposed use reasonably falls under two (2) or more of the categories listed in the Table of Uses, and where the combined use is not otherwise regulated by this Ordinance, the more restrictive use category shall control.
- C. If a proposed use does not reasonably fit into any category in the Table of Uses, the proposed use may be treated as a conditional use, provided that the anticipated impacts of the proposed use will be no greater than the impact of at least one (1) use category that is expressly allowed (either as permissible or conditional) in the district in which the use is proposed to be located.

**ARTICLE IV: LOT SIZE, SETBACKS, YARDS, HEIGHT LIMITATIONS**

The following requirements apply to all uses, whether Permitted, Conditional, or Exempt. Conditional Uses shall meet the requirements of Article V, and all uses shall comply with all other applicable provisions of this Ordinance.

| DISTRICT                                   | USE  | MINIMUM LOT SIZE  | MAXIMUM LOT COVERAGE | SETBACKS (Feet)<br>Front* Side Rear | MINIMUM FRONTAGE (feet) | MAXIMUM BUILDING HEIGHT (feet) |
|--|--|---|----------------------|-------------------------------------|-------------------------|--------------------------------|
| CONSERVATION I<br>CONSERVATION II<br>RURAL | All uses   | 2 Acres   | 20%                  | 40 25 25                            | 200                     | 40                             |
|  | All uses   | 5 Acres   | 20%                  | 40 25 25                            | 200                     | 40                             |
|  | Single family dwelling   | 1 Acre  | 20%                  | 40 25 25                            | 100                     | 40                             |
|  | Two family dwelling  | 2 Acres   | 20%                  | 40 25 25                            | 100                     | 40                             |
| VILLAGE                                    | Multi-Family dwelling  | 2 Acres + 15,000 sq. ft. for each additional dwelling unit (Max. 8 per structure) | 20%                  | 40 25 25                            | 100                     | 40                             |
|  | All other uses   | 2 Acres   | 25%                  | 25 15 15                            | 75                      | 40                             |
|  | Single family dwelling*<br>• Lot not contiguous to existing federal, state or town highway | 10,000 sq. ft.<br>25,000 sq. ft.  |                      |                                     |                         |                                |
|  | Two family dwelling*<br>• Lot not contiguous to existing federal, state or town highway    | 20,000 sq. ft.<br>25,000 sq. ft.  | 25%                  | 25 15 15                            | 75                      | 40                             |
|  | Multi-family dwelling  | 20,000 sq. ft. + 15,000 sq. ft. for each additional dwelling unit                 | 25%                  | 25 15 15                            | 75                      | 40                             |
| RURAL<br>COMMERCIAL                        | All other Uses   | 1/2 Acre  | 20%                  | 40 30 30                            | 100                     | 40                             |
|  | Single family dwelling   | 1 Acre  | 20%                  | 40 25 25                            | 100                     | 40                             |
|  | Two family dwelling<br>Multi-family dwelling   | 2 Acres<br>2 Acres + 15,000 sq. ft. for each additional dwelling unit             | 20%                  | 40 25 25<br>40 40 25                | 100<br>100              | 40<br>40                       |
| COMMERCIAL                                 | All other uses   | 2 Acres   | 20%                  | 50 50 50                            | 200                     | 40                             |
|  | Single family dwelling   | 1 Acre  | 20%                  | 40 25 25                            | 100                     | 40                             |
|  | Two family dwelling<br>Multi-family dwelling   | 2 Acres<br>2 Acres + 15,000 sq. ft. for each additional dwelling unit             | 20%                  | 40 25 25<br>40 40 25                | 100<br>100              | 40<br>40                       |
| INDUSTRIAL                                 | All other uses   | 2 Acre  | 20%                  | 50 50 50                            | 200                     | 40                             |
|  | Single family dwelling   | 1 Acre  | 20%                  | 40 25 25                            | 100                     | 40                             |
|  | Two family dwelling<br>All other uses  | 2 Acres<br>6 Acres  | 20%                  | 40 25 25<br>100 100 100             | 100<br>300              | 40<br>40**                     |

\* Setbacks measured from streets having less than a 50 foot right of way are subject to Section 1105.

[1] Steps, landings, and handicapped access ramps meeting the requirements of the Americans with Disabilities Act shall not be included when determining setbacks.

\* Lots abutting an existing Federal, State or Town Highway or street as of the effective date of these regulations.

## **ARTICLE V: CONDITIONAL USES: USES PERMITTED SUBJECT TO CONDITIONS**

A zoning permit shall be issued by the Zoning Administrative Officer for any use or structure, which requires conditional use approval only after the Board of Adjustment grants such approval, taking into consideration the following and the appropriate conditions of Sections 503 through 507:

In considering its action, the Board shall make findings that the proposed conditional use shall not result in an undue adverse affect on any of the following:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan.
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws and ordinances in effect;
- E. Use of renewable energy resources.

The Board shall also consider the Site Plan requirements detailed in Section 1003.

In granting conditional use approval, the Board may attach such reasonable conditions, in addition to those outlined, as it deems necessary.

### **Section 501: Applications for Conditional Use**

#### **A. Waiver of Application Requirements**

Any of the following information may be waived at the discretion of the Board.

A request for a waiver shall be submitted to the Board and shall specify which portions are requested for waiver. The applicant shall include a preliminary site plan providing sufficient information upon which the Board can make a decision. The Board may request additional information.

A request for a waiver shall not be considered an application for purposes of timing requirements relating to action on applications.

- B. The owner and applicant (if different from owner) shall submit two (2) sets of a site plan and supporting data to the Board, which shall include the following information presented in drawn form and accompanied by written text.
  - 1. Name and address of the owner of record of this, adjoining lands, and lands adjacent (across a road); name and address of applicant - if different than owner;

name and address of person or firm preparing the plan; description of the property giving location; scale of map, north point, and date.

2. Survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), if any, and the location of proposed structures with distance from lot lines indicated.
  3. Site plan showing proposed structure(s), locations and land use areas; streets, access points, driveways, traffic circulation, parking and loading spaces and pedestrian walks; utilities both existing and proposed, including placement of poles; and including water wells and sewage treatment facilities; landscaping plans, including site grading, planting design, screening or fencing, detailed specifications of planting and landscaping materials to be used; existing and proposed equipment such as propane tanks, transformers, etc.
  4. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
  5. A traffic study if issues of traffic safety are a concern.
  6. The location and size of proposed signs.
  7. 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 (Section 1701.B.2)
- C. For proposed uses in Flood Hazard Overlay Districts see Section 201G for additional application requirements.

### **Section 502: Bond**

The applicant may be required to provide a suitable performance bond or other form of security to secure compliance with any conditions.

### **Section 503: Decision and Findings**

The Board shall make findings of fact and conclusions of law that the project:

A. Shall not adversely affect the capacity of existing or planned community facilities;

1. **Water and Sewer.** The project shall have sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on the municipality's present or planned water or sewer systems (if Town water or sewer are not involved, the property must have adequate capability for on-site water supply and wastewater disposal in accordance with Town regulations and applicable State Statutes and Regulations).

The Board or Commission may solicit input from the appropriate Town Officials and require engineering reports by the applicant.

2. **School Impact.** The project shall not cause an unreasonable burden on the ability of the Town or School districts to provide educational services.

The Board or Commission may solicit input from the School Boards.

3. **Municipal Impact.** The project shall not place an unreasonable burden upon the ability of the Town to provide municipal services, including but not limited to Fire, Police, Ambulance, Highway, Public Works Maintenance and Recreation.

The Board or Commission may solicit input from the appropriate local officials, fire and police, Recreation Director / Advisory Board.

B. Shall not have an undue adverse effect on the character of the neighborhood, or area affected.

"Neighborhood" means in the same area; nearby including but not limited to the area within sight and/or sound. "Character of a neighborhood" refers to the distinctive traits, qualities or attributes; its appearance and essential nature, pattern of uses, and sense of community; the factors which give it identity.

A goal of the Town Plan is to allow for appropriate mixed uses to generally encourage balanced diversity, while protecting the essential character of neighborhoods. The existence of one conditional use in a neighborhood shall not be interpreted as justification for another similar conditional use to be located there.

When considering the "character of the neighborhood or area", the Board shall consider the following:

1. Existing neighborhood uses, types of buildings, noise and traffic.