

2. Town Plan objectives including but not limited to planned future neighborhoods, and neighborhood character enhancement.
 3. Historic buildings and features; intensity, uniformity or mix of uses and buildings; mass, scale and spacing of buildings; scenic views, aesthetics, open space.
 4. Privacy, security, identity, sense of community and cohesion.
- C. Shall not adversely affect traffic on roads and highways in the vicinity.

The project shall have adequate traffic access, circulation and parking, and shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities.

The Board or Commission shall consider:

- Town traffic plans and studies; and
 - Traffic engineering studies that may be required of the applicant.
- D. Shall be consistent with bylaws in effect.
- E. Shall not have an undue adverse effect upon the use of renewable energy resources.
- F. Is consistent with the Site Plan requirements of Section 1003.

In addition to the standards set forth above, the following standards shall apply to all applications for conditional use review within the appropriate district.

Section 504: Cottage Industry

- A. No more than fifty (50) percent of the gross floor area of the principle dwelling or, if in an accessory structure, no area greater than fifty (50) percent of the gross floor area of the principle dwelling, may be used for a cottage industry.
- B. The dwelling, accessory buildings, and the lot maintain a residential appearance at all times.
- C. The cottage industry is clearly secondary to the use of the site for residential purposes.
- D. The use is conducted within a portion of the dwelling or a building accessory thereto by the bona fide year-round resident of the dwelling.
- E. No more than two (2) employees, in addition to the principle owner, shall be permitted.
- F. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.

- G. Storage of equipment related to the cottage industry shall be within an enclosed structure or properly screened from adjacent residential uses and highways.
- H. Vehicle (auto, truck) bodywork or repair is not considered a cottage industry.

Section 505: Mobile Home Parks

- A. A minimum of eight thousand (8,000) square feet of land shall be provided for each mobile home lot within a Mobile Home Park.
- B. 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.
- C. The access right-of-way width to the Park and its Lots shall be a minimum of fifty (50) feet with the traveled portions of the road to be at least twenty four (24) feet in width. There shall be a minimum road base depth of fifteen (15) inches of gravel within the right of way. 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.
- D. Minimum radius of curves on access rights-of-way shall be at least thirty (30) feet.
- E. 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.
- F. 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.
- G. Suitable provisions shall be made for the protection of pedestrian traffic.
- H. Each lot should be landscaped according to State regulations and maintained by owner or lessee.
- I. Provisions for the following facilities may be made by the owner: laundry, recreation building, central maintenance shed, central TV antenna system, and underground utilities, including fuel storage.

ARTICLE VI: PLANNED RESIDENTIAL DEVELOPMENT

Section 601: Planned Residential Development

The purpose of this Section is to provide an alternative zoning procedure that may be used to establish PRDs in accordance with the planning and development objectives of the Pittsford Town Plan, and provide standards by which such flexibility may be accomplished, while maintaining and protecting the public health, safety and welfare.

The Board of Adjustments are hereby empowered to modify the zoning regulations.

Section 602: Planned Residential Development Objectives and Criteria

In reviewing PRD Applications, the Board of Adjustment shall consider the following objectives and apply the criteria below:

A. General Objectives:

1. To provide a choice in the types of environment and living units available to the public and quality in residential land uses so that development will be a permanent and long term asset to the Town.
2. To preserve agricultural and forest resources, wildlife habitats, natural areas, and other resource areas of importance to the Town.
3. To foster a pattern of development, which preserves trees, outstanding natural topography and geologic features, and prevents soil erosion.
4. To foster an efficient use of land resulting in smaller networks of utilities and roads.
5. To foster an environment in harmony with surrounding development.
6. To foster a more desirable environment than would be possible through the strict application of other sections of these regulations.
7. Structures and common areas should be arranged in such a way as to best serve the needs of occupants and/or other users of the PRD and minimize any adverse effects or neighboring properties.
8. Underground utilities will be encouraged wherever possible.

B. Criteria:

Upon application, the applicant shall provide the Board of Adjustment with a Plot Plan showing buildings, and acceptable and approved on site water and sewage locations.

2. Within a PRD, there must be adequate space and infrastructure to permit accessibility to all structures by fire fighting and similar emergency equipment.
3. Those parts of development or construction plans involving water and septic engineering, architecture, landscape architecture or land surveying shall be prepared and certified respectively by a site technician, an engineer, architect, landscape architect, or land surveyor.

C. Drainage Requirements:

1. The applicant shall meet all applicable State and Town standards for the design of drainage facilities and storm water runoff.
2. The applicant shall take particular care in the design of drainage facilities to preserve or enhance the quality of any adjacent bodies of water in accordance with State and local guidelines
3. There will be no adverse effect on neighboring properties.

D. Common Lands Criteria:

1. There should be reasonably convenient access from all occupied structures to common lands and areas.
2. Plans should attempt to preserve valuable site amenities in common areas and lands such as trees, natural landforms, topography, etc.
3. Common areas should not be physically altered except for the addition of landscaping and except as necessary to further one or more specific development objectives of the applicant.

E. Common Areas and Elements Criteria:

If the application of the procedure [PRD] results in lands available for park, recreation, open space, or other municipal purposes, the Board of Adjustment as a condition for its approval may establish such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

Section 603: Planned Residential Development Applications And Procedure

- A. Applications for PRD's shall be submitted to the Board of Adjustment. The Application shall be placed on the agenda for review by the Board of Adjustment at the next regularly or specially scheduled meeting once the Application has been on file for seven (7) days. The Board of Adjustment may not proceed with review until all of the documentation required in this Article is presented to the Board of Adjustment. Once the Board of Adjustment has found the Application to be complete, it shall set a date for its hearing on the Application.
- B. The Application shall contain a site plan showing the location, height and spacing of driveways and off-street parking spaces, 10 ft contours and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations and shall contain those items and information specified elsewhere herein.

Section 604: Planned Residential Development – Approval

- A. The permitted number of single - family dwellings may, in a PRD, be increased by as much as twenty-five (25) percent beyond the number which would otherwise be permitted on such land under these Regulations. In granting a density increase, the Board of Adjustment shall take into consideration that the objective to be obtained by allowing density increases is to preserve the land areas. The Board of Adjustment shall review and weigh the amount of any such land that will be preserved by an applicant before granting any zoning density increase and shall also consider the capacities of community facilities and services and the character of the area affected.
- B. If the application of this procedure results in lands available for park, recreation, open space or other municipal purposes, the Board of Adjustment, as a condition of its approval, may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
- C. Any modification of the zoning regulations approved under this Section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended to the plat.
- D. The land intended to be reserved from development within a PRD shall be owned or under the control of the Applicant and shall only be transferred to a single owner's association or comparable entity and not thereafter be subdivided or developed.
- E. Size, width, front, side, and rear yard setbacks or depth of lots within a PRD, may be varied or waived by the Board of Adjustment.

- F. Upon final approval of a PRD application, the representations contained in the information, plans, agreements, and supporting materials submitted pursuant to these regulations shall become conditions of the approval. Any changes to the development plans after final approval will deem the application null and void.

ARTICLE VII: PARKING AND LOADING

Section 701: Off-Street Parking Space General Requirements

- A. The dimension of a parking space shall be at least 9' X 20' except that it may be reduced to 8'6" X 20' when such parking spaces shall be used solely by apartment residents or business employees who use such spaces on a non-transient basis (car parked for at least 3 hours in the same space).

When fractional spaces result from the computation of required parking and loading spaces, the spaces required shall be rounded up to the next whole number.

- B. Parking spaces will not be permitted directly in front of entrances or exits to buildings. These areas shall be designated as loading areas (passenger or other).
- C. Driveways serving multi-family residential uses and all non-residential uses shall be so arranged that vehicles are not required to back onto a public road.
- D. In residential districts required parking may not be located within the front setback, unless on a driveway on a permitted curb-cut. Pavement shall not replace lawns or planted areas in the front setback, exclusive of driveways.
- E. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Shielded fixtures shall be used.
- F. All open off-street parking areas containing more than four (4) parking spaces and all off-street loading areas shall be screened on each side adjoining or fronting on any property in a residential area, by a wall, fence, or densely planted hedge not less than three (3) feet nor more than six and one half (6.5) feet in height.
- G. Parking space shall be located on the same lot as the principle use except as otherwise provided.
- H. Parking spaces for any number of separate uses may be combined in one parking lot. Pooled or group parking facilities must meet the provisions of Section 704.
- I. Parking space, access drives, entrances, and exits as required by this section for business buildings, for multi-family dwellings and for dwelling groups shall be adequately paved with macadam, bituminous or concrete and designed so as not to drain onto a public highway or adjacent properties. Multi-family dwellings and dwelling groups may use crushed rock as an alternative.

All parking and loading areas shall have adequate all-weather surfacing except that a porous surface may be approved by the Commission where it is deemed desirable to

control water runoff problems. Permanent bumper guards or wheel bumpers shall be required in those locations of the parking and loading area where a matter of safety is involved. Provision shall be made to prevent vehicles from overhanging any sidewalk area.

- J. Except for driveways and other entrances, parking and loading areas shall properly protect adjacent areas against headlight glare by means of a fence, wall, berm or hedge having a maintained height of not less than three (3) feet; nor more than six and one half (6.5) feet high. On the side of the lot adjoining a residential zone the area between the property line of the lot and such fence, wall or hedge shall be planted with lawn, shrubs, or flowers and continuously maintained in good condition.

Section 702: Parking Space Requirements

Residential (1 or 2 family)	Two (2) spaces per dwelling unit
Multi-family dwellings	One (1) per dwelling unit plus one half (½) per bedroom
Home Occupation	Two (2) spaces in addition to the requirements for the dwelling
Resident professional person	Four (4) plus residential requirement
Retail/Office	4.5 spaces per 1,000 square feet of retail/office area.
Rooming Houses	2 spaces per dwelling unit plus 1 (one) addition per non-family resident.

Section 703: Commercial Loading Areas

- A. One (1) off-street loading space not smaller than fifteen (15) feet wide, twenty-five (25) feet long and fifteen (15) feet high (if covered) shall be provided for every non-residential building.
- B. One (1) additional loading space shall be provided for each twenty thousand (20,000) square feet of floor area, or part thereof, for any floor area exceeding twenty thousand (20,000) square feet.
- C. Loading surfaces shall be paved.
- D. Loading facilities shall be located in the rear or side yards, unless otherwise permitted, and not encroach on required setbacks.

Section 704: Pooled or Group Parking Facilities

- A. For nonresidential uses, two (2) or more distinct and separate establishments may decide to pool or group their parking facilities subject to these conditions:
 - 1. The number of curb cuts will be reduced;
 - 2. The spaces are located behind buildings and/or well screened from the road and, where necessary, other properties;
 - 3. Vehicular circulation is improved; and
 - 4. The appearance of the particular area is enhanced.
- B. The minimum number of parking spaces for such pooled or grouped parking facilities shall not be less than 85 percent of the amount otherwise required; this requirement may be modified by the Planning Commission, but in no case less than 50 percent, if it is demonstrated that fewer spaces would not affect the parking situation in the immediate vicinity. Fractional spaces shall be rounded up.
- C. Evidence of a pooling agreement.

ARTICLE VIII: NONCONFORMITIES

Section 801: Construction Approved Prior to Adoption 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 802: Change of Use Nonconformity

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

Section 803: Extension of a Use Nonconformity within a Structure

A use 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 insure the continued advantageous use of the structure during its lifetime.

Section 804: Enlargement of a Use Nonconformity

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

- A. All provisions of these Regulations, except type of use, are complied with;
- B. The Board of Adjustment determines that there will be no undue, adverse affect 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 use nonconformity in existence at the time of the adoption of these Regulations.

Section 805: Restoration of a Nonconforming Structure

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. The Board of Adjustment may extend this for up to an additional year where it can be demonstrated that restoration within one year is not possible.

Section 806: 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 these Regulations. Intent to resume a use nonconformity shall not confer the right to do so unless actual resumption occurs within the specified time period.

Section 807: 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 808: Expansion of a Dimensional Nonconformity

A dimensional nonconformity of a structure may be expanded provided such action:

- A. Does not create a greater nuisance, detriment to the public health, safety or welfare than the existing dimensional nonconformity; and
- B. The extension, expansion or intensification of the dimensional nonconformity shall conform to all other requirements applicable under these Regulations.
- C. The total enlargement does not exceed fifty (50%) percent of the area of the use nonconformity in existence at the time of the adoption of these Regulations.

Section 809: Restoration of a Dimensional Nonconformity

Any dimensional nonconformity of a structure 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 dimensional nonconformity as existed before such damage.

Section 810: Development of Lot or Parcel with Dimensional Non-Conformity

An existing lot or parcel with a dimensional nonconformity may be normally developed provided that all provisions of these regulations, except those which create the dimensional nonconformity, are complied with. See also existing small lots (Section 1102)

Section 811: Alternation of Lot or Parcel with 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 IX: SIGNS

Section 901: Sign Dimensions

Except where otherwise provided by law, the maximum dimensions of any sign located or erected in the Town of Pittsford shall be:

- A. Area: maximum, thirty-two (32) square feet;
- B. Height of sign: maximum, six (6) feet;
- C. Width of sign: maximum, eight (8) feet;
- D. Height above highway grade: fifteen (15) feet, except that a sign on a building may extend six (6) feet above the top of the roof, but in no case shall the highest point on any sign exceed forty (40) feet;
- E. No sign shall be erected within the side or rear yard setback, and there shall be no more than two (2) signs per business;
- F. Signs on Town Highways shall not be erected closer than thirty (30) feet from the center of the traveled portion of the highway; and
- G. No "On Premises" sign shall be erected more than five hundred (500) feet from the main entrance to the business or activity being advertised, and in no case shall such sign be erected closer to the main entrance of another business or activity than to the business or activity advertised.

Section 902: Illumination

Signs may only be illuminated externally and then only with the prior review and approval of the Planning Commission. In considering such approval, approval with conditions, or disapproval the Planning Commission may consider the following:

- A. Residential and/or commercial character of the neighborhood and the zoning district in which the sign is to be located.
- B. Effect of the illumination on traffic, parking and neighboring properties, including those properties not necessarily abutting the premises on which the sign is to be located.
- C. The interest of the town in preserving the rural appearance of a particular area, roadway or portion thereof along which the sign is to be erected.
- D. The need for such illumination as it may affect the applicant's purpose for which the sign is intended.

ARTICLE X: SITE PLAN APPROVAL

Section 1001: Scope

A zoning permit shall be issued by the Zoning Administrative Officer 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 accessory dwelling units;
- B. Any use or structure requiring a variance or conditional use permit will be reviewed by the Zoning Board of Adjustment.

Section 1002: Submission of Site Plan and Supporting Data

- A. Any of the following information can be waived at the discretion of the Planning Commission.

A request for a waiver shall be submitted to the Planning Commission and shall specify which portions of Sections 1002 B 1-5 are requested for waiver. The applicant shall include a preliminary site plan providing sufficient information upon which the Planning Commission can make a decision. The Planning Commission may request additional information.

A request for a waiver shall not be considered as submission of a site plan in relation to Section 1006.

- B. The owner shall submit two (2) sets of the site plan and supporting data to the Administrative Officer 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 and adjoining lands; name and address of applicant - if different than owner; name and address of person or firm preparing the plan; address of the property; 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, easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), storm water drainage plans, 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 above ground 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. The location and size of proposed signs.

Section 1003: Site Plan Review Considerations

The Planning Commission shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, to protect the use of renewable energy resources, and for the impact of noise, glare, vibration and odors on adjoining properties.

The Commission shall review the site plan map and supporting data taking into consideration the following:

A. Adequacy of traffic access:

The proposed use must provide for safety of pedestrians and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.

1. Pedestrian Circulation

- (a) The Planning Commission may require pedestrian walkways to facilitate pedestrian movements.
- (b) In all districts, the Planning Commission may require provision for sidewalks, pedestrian trails and walkways along waterways or other natural features to connect with similar present or anticipated trails on adjacent properties.

2. Access

- (a) The Planning Commission may require service roads connecting to public roads, with provision for connection to similar service roads on adjacent property where it feels that limiting the number of intersections to the public road is in the interest of the health and safety of the community.

- (b) All roads, regardless of whether they are to be provided or taken over by the Town, shall be constructed to meet the applicable Town of Pittsford specifications.

B. Adequacy of parking and loading facilities

Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces. Refuse and service areas shall be included. Provisions for snow removal shall also be made.

C. Adequacy of landscaping and screening

The objective is to achieve compatibility and protection to adjacent property. Particular consideration should be given to the preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties, and the adequacy of landscaping materials to meet seasonal conditions, soil conditions, and light on the site.

1. Landscaping - General

In determining the amount of planting to be required, the Planning Commission shall take into account:

- (a) Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
- (b) Visibility of incompatible or unsightly areas from roads and/or adjoining properties.
- (c) The need to effectively screen all parking areas from roads and adjacent properties.
- (d) Proximity of lots used for residential purposes.

2. Specific Landscaping Requirements.

- (a) All parking lots shall be screened by a strip with suitable plants, screening or land forms.
- (b) All plants, when initially installed, are to be of a size and shape approved by the Planning Commission. If the Planning Commission determines that the landscaping plan is appropriate in size, scope, etc., but that it will take several years for the plants to accomplish the screening or buffering goals,

the Planning Commission may require that fencing be installed during the interim.

- (c) If the Planning Commission determines that plants are not appropriate, it may approve suitable fencing.
- (d) The remainder of the required yard space shall be landscaped and maintained in good quality appearance.
- (e) Where commercial uses are located adjacent to residential buildings, there shall, to the extent practicable, be plants or attractive solid fencing to screen out, as much as feasible, outdoor lighting from the view of the ground floor of the adjacent residential buildings.
- (f) All landscaping shall be completed and maintained in accordance with the site plan as approved by the Planning Commission. Any dead or diseased planting shall be replaced as soon as seasonally feasible
- (g) Stormwater drainage shall be treated on site where practical, and shall not cause an adverse impact upon the municipality or neighboring properties.
- (h) Energy efficiency shall be considered in the design and orientation of the buildings. (See Efficiency VT)

Section 1004: Bond

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

Section 1005: Amendments

Amendments to approved site plans may be made after submitting an application to amend for review and approval by the Planning Commission. This includes modifications required by other reviewing agencies (i.e. District Environmental Commission [Act 250]) subsequent to the initial approval by the Planning Commission.

Section 1006: Public Hearing

Notice shall be given and a public hearing held in accordance with Sections 1701.B and 1702 of this Regulation.

Section 1007: Time for Action

The Planning Commission shall act to approve, approve with conditions or disapprove any site plan within forty-five (45) days of receipt by the Planning Commission of a complete application. Failure to so act within such period shall be deemed approval.

ARTICLE XI: GENERAL REGULATIONS

Section 1101: Compliance with Regulations

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).

No lot shall have an area, width, frontage, or a front, side, corner, or rear yard, less than that set forth herein, unless expressly exempted or otherwise authorized by State or Federal law.

No building or buildings shall be higher, or occupy in the aggregate a greater percentage of lot area, than as set forth herein, unless expressly exempted or otherwise authorized by State or Federal law.

Section 1102: Existing Small Lots

- A. 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 this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot no longer conforms to minimum lot size requirements as long as: a) the lot is more than one-eighth acre in area; and, b) the lot has a width or depth dimension of more than 40 feet.
- B. If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this Regulation.

However, such lot shall not be deemed merged and may be separately conveyed if all the following apply:

- 1. The lots are conveyed in their preexisting, nonconforming configuration.
- 2. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.
- 3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- 4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

Section 1103: Required Frontage

Except as otherwise expressly stated in this Section, land development is permitted only on lots with adequate frontage as specified in Article IV. If a lot does not have adequate frontage, the Planning Commission nevertheless may approve the lot if the Planning Commission determines either that: (i) the lot has a boundary along a private road or public waters, the length of which boundary is not less than the required frontage specified in Article IV; or (ii) the lot has access to a public road or public waters by a permanent easement or right-of-way that is at least twenty (20) feet in width if the lot is for single family residential use, or is at least fifty (50) feet in width if the lot is for any other use.

The design of access or rights of way to public roads or public waters must be approved by the Select Board or its designee.

Section 1104: Protection of Home Occupations

Nothing in this Regulation may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

Residents may use a minor portion of a dwelling or accessory structure for an occupation which is customary in residential areas and which does not change the character of those areas as long as:

- A. The dwelling, accessory structures and the lot maintain a residential appearance at all times;
- B. The home occupation is clearly secondary to the use of the site for residential purposes;
- C. The use is conducted within a portion of the dwelling or a building accessory thereto by a resident or the principal practitioner of the home occupation and not more than two (2) employees;
- D. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors or electrical interference; and
- E. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.
- F. Vehicle (auto; truck) bodywork, or repair, are not considered home occupations.