

# ZONING REGULATIONS

## Town of Weston County of Windsor, Vermont



Town of Weston in 1894

***Adopted at Town Meeting, March 28, 1976  
Amended at Town Meeting, March 7, 1989, by Australian Ballot  
Amended at Town Meeting, March 3, 1992, by Australian Ballot  
Amended at Town Meeting, March 1, 1994, by Australian Ballot  
Amended at Town Meeting, March 7, 1995, by Australian Ballot  
Amended at Town Meeting, March 5, 1996, by Australian Ballot  
Amended at Town Meeting, March 7, 2006, by Australian Ballot  
Amended at Town Meeting, March 6, 2007, by Australian Ballot  
Amended at Town Meeting, March 4, 2008, by Australian Ballot  
Amended at Town Meeting, March 2, 2010, by Australian Ballot  
Amended at Town Meeting, March 4, 2014, by Australian Ballot  
Amended at Town Meeting, March 3, 2015, by Australian Ballot***

*These Regulations were in part funded by the Municipal Planning Grant Program  
Awarded by the Vermont Agency of Commerce & Community Development*

# TABLE OF CONTENTS

ARTICLE I	ENACTMENT, INTENT, AND APPLICATION OF ZONING REGULATIONS.....	6
Section 110	Enactment .....	6
Section 120	Intent and Purpose .....	6
Section 130	Application of Regulations.....	6
Section 131	Construction Approved Prior to Adoption or Amendment to Regulations .....	6
Section 140	Amendments .....	6
Section 150	Interpretation .....	6
Section 160	Effective Date .....	6
Section 170	Separability.....	7
ARTICLE II	ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP .....	8
Section 200	Prohibited Uses .....	8
Section 201	Establishment of Zoning Districts .....	8
Section 205	Conservation District (C) .....	8
Section 210	Resource District (Re) .....	8
Section 215	Rural Low Intensity District (R) .....	9
Section 220	Rural Residential District (RR) .....	10
Section 225	Village District (V) .....	10
Section 230	Commercial District (Com).....	11
Section 235	Industrial District (I) .....	12
Section 240	Zoning Map.....	12
Section 241	Zoning Map and Interpretation of District Boundaries .....	13
ARTICLE III	SHORELAND AREA REGULATIONS .....	14
Section 300	Statutory Authorization .....	14
Section 305	Classification of Shorelands .....	14
Section 310	General Description and Purpose .....	14
Section 315	Shoreland Regulations.....	14
ARTICLE IV	FLOOD HAZARD AREA REGULATIONS.....	15
Section 401	Statutory Authorization.....	15
Section 402	Statement of Purpose .....	15
Section 403	Lands to Which These Regulations Apply .....	15
Section 404	Development Permit Required .....	15
Section 405	Procedures .....	16

Section 406 Base Flood Elevations and Floodway Limits .....	16
Section 407 Development Standards.....	16
Section 408 Duties and Responsibilities of the Zoning Administrator and/or Designated Municipal ...	19
Official.....	19
Section 409 Variances to the Development Standards .....	19
Section 410 Warning of Disclaimer of Liability.....	20
Section 411 Validity and Severability .....	20
Section 412 Precedence of these Flood Hazard Area Regulations .....	20
Section 413 Enforcement and Penalties .....	20
Section 414 Flood Hazard Area Definitions.....	20
ARTICLE V GENERAL REGULATIONS .....	24
Section 501 Existing Small Lots .....	24
Section 502 Required Frontage on, or Access to, Public Roads or Public Waters .....	24
Section 503 Protection of Home Occupations and Provision for Home Business .....	24
Section 503.1 Home Occupation.....	24
Section 503.2 Home Business .....	25
Section 504 Protection of Child Care Home or Facility.....	26
Section 505 Protection of Mobile Homes, Mobile Home Parks, Modular & Prefabricated Housing.....	26
Section 506 Protection of Multifamily Dwellings .....	26
Section 507 Protection of Residential Care or Group Home .....	26
Section 508 Protection of Accessory Dwellings.....	26
Section 509 Protection of Affordable Housing .....	27
Section 510 Special Public Use Exceptions & Limitations.....	27
Section 510.1 Special Public Uses .....	27
Section 510.2 Protection of Agricultural and Silvicultural Practices.....	27
Section 511 Nonconforming Uses, Structures, Lots/Parcels .....	28
Section 511.1 Nonconforming Uses .....	28
Section 511.2 Nonconforming Structures .....	28
Section 511.3 Nonconforming Lots or Parcels .....	29
Section 511.4 Accessibility for Physically Challenged Person.....	29
Section 512 Calculations of Required Lot Area .....	29
Section 513 General Requirements for All Districts .....	29
Section 514 Building Coverage, Open Porches, Carports and Garages .....	29

Section 515 Reduction of Lot Area .....	29
Section 516 Required Area of Yards .....	30
Section 517 Projection in Yards.....	30
Section 518 Variation of Yard Requirements in Residential Districts .....	30
Section 520 Casual Sales .....	30
Section 522 Location of Driveways .....	30
Section 523 Temporary Uses and Structures 3/96.....	30
Section 524 Removal of Structures .....	31
Section 525 Height Exceptions by Special Permit.....	31
Section 528 Dangers to Public Safety .....	31
Section 529 Public Utility Substations .....	31
Section 535 Gasoline Stations .....	31
Section 536 Roadside Agricultural Stands .....	32
Section 537 Sewage Requirements .....	32
Section 538 Public Toilet Facilities provided by Commercial Establishments .....	32
Section 540 Off-Street Parking Space Requirements .....	32
Section 541 Off-Street Loading Space Requirements.....	33
Section 550 Signs .....	33
Section 551 Off-Premises Signs (3/92) .....	34
Section 552 On-Premises Signs (3/92) .....	34
Section 553 Exempt Signs .....	36
Section 554 Prohibited Signs.....	37
Section 555 Definitions for Signs.....	37
Section 560 Performance Standards .....	38
Section 561 Uses Not Permitted .....	38
Section 562 General Standards .....	38
Section 563 Standards - Odor.....	39
Section 564 Storage of Flammable Liquids.....	39
Section 565 Extraction of Soil, Sand or Gravel .....	39
Section 566 Landfill .....	39
Section 570 Landscaping Requirements.....	40
Section 571 Screened Service Area Requirements.....	40
Section 574 Grading .....	40

Section 580 Mobile Homes and Trailers.....	40
Section 581 Mobile Home Parks and Trailer .....	40
Section 582 Mobile Home Park or Trailer Camp Standards .....	41
Section 590 Subdivision of Land.....	41
Section 591 Boundary Line Adjustments .....	41
ARTICLE VI PLANNED UNIT DEVELOPMENTS (PUD) .....	42
Section 602 Intent.....	42
Section 603 Dimensional Regulations .....	42
Section 604 General and Specific Regulations .....	42
Section 605 Administrative Controls.....	43
Section 606 Open Space.....	43
ARTICLE VII ADMINISTRATION AND ENFORCEMENT.....	44
Section 701 Zoning Administrator .....	44
Section 701.1 Appointment of Zoning Administrator .....	44
Section 701.2 Duties of the Zoning Administrator .....	44
Section 702 Zoning Permit .....	44
Section 702.1 Applicability, Exemption, and Application for Zoning Permit .....	44
Section 702.2 Permit Issuance, Appeal Timeline, Distribution, and Posting of Zoning Permit .....	45
Section 703 Violation, Enforcement, and Penalties .....	46
Section 704 Planning Commission: Powers and Duties.....	46
Section 705 Appropriate Municipal Panels .....	46
Section 705.1 Authority of Appropriate Municipal Panels .....	46
Section 705.2 Hearing and Notice Requirements for Appropriate Municipal Panel Proceedings ....	47
Section 705.3 Decisions by Appropriate Municipal Panel .....	48
Section 706 Conditional Uses.....	48
Section 707 Variances .....	49
Section 708 Site Plan Review .....	49
Section 709 Appeals of Decisions of Zoning Administrator; Notice and Hearing .....	50
Section 710 Successive Appeals, Appeals to Environmental Court and Exclusivity of Remedy .....	50
ARTICLE VIII DEFINITIONS.....	51
Appendix A Official Zoning Map.....	60

# ARTICLE I ENACTMENT, INTENT, AND APPLICATION OF ZONING REGULATIONS

## SECTION 110 ENACTMENT

In accordance with the Vermont Planning and Development Act hereinafter referred to as the "Act" 24 V.S.A., Chapter 117, the Town of Weston hereby establishes Zoning Regulations which are set forth in the text and map that constitutes these regulations. These regulations shall be known and cited as the "Town of Weston Zoning Regulations".

## SECTION 120 INTENT AND PURPOSE

It is the intent and purpose of these Zoning Regulations to provide for orderly community growth, further the purposes established in the Act, Section 4302 and to implement the Weston Town Plan.

## SECTION 130 APPLICATION OF REGULATIONS

The application of these Regulations is subject to Sections 4411, 4412, 4413, and 4446 of the Act. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

Any use not permitted by these Regulations shall be deemed prohibited.

## SECTION 131 CONSTRUCTION APPROVED PRIOR TO ADOPTION OR AMENDMENT TO REGULATIONS

Nothing contained in these Regulations shall require any change in plans or construction of a non-conforming structure for which a building permit has been issued, and which has been completed within one year from the effective date of these Regulations and their amendments.

## SECTION 140 AMENDMENTS

These Regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

## SECTION 150 INTERPRETATION

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except for Section 4413 of the Act and where these Regulations specifically provide to the contrary, it is not intended by these Regulations to repeal, annul, or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation permit, easement, or agreement, the provisions of these Regulations, shall control.

## SECTION 160 EFFECTIVE DATE

The Regulations shall take effect in accordance with the voting and other procedures contained in Section 4442(c)(2) of the Act and shall become effective upon adoption by a favorable vote by the registered voters of the Town of Weston.

## SECTION 170 SEPARABILITY

The invalidity of any article or section of these Regulations shall not invalidate any other article or section thereof.

# ARTICLE II ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

## SECTION 200 PROHIBITED USES

In all districts, uses which are not specifically or conditionally permitted, are prohibited.

## SECTION 201 ESTABLISHMENT OF ZONING DISTRICTS

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

C	Conservation
Re	Resource
R	Rural Low Intensity
RR	Rural Residential
V	Village
Com	Commercial
I	Industrial

## SECTION 205 CONSERVATION DISTRICT (C)

**General Description and Purpose:** Conservation lands are extensive and essentially undeveloped areas without access to improved public roads and necessary service and facilities. They are predominantly forested with substantial physical limitations to development. These lands should be settled only at very low intensities.

### Permitted Uses:

- |                                 |                                |                        |
|---------------------------------|--------------------------------|------------------------|
| 1) Agricultural and Forest Uses | 4) Nursery, Greenhouse         | 7) Wildlife Refuge     |
| 2) Camp                         | 5) Private Recreation Facility | 8) Municipal Utilities |
| 3) Home Occupation              | 6) Single-family Houses        | 9) Child Care Home     |

### Area and Dimensional Requirements:

Minimum lot size	5 Acres; 5 acres per residential structure
Lot frontage minimum	300 feet
Lot depth minimum	300 feet
Front yard minimum	75 feet from centerline of highway
Rear yard minimum	75 feet from property line
Side yard minimum	50 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

## SECTION 210 RESOURCE DISTRICT (RE)

**General Description and Purpose:** Resource lands generally have high natural, recreational, scenic, or other special resource values or have substantial critical or serious physical limitations for development. These lands are not convenient to employment or shopping or have poor access to improved public roads. They should be developed for residential uses at low enough intensities to protect their resource values and to perpetuate the traditional settlement pattern of these lands.



Permitted Uses:

- |                                 |                                |                                  |
|---------------------------------|--------------------------------|----------------------------------|
| 1) Agricultural and Forest Uses | 5) Nursery, Greenhouse         | 9) Municipal Utilities           |
| 2) Camp                         | 6) Private Recreation Facility | 10) Roadside Agricultural Stands |
| 3) Home Occupation              | 7) Tourist Home                | 11) Child Care Home              |
| 4) One and Two Family Houses    | 8) Wildlife Refuge             |                                  |

Conditional Uses:

- |                                  |                               |                         |
|----------------------------------|-------------------------------|-------------------------|
| 1) Earth and Mineral Extraction  | 3) Home Business              | 5) Trailer Camp or Park |
| 2) Professional Residence Office | 4) Public Recreation Facility | 6) Cultural Arts School |

Area and Dimensional Requirements:

Minimum lot size	3 Acres; 3 acres per residential structure
Lot frontage minimum	200 feet
Lot depth minimum	300 feet
Front yard minimum	100 feet from centerline of highway
Rear yard minimum	50 feet from property line
Side yard minimum	50 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

## SECTION 215 RURAL LOW INTENSITY DISTRICT (R)

General Description and Purpose: Rural Low Intensity lands are capable of accommodating a limited proportion of the expected growth for Weston. Much of these lands offer serious limitations for development or are in productive agricultural use.

Permitted Uses:

- |                                 |                                  |                                   |
|---------------------------------|----------------------------------|-----------------------------------|
| 1) Agricultural and Forest Uses | 6) Private Recreation Facility   | 11) Residential Care & Group Home |
| 2) Camp                         | 7) Tourist Home                  | 12) Child Care Home               |
| 3) Home Occupation              | 8) Wildlife Refuge               |                                   |
| 4) One and Two Family Houses    | 9) Municipal Utilities           |                                   |
| 5) Nursery, Greenhouse          | 10) Roadside Agricultural Stands |                                   |

Conditional Uses:

- |                                 |  |                                  |
|---------------------------------|--|----------------------------------|
| 1) Earth and Mineral Extraction | 4) Multi-family Dwellings                      | 6) Professional Residence Office |
| 2) Home Business                | 5) Planned Unit Development (residential only) | 7) Cultural Arts School          |
| 3) Public Recreation Facility   |  | 8) Child Care Facility           |

Area and Dimensional Requirements:

Minimum lot size	2 Acres; 2 acres per residential structure; 2 acres per dwelling unit for multiple family dwellings
Lot frontage minimum	200 feet
Lot depth minimum	200 feet
Front yard minimum	75 feet from centerline of highway
Rear yard minimum	35 feet from property line
Side yard minimum	35 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural use

## SECTION 220 RURAL RESIDENTIAL DISTRICT (RR)

General Description and Purpose: Rural residential lands appear capable of accommodating a significant proportion of the expected growth for Weston. They are near improved highways and, except for certain areas with serious or critical limitations, are generally suitable for residential uses.

### Permitted Uses:

- |                                 |                                  |                                   |
|---------------------------------|----------------------------------|-----------------------------------|
| 1) Agricultural and Forest Uses | 6) Boarding Houses               | 11) Residential Care & Group Home |
| 2) Camp                         | 7) Tourist Home                  | 12) Child Care Home               |
| 3) Home Occupation              | 8) Wildlife Refuge               |                                   |
| 4) Nursery, Greenhouses         | 9) Private Recreation Facility   |                                   |
| 5) One and Two Family Houses    | 10) Roadside Agricultural Stands |                                   |

### Conditional Uses:

- |  |   |                                |
|--|---|--------------------------------|
| 1) Earth and Mineral Extraction                | 7) Nursing Home                                   | 13) Public Recreation Facility |
| 2) Home Business                               | 8) Restaurant                                     | 14) Cemetery                   |
| 3) Motel                                       | 9) Religious Institutions                         | 15) Multi-family Dwelling      |
| 4) Planned Unit Development (residential only) | 10) Schools                                       | 16) Cultural Arts School       |
| 5) Professional Residence Office               | 11) State Institutions and Development Facilities | 17) Child Care Facility        |
| 6) Public Utilities                            | 12) Public and Private Hospitals                  |                                |

### Area and Dimensional Requirements:

Minimum lot size	2 Acres; 2 acres per residential structure; 2 acres per dwelling unit for multiple family dwellings. Except a one acre lot if so spaced as to not be contiguous with a lot of less than two acres.
------------------	--

The one-acre exception applies only to one and two family dwellings and not to multiple-family dwellings.

Lot frontage minimum	150 feet
Lot depth minimum	150 feet
Front yard minimum	75 feet from centerline of highway
Rear yard minimum	35 feet from property line
Side yard minimum	35 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

## SECTION 225 VILLAGE DISTRICT (V)

General Description and Purpose: The purpose of the Village District is to protect the historic village center of Weston and provide for its orderly development. It is intended that any further development be consistent with and sympathetic to this traditional settlement pattern. This pattern consists of a compact village center (tight cohesive settlement without strip development or sprawl) within a rural setting surrounded by undeveloped areas (such as open fields, hills and forests).

### Permitted Uses:

- |                                  |                                  |                                  |
|----------------------------------|----------------------------------|----------------------------------|
| 1) Agriculture, Agricultural Use | 5) Home Occupation               | 9) Residential Care & Group Home |
| 2) Boarding House                | 6) Inn                           | 10) Tourist Accommodations       |
| 3) Cemetery                      | 7) One and Two Family Dwellings  |                                  |
| 4) Child Care Home               | 8) Professional, Business Office |                                  |

Conditional Uses:

- |                              |                             |   |
|------------------------------|-----------------------------|---|
| 1) Child Care Facility       | 6) Multi-family Dwelling    | 11) Retail Establishment                                  |
| 2) Community Center          | 7) Office Building          | 12) School, Private or Public                             |
| 3) Cultural Arts Facility    | 8) Planned Unit Development | 13) State or Municipally Owned<br>and Operated Facilities |
| 4) Home Business             | 9) Religious Institution    |   |
| 5) Light Industry/Commercial | 10) Restaurant, Bar         |   |

General Conditions:

- 1) No uses other than agricultural and forest uses, one and two family houses and home occupations are permitted on property which abuts Markham Lane or its extensions except in the case of those properties which also abut Route 100.
- 2) All applications except one and two family homes are subject to Site Plan Review.
- 3) Applications for mixed uses are encouraged and will be considered as a conditional use.
- 4) Any use that is similar to the above listed uses may be considered as a conditional use if the Zoning Board of Adjustment decides that:
  - a) The use is of the same general character as other Village permitted or conditional uses, and
  - b) Such use will not be detrimental to other uses in the Village or adjoining lands.

Area and Dimensional Requirements:

Minimum lot size	1 Acre per structure; half acre per dwelling unit for multi-family dwellings
Lot frontage minimum	50 feet
Lot depth minimum	150 feet
Front yard minimum	35 feet from centerline of highway
Rear yard minimum	10 feet from property line
Side yard minimum	10 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural use

## SECTION 230 COMMERCIAL DISTRICT (COM)

General Description and Purpose: In this area existing commercial uses should be allowed to expand and new ones to locate.

Permitted Uses:

- |                                  |                                  |                                      |
|----------------------------------|----------------------------------|--------------------------------------|
| 1) One of Two Family Houses      | 7) Agricultural and Forest Uses  | 13) Gasoline Station                 |
| 2) Home Occupation               | 8) Restaurant, Bar               | 14) Residential Care & Group<br>Home |
| 3) Inn                           | 9) Tourist Home                  | 15) Child Care Home                  |
| 4) Boarding House                | 10) Motel                        | 16) Public and Private Hospitals     |
| 5) Professional, Business Office | 11) Greenhouse, Nursery          |                                      |
| 6) Retail Establishment          | 12) Roadside Agricultural Stands |                                      |

Conditional Uses:

- |                          |                                       |  |
|--------------------------|---------------------------------------|--|
| 1) Industrial Use        | 5) Child Care Facility                | 8) State or municipal owned &<br>operated Facilities |
| 2) Multi-family Dwelling | 6) Mobile Home Park                   | 9) Planned Unit Development<br>(mixed uses)          |
| 3) Home Business         | 7) Utility Power Generating<br>Plants |  |
| 4) Cultural Arts School  |                                       |  |

**Area and Dimensional Requirements:**

Minimum lot size	1 Acre; 1 acre per residential structure; 1 acres per dwelling unit for multiple family dwellings
Lot frontage minimum	150 feet
Lot depth minimum	150 feet
Front yard minimum	100 feet from centerline of highway
Rear yard minimum	25 feet from property line
Side yard minimum	25 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

**SECTION 235 INDUSTRIAL DISTRICT (I)**

**General Description and Purpose:** In this area existing industrial uses should be allowed to expand and new ones to locate.

**Permitted Uses:**

- |                                 |                                     |                                   |
|---------------------------------|-------------------------------------|-----------------------------------|
| 1) One and Two Family Houses    | 8) Professional and Business Office | 14) Industrial Use                |
| 2) Home Occupation              | 9) Restaurant, Bar                  | 15) Roadside Agricultural Stands  |
| 3) Multi-family Dwelling        | 10) Tourist Home                    | 16) Earth and Mineral Extraction  |
| 4) Inn                          | 11) Retail Establishment            | 17) Residential Care & Group Home |
| 5) Boarding House               | 12) Gasoline Station                | 18) Child Care Hom3               |
| 6) Motel                        | 13) Greenhouse, Nursery             |                                   |
| 7) Agricultural and Forest Uses |                                     |                                   |

**Conditional Use:**

- |                         |   |                                  |
|-------------------------|---|----------------------------------|
| 1) Home Business        | 5) Utility Power Generating Plants                | 7) Public and Private Hospitals  |
| 2) Cultural Arts School | 6) State or Municipal owned & operated Facilities | 8) Regional Solid Waste Facility |
| 3) Child Care Facility  |   | 9) Hazardous Waste Facility      |
| 4) Mobile Home Park     |   |                                  |

**Area and Dimensional Requirements:**

Minimum lot size	1 Acre; 1 acre per residential structure; 1 acre per dwelling unit for multiple family dwellings
Lot frontage minimum	150 feet
Lot depth minimum	150 feet
Front yard minimum	100 feet from centerline of highway
Rear yard minimum	25 feet from property line
Side yard minimum	25 feet from property line (except driveways)
Building height maximum	35 feet of 3 stories, whichever is less, except agricultural uses

**SECTION 240 ZONING MAP**

The location and boundaries of Zoning Districts are established as shown on the attached Official Zoning Map. The Official Zoning Map is hereby made a part of these regulations, together with all future amendments.

No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map, signed by the legislative body and attested to by the clerk of the municipality.

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the clerk of the municipality shall be the final authority as to the current zoning status of land and water areas.

## SECTION 241 ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES

The location and boundaries of zoning districts are established as shown on the attached Official Zoning Map, which is part of these Regulations. Where due to scale, lack of detail or illegibility by the Zoning Map there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary shown thereon, the Board of Adjustment shall make an interpretation, upon request, by any aggrieved party.

# ARTICLE III SHORELAND AREA REGULATIONS

## SECTION 300 STATUTORY AUTHORIZATION

To effect the purpose of Chapter 49 of Title 10 and to promote the public health, safety and general welfare in accord with criteria set forth in Sections 1423 and 1425, there are hereby established Shoreland Zoning Regulations for the Town of Weston.

## SECTION 305 CLASSIFICATION OF SHORELANDS

Weston's shorelands are classified as Natural.

## SECTION 310 GENERAL DESCRIPTION AND PURPOSE

Natural shorelands are those shorelands that border waters along the Wantastiquet Pond. These shorelands have been determined to contain high scenic, resource and recreational value. Weston's natural shorelands abut lands zoned for Conservation, Resource, Rural Low Intensity.

The purpose of natural shoreland control is to preserve and enhance high quality waters and to maintain high standards of quality for permitted development.

## SECTION 315 SHORELAND REGULATIONS

For the purpose of these Regulations, shorelands shall be defined as those lands lying between the normal mean water mark of the water body and a line shown on the Zoning Map.

### Permitted Uses:

- |                                 |                                |                          |
|---------------------------------|--------------------------------|--------------------------|
| 1) Agricultural and Forest Uses | 3) Home Occupation             | 5) Single family housing |
| 2) Camp                         | 4) Private Recreation Facility | 6) Wildlife Refuge       |

Area and Dimensional Regulations: as in Rural Residential District, plus setback from normal mean watermark:

- 1) 400 feet for structures
- 2) 300 feet for on-site sewage
- 3) Docks and landings shall be exempt from the setback requirement for structures

### Prohibited Uses:

Within natural shorelands, disposal, bulk storage, or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, fish and aquatic life are prohibited.

# ARTICLE IV FLOOD HAZARD AREA REGULATIONS

## SECTION 401 STATUTORY AUTHORIZATION

These Flood Hazard Area Regulations are adopted to effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, for areas of special flood hazard in the Town of Weston, Vermont.

## SECTION 402 STATEMENT OF PURPOSE

It is the purpose of these Flood Hazard Area regulations to:

- 1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- 2) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- 3) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- 4) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

## SECTION 403 LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply to all areas in the Town of Weston, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

## SECTION 404 DEVELOPMENT PERMIT REQUIRED

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional Use approval by the Appropriate Municipal Panel is required for:

- 1) New buildings;
- 2) Substantial improvement of existing buildings;
- 3) Development in a floodway; and
- 4) Alteration or Relocation of a watercourse

prior to being permitted by the Zoning Administrator. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards. At a minimum the following information shall be submitted by the applicant and include:

- 1) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- 2) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;
- 3) All flood proofing certifications required under this regulation

## SECTION 405 PROCEDURES

- 1) Prior to issuing a Zoning Permit a copy of the application and supporting information shall be submitted by the Zoning Administrator or other designated municipal official to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- 2) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- 3) Proposed development shall be reviewed by the Zoning Administrator or the Appropriate Municipal Panel to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

## SECTION 406 BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS

- 1) Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- 2) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.
- 3) Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

## SECTION 407 DEVELOPMENT STANDARDS

### 1) Floodway Areas

- a) Development within the regulatory floodway, as determined by Section 406(2), is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Vermont State licensed professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.



- b) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
- 2) **Floodway Fringe Areas** (i.e., special flood hazard areas outside of the floodway)
- a) **All Development** - All development shall be reasonably safe from flooding and:
    - i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
    - ii) constructed with materials resistant to flood damage,
    - iii) constructed by methods and practices that minimize flood damage, and
    - iv) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - b) **Residential Development:**
    - i) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH as designated on the FIRM Maps shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction and existing buildings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
    - ii) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
      - (1) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
      - (2) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.
    - iii) Residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.
  - c) **Commercial Development:**
    - i) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
    - ii) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and

sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- iii) A permit for a building proposed to be floodproofed shall not be issued until a Vermont State licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- iv) Commercial construction shall be flood proofed one foot above base elevation and commercial construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

**d) Subdivisions:**

- i) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data on the proposed subdivision plat or survey.
- ii) Subdivisions (including manufactured home parks) shall be designed to assure:
  - (1) such proposals minimize flood damage within the flood-prone area,
  - (2) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - (3) adequate drainage is provided to reduce exposure to flood hazards.

**e) Enclosed Areas Below the Lowest Floor:**

- i) Enclosed areas below the lowest floor, which are subject to flooding, shall be used solely for parking of vehicles, building access, or storage.
- ii) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- iii) Designs for meeting this requirement must either be certified by a Vermont State licensed professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**f) Recreational Vehicles:** Recreational Vehicles placed on sites with special flood hazard areas shall either:

- i) be on the site for fewer than 180 consecutive days,

- ii) be fully licensed and ready for highway use, or
  - iii) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Section 407 2.(b).
- g) **Accessory Structures:** A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:
- i) The structure must only be used for parking or storage and shall not be used for human and/or animal habitation,
  - ii) The structure must have the required openings to allow floodwaters in and out,
  - iii) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
  - iv) The structure must be adequately anchored to resist flotation, collapse and lateral movement, and
  - v) All building utility equipment including electrical and heating must be elevated or floodproofed.
- h) **Water Supply Systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- i) **Sanitary Sewage Systems:** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- j) **On-Site Waste Disposal Systems:** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least one (1) foot above the base flood elevation.
- k) **Watercourse Carrying Capacity:** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

## SECTION 408 DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR AND/OR DESIGNATED MUNICIPAL OFFICIAL

The Zoning Administrator and/or designated municipal official shall maintain a record of application data the following and is not limited to:

- 1) All permits issued for development in areas of special flood hazard;
- 2) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- 3) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- 4) All floodproofing certifications required under this regulation; and
- 5) All variance actions, including justification for their issuance.

## SECTION 409 VARIANCES TO THE DEVELOPMENT STANDARDS

Variations shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

## SECTION 410 WARNING OF DISCLAIMER OF LIABILITY

These flood hazard area regulations do not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This section of the regulations shall not create liability on the part of the Town of Weston or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

## SECTION 411 VALIDITY AND SEVERABILITY

If any portion of these regulations is held unconstitutional or invalid by a competent court, the remainder of these regulations shall not be affected.

## SECTION 412 PRECEDENCE OF THESE FLOOD HAZARD AREA REGULATIONS

The provisions of these bylaws shall not in any way impair or remove the necessity of compliance with any other applicable regulations or ordinances. Where these regulations impose a greater restriction, the provisions of these regulations shall take precedence.

## SECTION 413 ENFORCEMENT AND PENALTIES

It shall be the duty of the Zoning Administrator and/or other designated municipal official to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the opportunity to cure has passed, the Zoning Administrator shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of:

- 1) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location,
- 2) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,
- 3) a clear statement that the public body making the declaration has authority to do so and a citation to that authority,
- 4) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and
- 5) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## SECTION 414 FLOOD HAZARD AREA DEFINITIONS

The definitions within this section of the Zoning Regulations shall be the definitions for flood hazard area purposes. All other defined words shall have the definitions found in Article VIII.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

**Basement:** Any area of the building having its floor elevation (below ground level) on all sides.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Existing manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an existing manufactured home park or subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FIRM:** See [Flood Insurance Rate Map](#) below.

**Flood:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

**Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source (see definition of "flood").

**Flood proofing:** Any combination of structural and non-structural additions, changes, or adjustments to properties and/or structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Historic Structure:** Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) an approved state program as determined by the Secretary of the Interior or
  - b) Directly by the Secretary of the Interior in states without approved programs.

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

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

**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community. See also definition for Mobile Home Park in Article VIII.

**Recreational vehicle:** A vehicle which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

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

**Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

- 1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- 2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- 3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (3) of this definition, or a gas or liquid storage tank. See also definition for Structure in Article VIII.

**Substantial damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, during any 5 year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- 2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

## ARTICLE V GENERAL REGULATIONS

The provisions of these Regulations shall be subject to such additions, modifications or exceptions as herein provided by the following general regulations.

### SECTION 501 EXISTING SMALL LOTS

- 1) Any lot that is legally subdivided, in individual and separate and non-affiliated ownership from surrounding properties and is in existence on the effective date of any subsequent amendments of these Regulations may be developed for the purpose permitted in the zoning district in which it is located, even though the lot does not conform to the minimum lot size requirements of the zoning district in which the lot is located provided the lot is not less than one-eighth acre in area or has a width or depth dimension of at least forty (40) feet.
- 2) If a lot not conforming to the minimum lot size requirements in the zoning district in which it is located subsequently comes under common ownership with one or more contiguous lots it shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately developed and/or conveyed if all of the following apply:
  - a) The lots are conveyed in their pre-existing, nonconforming configuration;
  - b) On the effective date of the Zoning Regulations, each lot had been developed with a water supply and wastewater disposal system;
  - c) At the time of property transfer, each water supply and wastewater system is functioning in an acceptable manner; and
  - d) 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 502 REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS OR PUBLIC WATERS

No land development may be permitted which does not have adequate means of access, either frontage on a public road (Class 1, 2, or 3) or, with the approval of the Planning Commission, access by means of a permanent easement, right of way, or public waters to such a public road or public waters. Access easements or rights-of-way shall not be less than 25 feet in width. If serving more than two lots or multi-family dwelling, a right-of-way or easement shall be at least 50 feet in width to ensure public safety and orderly development.

### SECTION 503 PROTECTION OF HOME OCCUPATIONS AND PROVISION FOR HOME BUSINESS

#### SECTION 503.1 HOME OCCUPATION

- 1) No provision of these Regulations 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 that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located provided that the following conditions are met for the occupation:
  - a) is carried on in a minor portion of the dwelling unit of the resident;
  - b) is carried on by one or more residents of the dwelling unit;



- c) is clearly incidental and secondary to the primary use of the dwelling unit for residential purposes;
  - d) does not require any additional off-street parking;
  - e) does not change the external character of the dwelling, or the character of the neighborhood;
  - f) does not have an undue adverse effect upon the character of the residential area in which the dwelling is located;
  - g) offers for sale only articles produced on the premises or services produced by the resident;
  - h) must be in compliance with the performance standards set forth in Section 560 through 574 of this Regulation; and
  - i) does not store finished products in any non-screened outside area or enclosed outside storage structure.
- 2) Where it is determined by the Zoning Administrator that the proposal does not meet the definitions or standards of Home Occupation, the applicant may appeal the decision of the Zoning Administrator in accordance with Section 709 of these regulations or may apply to the Planning Commission for Site Plan Review under the broader use (commercial, industrial, etc.) as determined by the district in which the parcel is located.

## SECTION 503.2 HOME BUSINESS

A Home Business may be permitted if it meets all the criteria set forth below and does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Criteria for eligibility for a Home Business are:

- 1) is carried on in the dwelling unit or accessory structure(s) of the resident;
- 2) is carried on by residents of the dwelling unit and may include employees who are not residents of the dwelling unit;
- 3) is clearly incidental and secondary to the primary use of the dwelling unit for residential purposes;
- 4) does not take up more than a minor portion of the dwelling unit;
- 5) may require additional off-street parking, but does not require any on-street parking;
- 6) no traffic shall be generated in substantially greater volume than would normally be expected in the neighborhood;
- 7) does not have an undue adverse effect upon the character of the residential area in which the dwelling is located;
- 8) Conditional Use Permit and Site Development Plan Review are required for all Home Businesses;
- 9) may be allowed to expand the dwelling but cannot change the external character of the dwelling and must not change the character of the neighborhood;
- 10) offers for sale only articles produced on the premises or services produced by the resident;
- 11) must be in compliance with the performance standards set forth in Section 560 through 574 of this Regulation; and
- 12) may be allowed to store finished products and/or necessary equipment to carry on business functions in a screened outside area or enclosed outside storage structure.

## SECTION 504 PROTECTION OF CHILD CARE HOME OR FACILITY

- 1) A "family child care home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the State for childcare.
- 2) A family childcare home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property and does not require Site Development Plan Review.
- 3) A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property and requires Site Development Plan Review.
- 4) A family childcare facility serving more than six full-time and four part-time children is a Conditional Use within all zoning districts except the Conservation Zoning District and requires Site Development Plan Review.

## SECTION 505 PROTECTION OF MOBILE HOMES, MOBILE HOME PARKS, MODULAR & PREFABRICATED HOUSING

- 1) It is not the intent of these Regulations to have the effect of excluding mobile homes, modular housing, or prefabricated housing from the Town of Weston, except upon the same terms and conditions as conventional housing is excluded.
- 2) Mobile home parks, as defined in 10 V.S.A. Chapter 153, are Conditional Uses in the Commercial and Industrial Zoning Districts.
- 3) Refer to [Section 580 through 582](#) for specific standards for mobile homes and trailers.

## SECTION 506 PROTECTION OF MULTIFAMILY DWELLINGS

Multi-family Dwellings are allowed as Permitted Uses in the Village and Industrial zoning districts and as a Conditional Use in the Rural Low Intensity and Rural Residential and Commercial zoning districts and are subject to Site Development Plan Review.

## SECTION 507 PROTECTION OF RESIDENTIAL CARE OR GROUP HOME

- 1) A Residential Care or Group Home to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 VSA §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 residential care or group home. A residential care or group home requires Site Development Plan Review.
- 2) A Residential Care or Group Home, to be operated under state licensing or registration, serving nine (9) or more persons who have a handicap or disability as defined in 9 VSA §4501, shall be reviewed as a multi-family dwelling and shall be subject to Conditional Use Review and Site Development Plan Review.

## SECTION 508 PROTECTION OF ACCESSORY DWELLINGS

An accessory dwelling unit that is located within or appurtenant to a single-family dwelling shall be a permitted use. For the purposes for this section, appurtenant means incidental or subordinate to the primary dwelling unit. An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, 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:

- 1) The property has sufficient wastewater capacity, in accordance with applicable wastewater regulations by the Vermont Agency of Natural Resources.
- 2) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- 3) Applicable setback, coverage, and parking requirements are met.
- 4) The owner occupies either the primary single family or the accessory dwelling unit.

## SECTION 509 PROTECTION OF AFFORDABLE HOUSING

No provisions of these Zoning Regulations may have the effect of excluding from the Town of Weston housing to meet the needs of the population as identified in the Weston Town Plan and determined in accordance with 24 VSA §4382(C).

## SECTION 510 SPECIAL PUBLIC USE EXCEPTIONS & LIMITATIONS

Specific public land uses may only be regulated by municipalities with respect to location and physical site design requirements and only to the extent that these regulations do not have the effect of interfering with the intended functional use. These specific uses have been identified by the State of Vermont as serving the public well-being and can not be excluded from the municipality.

### SECTION 510.1 SPECIAL PUBLIC USES

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of building, off-street parking and loading facilities, traffic, noise, lighting, and landscaping or screening requirements and only to the extent that the regulations do not have the effect of interfering with the intended functional use:

- 1) Utility power generating plants and transmission lines.
- 2) State or municipal owned and operated institutions and facilities.
- 3) Public and private schools and other educational institutions certified by the Vermont Department of Education.
- 4) Churches and other places of worship, convents and parish houses.
- 5) Public and private hospitals.
- 6) Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- 7) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a.

### SECTION 510.2 PROTECTION OF AGRICULTURAL AND SILVICULTURAL PRACTICES

- 1) Pursuant to 24 V.S.A. § 4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from obtaining municipal land use permits.

- 2) However, persons intending to erect a farm structure must notify the Zoning Administrator of the intent to build a farm structure, and abide by setbacks approved by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances as specified by the applicable zoning district.
- 3) Additionally, all farm structures within Flood Hazard Areas must comply with the Flood Hazard Area requirements of these zoning regulations. Lastly, Weston may report violations of Accepted Agricultural Practices or Accepted Silvicultural Practices to the appropriate state authorities for enforcement.

## SECTION 511 NONCONFORMING USES, STRUCTURES, LOTS/PARCELS

The following provisions shall apply to all uses, structures, and lots/parcels existing on the effective date of these Regulations, which do not conform to these Regulations and to any subsequent amendments. It is the purpose of this Section to regulate the expansion and undue perpetuation of nonconforming uses, structures, and lots/parcels (Refer to the Definitions sections for descriptions).

This Section and its subsections shall not be construed to permit any unsafe use, structure, or to affect any proper procedures to regulate or prohibit the unsafe use of a structure.

### SECTION 511.1 NONCONFORMING USES

Any lawful use of any structure or land existing at the time of the enactment of these regulations may be continued, even though such structure or use does not conform with the provisions of these regulations, provided that the conditions in this section are met.

- 1) A nonconforming use shall not be extended or enlarged, nor shall it be extended to displace a conforming use, nor shall it be changed to another nonconforming use, nor shall it, if changed to a conforming use, thereafter be changed back to a nonconforming use.
- 2) A nonconforming use may not be changed, except to a conforming use, or with approval of the Zoning Board of Adjustment, to a use not more objectionable in character.
- 3) If a nonconforming use is changed to a conforming use, it shall not be changed back into a nonconforming use.
- 4) A nonconforming use, which has been abandoned or discontinued for a period of one (1) year, shall not be resumed thereafter without approval of the Zoning Board of Adjustment. A nonconforming use which, has been discontinued for more than eighteen (18) months, may not be resumed thereafter.
- 5) In the event the structure containing a nonconforming use has been unintentionally damaged or destroyed, such structure may be reconstructed or restored and the nonconforming use reestablished subject to approval of the Zoning Board of Adjustment, provided an application for a conditional use permit is filed with the Board within one (1) year of the date the damage or the destruction occurred.

### SECTION 511.2 NONCONFORMING STRUCTURES

Any nonconforming structure may be continued indefinitely, may be moved, enlarged, altered, extended, reconstructed, reestablished or restored, subject to the following conditions:

- 1) Nothing in these Regulations shall prevent the maintenance or repair of a nonconforming structure, provided that such an action does not increase the degree of nonconformity.

- 2) Any nonconforming building or structure may be altered, including additions to the building or structure, provided such alteration must comply with the provisions of these Regulations and/or not increase the degree of nonconformity.
- 3) Any nonconforming structure that is unintentionally damaged or destroyed by fire, disaster, act of God or other unintentional cause maybe permitted to be reconstructed or restored to its original form provided an application for a Zoning Permit for the reconstruction or restoration is filed with the Zoning Administrator within one year of the date of the damage or destruction.
- 4) This section shall not be construed to permit any unsafe structure and a nonconforming structure, or part thereof, may be maintained, repaired, or restored to a safe condition as approved by the Zoning Board of Adjustment.

### SECTION 511.3 NONCONFORMING LOTS OR PARCELS

Refer to Section 501 (Existing Small Lots)

### SECTION 511.4 ACCESSIBILITY FOR PHYSICALLY CHALLENGED PERSON

A Conditional Use Permit may be granted, upon approval of the Zoning Board of Adjustment at a publicly noticed hearing, for the purpose of necessary exterior improvements allowing access to physically challenged person(s), in the event that such improvements will create a non-conformity or extend a non-conformity.

### SECTION 512 CALCULATIONS OF REQUIRED LOT AREA

Existing or proposed rights-of-way shall not be included in calculating the required lot area, lot width, depth and yards.

### SECTION 513 GENERAL REQUIREMENTS FOR ALL DISTRICTS

- 1) Site Development Plan Review is required for all uses except one and two-family dwellings, the accessory uses thereto, and agricultural uses.
- 2) The lot frontage requirement for the District shall serve as the lot width requirement for non-frontage lots.
- 3) The minimum building setback requirement from all permanent watercourses shall be 100 feet unless otherwise permitted by these Regulations.
- 4) Ponds are permitted in all districts provided the toe of the slope does not extend within a town road right of way. Side and rear yard requirements do not apply.

### SECTION 514 BUILDING COVERAGE, OPEN PORCHES, CARPORTS AND GARAGES

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

### SECTION 515 REDUCTION OF LOT AREA

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

## SECTION 516 REQUIRED AREA OF YARDS

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

## SECTION 517 PROJECTION IN YARDS

Every part of a required yard shall be open from grade level to the sky unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

## SECTION 518 VARIATION OF YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS

Upon approval by the Planning Commission, and after a public hearing, the requirements concerning lot area, frontage, side and rear yards may be varied for a planned residential development, provided that the maximum number of dwelling units of the overall development is not greater than that normally allowable in the district in which it is located, and provided that suitably landscaped open space at least forty feet in width shall surround the development. Such land as may be made available under this Section shall be devoted to common purposes for all residents, including a park, play area or gardens for use of residents.

## SECTION 520 CASUAL SALES

- 1) Casual sales or similar activities are permitted activities in all zoning districts provided that these sale activities do not exceed four (4) consecutive days, nor more than sixteen (16) total days in any calendar year.
- 2) The actual sale activity shall not be located within a public right-of-way.
- 3) Storage of sale items before and after a sale event shall be in a screened or enclosed area.
- 4) All sale activities that do not meet the definition of a casual sale and are conducted in excess of the allocated sixteen (16) days will be considered a retail activity and subject to review by the appropriate municipal panel for the Town of Weston.

## SECTION 522 LOCATION OF DRIVEWAYS

- 1) All driveway entrances shall be as approved by the Selectboard to eliminate drainage onto the road and provide safe entrance and exit.
- 2) All driveways are to be located at least one hundred feet from town road intersections for all uses except one and two family residential uses.
- 3) An access permit must be obtained from the Weston Selectboard for new accesses and driveways to a Town public road or right-of-way.
- 4) Access on a state highway must be permitted by Vermont Agency of Transportation.

## SECTION 523 TEMPORARY USES AND STRUCTURES 3/96

Permits for temporary structures may be issued by the Zoning Administrator for a period not exceeding one year for any structure, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Upon review by the Zoning Administrator temporary structures erected on the site of one or two family dwellings may be required to meet setback requirements. Permits may be renewed upon application for an additional

period not exceeding one year. Use of temporary structures that are open to the public and are an extension of retail space require site plan approval and may not remain in place for more than 12 days per calendar year.

## SECTION 524 REMOVAL OF STRUCTURES

Within 30 months after work on an excavation for a building has begun, or within 6 months after a permanent or temporary building or structure has been destroyed or demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

## SECTION 525 HEIGHT EXCEPTIONS BY SPECIAL PERMIT

No radio or television tower, water or cooling tower, windmill, oil or gasholder, elevator bulkhead, chimney, or similar structures in excess of thirty-five feet may be erected unless approved by the Planning Commission and after a public hearing and Site Plan Review.

## SECTION 528 DANGERS TO PUBLIC SAFETY

If a swimming pool, quarry, excavation, structure or similar facility, is maintained in a manner, which, in the judgment of the Planning Commission, constitutes a danger to public safety, the Commission may require the owner to provide adequate fencing.

## SECTION 529 PUBLIC UTILITY SUBSTATIONS

Public utility substations and similar utility structures, where permitted shall comply with the following:

- 1) The facility shall be surrounded by a fence set back from the property lines in conformance with the zoning district regulations for front, side and rear yards.
- 2) A landscaped area including a tree screen at least twenty-five feet wide shall be maintained in front, rear and side yards.

## SECTION 535 GASOLINE STATIONS

Gasoline or motor vehicle service stations are permitted in the Industrial District and Commercial District only and shall comply with the following:

- 1) A gasoline station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library or religious institution.
- 2) Pumps, lubricating and other service devices shall be located at least fifty feet from the front lot line and side and rear lot lines.
- 3) All fuel and oil shall be stored at least thirty-five feet from any property line.
- 4) All automobile parts and dismantled vehicles, after a period of 60 days, are to be stored within a building.
- 5) No sign shall extend beyond the pumps, nor exceed fifteen feet in height.
- 6) Each access driveway shall conform to State Highway Dept. standards.

## SECTION 536 ROADSIDE AGRICULTURAL STANDS

Roadside stands for the sale of agricultural products raised on the property may be erected in all Districts except Conservation, provided that:

- 1) No stand shall be nearer the front or side lot lines than twenty feet.
- 2) Off-street parking space shall be provided for at least four motor vehicles.

## SECTION 537 SEWAGE REQUIREMENTS

- 1) All repair, replacement, or new installations shall receive a permit from the Weston Sewage Officer for septic systems.
- 2) All other permits required by the State Agency of Natural Resources are the responsibility of the applicant.

## SECTION 538 PUBLIC TOILET FACILITIES PROVIDED BY COMMERCIAL ESTABLISHMENTS

All commercial and industrial uses must provide toilet facilities for the public they serve. As provided for in Section 4412 of the Act, existing non-conforming commercial establishments must comply with this section within three years from the effective date of these Regulations; such facilities shall be clearly identified for the patrons and maintained in working order.

## SECTION 540 OFF-STREET PARKING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty feet clear in width, except for one and two family uses. Parking lot shall be clearly identified.

- 1) **Residential Uses:**
  - a) One-family, two-family, and accessory dwelling units: one parking space for every unit.
  - b) Multiple-family dwelling units: four parking spaces for every three units.
  - c) Professional residence office: two parking spaces, plus one additional parking space for every three hundred square feet of office space.
  - d) Home Business: one parking space for each employee and any additional parking needs will be subject to Site Development Plan Review.
  - e) Child Care Home: one parking space per employee and any additional parking needs will be subject to Site Development Plan Review.
  - f) Child Care Facility: one parking space per employee and any additional parking needs will be subject to Site Development Plan Review.
- 2) **Hotel, Motel, Tourist Home, Boarding House, or Residential Care or Group Home:**
  - a) Three spaces plus one for every guest room and one space per employee.



- 3) **Dormitory, Fraternity, Nurses' Home, Hospital:**
  - a) One space for every two beds.
- 4) **Places of Indoor Public Recreation:**
  - a) Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge hall, or other place of public or private assembly, which provides facilities for seating people, one parking space for every three seats. Where there are no seats provided, one parking space shall be provided for every fifty square feet of floor area.
- 5) **Business, Professional and Medical Offices:**
  - a) Two spaces plus one for every two hundred square feet of office space.
- 6) **Commercial, Business and Unspecified Uses:**
  - a) One for every two employees, one parking space for every motor vehicle used in the business, plus one parking space for every one hundred square feet of retail floor area.
- 7) **Restaurant, Eating and Drinking Establishments:**
  - a) One parking space for every motor vehicle used in the business, plus one for every two employees, plus one for every three seats.
- 8) **Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses:**
  - a) One parking space for every vehicle used in the business; one parking space for every two employees.
- 9) Parking spaces may be provided by the applicant on other property, provided such land lies within five hundred feet of an entrance to the principal building.
- 10) **Outdoor Recreation:**
  - a) As required by the Planning Commission
- 11) Where any non-residential district or use abuts a residential district or use, the parking or loading space shall be no closer than fifteen feet to the property line abutting the residential district or use, and the spaces shall be suitably screened and landscaped.

## SECTION 541 OFF-STREET LOADING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade or industry there shall be provided off-street space for loading and unloading of vehicles as required by the Planning Commission.

Minimum requirement shall be one loading space, 12 feet X 40 feet and 14 feet high for any business receiving or dispatching shipments.

## SECTION 550 SIGNS

Before the alteration, construction, enlargement, or erection of any sign a sign permit shall be secured from the Zoning Administrative Officer appointed by the Board of Selectboard.

Application for this permit shall be made on a form prescribed by the Selectboard, and a standard minimum fee, as determined by the Selectboard, shall be charged for processing the application. Action on the application shall be taken by the Zoning Administrative Officer within thirty (30) days of filing.

- 1) **Registration Of Signs**—All existing and new signs must be registered with the Zoning Administrative Officer. Signs which are non-conforming under the previous regulation (amended March 7, 1989) may continue to be displayed provided they are registered with the Zoning Administrative Officer no later than 60 days after adoption of this regulation. Each sign must be registered using the sign application/registration form provided by the Zoning Administrative Officer. A site plan, color photograph, dimensions, and description must be included with the registration form.
- 2) **Violations**—Any sign which has not been registered or which has not received a permit from the Zoning Administrative Officer within sixty (60) days of the effective date of this regulation, shall be deemed in violation of this regulation.

## SECTION 551 OFF-PREMISES SIGNS (3/92)

Off-premises signs shall be prohibited as provided in Title 10 V.S.A., Chapter 21, Subsections 497 a & b.

## SECTION 552 ON-PREMISES SIGNS (3/92)

### 1) Number of Signs Per Premises and Per Business or Enterprise

#### a) **Free-standing Signs**

There shall be only one (1) free-standing, pedestal, or post supported sign per premises. Where two or more businesses or enterprises share the same premises, such businesses or enterprises shall share a single free-standing sign.

#### b) **Projecting Signs**

There shall be one (1) projecting sign permitted provided there is no free-standing sign on the premises. Where two or more businesses or enterprises share the same premises, such businesses or enterprises shall share a single projecting sign.

#### c) **Signs Mounted Flush or Parallel to a Building Wall (Flush Mounted)**

In addition to one (1) free-standing or projecting sign per premises, there may be one (1) flush mounted sign for each business or enterprise on the wall of the building where the advertised activities are carried out.

A second flush mounted sign may be permitted for each business or enterprise in a building, provided that there is a separate entrance to the business or enterprise, where all of the following conditions are satisfied:

- i) such separate entrance is a direct access from a parking lot which is located on the premises; and
- ii) such sign is not greater than three square feet; and
- iii) such sign is not illuminated in any manner; and
- iv) such sign is mounted above the door to the business or enterprise which it advertises.

### 2) Size, Height, and Setback of Signs

#### a) **Size**

- i) Free-Standing Signs and Projecting Signs

Free-standing signs and projecting signs in the Village, Commercial and Industrial districts shall be no more than twelve (12) square feet in area, excluding posts and cornices.

Free-standing signs and projecting signs in Rural, Rural Residential, Resource and Conservation districts shall be no more than ten (10) square feet in area, excluding posts and cornices.

ii) **Flush Mounted Signs**

Signs mounted flush to a building wall shall protrude no more than six (6) inches from the wall. Flush mounted signs in the Village, Commercial and Industrial districts shall be limited to twelve (12) square feet in size. In all other districts a flush mounted sign will be permitted of six (6) square feet. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical structure of the sign.

iii) **Sides of Signs**

Two-sided signs shall have parallel sides no more than six (6) inches apart. The permitted square footage shall apply to each side of a two-sided sign. In no case shall any sign have more than two (2) sides.

b) **Height**

i) **Free-standing signs**

The bottom of a permitted free-standing sign shall not restrict the visibility of vehicles entering or leaving any intersection or driveways, town or state highways, or private roads. The Zoning Administrative Officer may require relocation or adjustment of any such sign within fifteen (15) feet of the edge of the traveled pavement to assure vehicular and pedestrian safety. Maximum height of such signs will be no more than ten (10) feet from grade level to the top of the sign. Maximum height of the supporting structure will be no more than twelve (12) feet from grade level to the top of the structure.

ii) **Projecting signs**

Projecting signs cannot extend within the area used by vehicular traffic nor extend more than four (4) feet from the supporting structure. The bottom of the sign shall not be less than ten (10) feet above the finished grade, the top of the sign will not exceed fifteen (15) feet above finished grade.

c) **Setback**

No portion of any sign or supporting structure may intrude upon a state or town right of way.

3) **Special Categories of Signs**

a) **Subdivision Or Housing Projects**

Subdivision or housing projects are permitted one (1) free-standing sign containing the name of the project, and not exceeding eight (8) square feet.

b) **Gas Station Signs**

Gasoline price signs shall be confined to the pump island. The signs shall be limited to one (1) square foot in area and one (1) per pump.

c) **Signs announcing an auction, sale, or special entertainment event**, may be allowed provided that such signs shall:

- i) Be located on the premises where the event is taking place; and

- ii) Not exceed six (6) square feet in area; and
- iii) Not be displayed more than ten (10) days prior to the event, and shall be removed the day following said event; and
- iv) Not be displayed for more than twelve (12) consecutive days in any 30 day period.

**d) Window Signs**

Window signs may be displayed, and may cover up to twenty-five percent (25%) of the total window area per business or enterprise on the side of the building where such signs are located.

## SECTION 553 EXEMPT SIGNS

The following signs are exempt from the provisions of Sections 550, 551, and 552:

- 1) Signs located on or in a rolling stock of common carriers, provided that such rolling stock is not regularly parked near a highway in such a way that the rolling stock becomes the functional equivalent of a prohibited or non-conforming sign.
- 2) Signs on registered and inspected motor vehicles except those which are determined by the Zoning Administrator to be circumventing the intent of this regulation.
- 3) Advertises the sale or lease of real estate and is exhibited on such real estate, provided it meets the state standards for a real estate sign, not exceeding two (2) per premises.
- 4) Posters as defined in the regulation. Any person erecting a poster is responsible for its removal after ten (10) days.
- 5) Political signs may be erected not more than three (3) weeks before an election and must be removed the day after the election is held. Any person erecting a political sign is responsible for its removal.
- 6) Signs erected by the Town of Weston.
- 7) Signs erected by the State of Vermont or any of its Boards, Agencies or Departments.
- 8) Small signs without advertising, displayed for direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, posted area or the like, with an area not exceeding two (2) square feet, provided such signs are on the premises of the activity served by the sign.
- 9) The Zoning Administrator shall have the authority to issue a permit for the erection and display of signs, banners, or other advertising displays of any nature, on a temporary basis, to any civic, religious, fraternal, political or charitable group, provided however, that such permit shall specifically state the location or locations of such signs and devices, and specifically state the starting and expiration dates of such use and the responsibility for removal.
- 10) Residential signs as defined in this regulation.
- 11) Window signs conforming to the requirements of Section 552 Subsection (3)(d).
- 12) Construction signs not exceeding 6 square feet.

## SECTION 554 PROHIBITED SIGNS

- 1) No authorized off-premises sign, on-premises sign, or exempt sign may be erected or maintained which is visible or audible from any street, highway, or public right-of-way which:
  - a) Interferes with, imitates, or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.
  - b) Prevents the driver of a motor vehicle from having clear and unobstructed view of official traffic control signs and approaching or merging traffic.
  - c) Contains, includes or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, flags, ribbons, streamers or spinners, or other moving devices, or has any animated or moving parts, except traffic control signs. Holiday displays, commercial or residential, employing customary strings of white or colored lights or other holiday decorations, are specifically excluded from the restriction for the period, beginning the day after Thanksgiving until March 1.
  - d) Has any lighting that is not shielded to prevent beams or rays of light from being directed at any portion of the main traveled highway or street or is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise to interfere with the operation thereof.
  - e) Is illuminated from within unless free-standing, constructed of opaque material cut out so that only the letters are illuminated, and such area of illumination does not exceed fifty percent (50%) of the sign area.
  - f) Is located upon any street within the Town or State right-of-way or painted upon a rock or other natural feature or upon utility poles.
  - g) Is in violation of, or at variance with any Federal law or regulation, including one containing or providing for conditions to or affecting the allocation of Federal highway or other funds to the benefit of the State or any subdivision thereof.
  - h) Advertises activities which are illegal under State or Federal law.
  - i) Is not clean and in good repair.
  - j) Is not securely affixed to a substantial structure.
  - k) Contains any fluorescent paint or material or which is lit by neon.
  - l) Are displayed on the roof of any building or structure.
  - m) Signs mounted on wheels, trailers or other motor vehicles if the vehicles, trailers or wheeled signs are regularly located for fixed display.
- 2) No premises shall incorporate a public address system or other audible system in such a manner that sound is audible on adjacent property or on any street or highway.

## SECTION 555 DEFINITIONS FOR SIGNS

**OFF-PREMISES SIGN:** A sign which directs attention to a business, profession, commodity, service or entertainment that is not carried on, sold or offered on the same premises.

**ON-PREMISES SIGN:** A sign which directs attention to a business, profession, commodity, service or entertainment carried on, sold or offered on the same premises.

**POSTER:** A temporary, off-premises sign, exhibited no more than ten (10) days, and not exceeding three (3) square feet in area, advertising a specific event or occurrence at a particular time and place.

**PREMISES:** The site, building, or set of related buildings comprising the location of one or more businesses or other ventures.

**RESIDENTIAL SIGNS:** A sign that calls attention to the person or persons who reside in the residence.

**RIGHT OF WAY:** Any publicly owned space used for vehicular or pedestrian traffic. When the boundary of the right of way is not known, it shall be assumed to be 25 feet from the centerline of the traveled way.

**SIGN:** Any structure, wall display, device or representation which is designed or used to advertise or call attention to or directs a person to a business, association, profession, commodity product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible or audible from a highway or other public right-of-way. It does not include the flag, pennant or insignia of any nation or state on a single pole.

**WINDOW SIGNS:** Any sign affixed to the inside or outside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door whose sole purpose is to circumvent this regulation. Small signs incorporated into a window display of merchandise and measuring no more than 100 square inches shall not be deemed to be a window sign.

*SEE ALSO DEFINITIONS UNDER ARTICLE VIII*

## SECTION 560 PERFORMANCE STANDARDS

In accordance with §4414(5) of the Act, in all districts the following performance standards together with all applicable State standards must be met. The Planning Commission shall decide whether proposed or existing uses meet the standards in Sections 561 through 574.

## SECTION 561 USES NOT PERMITTED

In all districts the following uses are not permitted: junk yards, machinery wrecking yards; bulk storage of fuel oil, butane, propane, gasoline.

In all districts the following uses are not permitted: smelters; blast furnaces; slaughter houses; rendering plants; hide tanning or curing plants; manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine, manufacture or refining of petroleum, gas, explosives, bulk storage of explosives; dumps, except municipally operated sanitary landfill; amusement parks and zoos, drive-in establishments.

## SECTION 562 GENERAL STANDARDS

In all districts uses are not permitted which exceed any of the following standards measured at the individual property line:

- 1) Emit noise in excess of 70 decibels.
- 2) Emit any smoke, in accordance with applicable standards, guidelines, and/or regulations established and/or enforced by the State of Vermont and the United States Environmental Protection Agency as they are adopted and amended.
- 3) Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.

- 4) Cause, as a result of normal operations, a vibration which causes displacement of 0.002 of one inch.
- 5) Lighting of signs which create glare, which could impair the vision of a driver of any motor vehicle.
- 6) Cause a fire, explosion or safety hazard.
- 7) Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.

## SECTION 563 STANDARDS - ODOR

In all districts uses are not permitted which in the judgment of the Planning Commission emit any non-agricultural odor, which is considered offensive.

## SECTION 564 STORAGE OF FLAMMABLE LIQUIDS

The storage of any flammable liquid in tanks above ground shall conform to the standards set by the Vermont Dept. of Labor and Industry, Fire Prevention Division.

## SECTION 565 EXTRACTION OF SOIL, SAND OR GRAVEL

In any district the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Commission and after a public hearing. In any district, the following provisions shall apply:

- 1) Before approval of any new sand, soil or gravel removal operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvement to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake, recreation area or other usable open space.
- 2) When abandoning the excavation operation or a portion thereof, the sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Administrative Officer.
- 3) All surface drainage affected by excavation operations shall be controlled by the owner and approved by the Administrative Officer to prevent erosion debris and other loose materials from filling any drainage course or stream.
- 4) All excavation slopes in excess of one to two shall be fenced, if required by the Zoning Administrator.
- 5) The Planning Commission may attach such additional conditions as it may find necessary for the safety and general welfare of the public. The permit shall be issued for a period not to exceed two years, but may be renewed by the Planning Commission upon application.

## SECTION 566 LANDFILL

In any district, dumping of refuse and waste material for landfill is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill.

## SECTION 570 LANDSCAPING REQUIREMENTS

Landscaping required in all districts under these Regulations to be installed and maintained in front, side and rear yards shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas or ground cover.

Where any commercial or industrial use abuts a residential use, the commercial or industrial user shall maintain a strip of land at least 25 feet in width as a landscape and utility area in the front, side, and rear yards, unless such a requirement is waived in writing by abutting property owners.

## SECTION 571 SCREENED SERVICE AREA REQUIREMENTS

In any district all areas designated, used or intended to be used as service areas for any building or land use, other than one-family and two-family dwelling units shall be screened from view with either a wall, a solid fence or evergreens to a height of at least 5 feet above grade level, on all sides where the adjacent land is in a residential district or residential use.

## SECTION 574 GRADING

No grading, cut or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of one to two.

## SECTION 580 MOBILE HOMES AND TRAILERS

- 1) It shall be unlawful for any person to park a mobile home on any public or private property except in accordance with regulations the same as those applying to single-family dwellings.
- 2) It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach or motor home on private property, except in accordance with the following Regulations:
  - a) The owner of a trailer may park it on his own property, provided that the trailer is parked within the setback requirements for any structure on the same lot. A trailer so parked shall not be used as living quarters except temporarily.
  - b) A trailer used as permanent living quarters in excess of 14 days shall be subject to residential restrictions and require a permit.

## SECTION 581 MOBILE HOME PARKS AND TRAILER

- 1) No person or persons shall construct or operate a mobile home park or trailer camp without first obtaining Site Development Plan approval from the Planning Commission and a permit from the Town Selectboard. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Commission. Before issuing a permit, the Selectboard shall require a performance bond from the operator of the camp to assure that the camp is maintained in a satisfactory manner.
- 2) Application for a mobile home park or trailer camp permit shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the camp, a contour map, a layout of the roads, walk-ways, trailer lots, parking areas, garbage collection stations, electrical



distribution, water lines, sanitary sewer facilities, storm sewer drainage facilities, and all other requirements for submission of a complete application for Site Development Plan review.

- 3) The Planning Commission may accept the proposed plans, accept them with recommended changes, or reject them.

## SECTION 582 MOBILE HOME PARK OR TRAILER CAMP STANDARDS

The following regulations shall apply to all trailer camps:

- 1) A mobile home park or trailer camp shall have an area of not less than 3 acres.
- 2) Mobile home park or trailer camps shall provide for individual trailers, access driveways and parking.
- 3) Each mobile home or trailer lot shall be at least 4500 square feet in area, and at least 50 feet wide by at least 80 feet in depth, and shall have frontage onto an access driveway.
- 4) All access driveways within a trailer park must be at least 30 feet in width and have a compacted gravel surface at least 20 feet in width.
- 5) Each trailer lot shall have an attachment for water supply. The water supply source must be approved by the State Health Dept. of Health.
- 6) Each trailer lot shall have access to public toilets and sewage disposal within the trailer camp. The method of sewage disposal must be in compliance with the State Dept. of Health regulations.
- 7) No trailer lot or service building shall be closer to a public street, right of way line than 80 feet, not closer to a property line than 50 feet.
- 8) A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all trailer camp property lines.

## SECTION 590 SUBDIVISION OF LAND

- 1) Minor Subdivision Review - After a warned hearing the Planning Commission shall review a minor subdivision for:
  - a) Verification for lot existence for ten or more years.
  - b) Access to a Legal Right of Way.
  - c) Lot conformity to area and dimensional requirements for applicable district.

After review and approval by the Planning Commission the applicant shall file a copy of the planned minor subdivision with the town clerk.

- 2) Major Subdivision Review - See Town of Weston Major Subdivision Regulations

## SECTION 591 BOUNDARY LINE ADJUSTMENTS

Landowners who desire to make a simple Boundary Line Adjustment, as defined in [Article VIII Definitions](#), may seek approval from the Zoning Administrator provided these adjustments:

- 1) Are between adjacent land owners and do not create any new lot

- 2) Will not adversely impact access to any parcel
- 3) Will not result in the creation of a non-conforming lot, structure or use or increase the non-conformity of pre-existing lots.
- 4) Do not violate any condition imposed as part of an existing permit.

## ARTICLE VI PLANNED UNIT DEVELOPMENTS (PUD)

In accordance with the provisions set forth in §4417 of the Act, and where permitted by the Rural Residential District provisions in the Zoning Districts as set forth in these Regulations, the modification of the Zoning Regulations by the Planning Commission is permitted simultaneously with the approval of a development plan provided that such modification shall not exceed the concentration of density for the district in which the development is located.

### SECTION 602 INTENT

The purposes of a PUD are:

- 1) to provide for a mixture and variety of housing types and/or commercial uses at different concentrations;
- 2) to provide economies and efficiencies in road utility and public facility construction and maintenance;
- 3) to encourage, provide and enhance allocation and distribution and maintenance of areas designated as common open space; and
- 4) to provide a method of development for existing lots which because of physical, topographical, or geological conditions could not otherwise be developed.

### SECTION 603 DIMENSIONAL REGULATIONS

Upon approval of a Site Development Plan by the Planning Commission the lot area, frontage, and yard requirements in the Zoning Regulations may be waived for a PUD.

### SECTION 604 GENERAL AND SPECIFIC REGULATIONS

The following requirements shall be met in obtaining PUD approval:

- 1) Uses shall be limited to those permitted and/or conditional uses within the district in which the PUD is proposed.
- 2) Density requirements of the district apply. Deviation from the required amount of usable open space per dwelling unit may be allowed, provided such deviation shall be adjusted for in other sections of the PUD.
- 3) The minimum set backs required for the district shall apply to the periphery of the project.
- 4) The project shall meet the development and improvement standards of Weston's Subdivision Regulations, which shall be used as the basis for project review by the Planning Commission.
- 5) All other zoning requirements of the district, except for those that specifically may be waived or varied under the provisions of the section shall be met.

- 6) The proposed PUD shall be in harmony with the Town Plan and shall be in conformance with the requirements of Site Development Plan Review .

## SECTION 605 ADMINISTRATIVE CONTROLS

The following administrative procedures and controls shall be required in presenting a PUD Plan:

- 1) Open space or common land shall be assured and maintained in accordance with the procedures prescribed by the Planning Commission.
- 2) The Planning Commission may require that a park or parks be suitable located for playground or other recreational purposes, if the areas so required do not exceed more than 15 per cent of the flat area or, in lieu thereof, a payment to the municipality of an amount to be determined by the legislative body.
- 3) The Planning Commission may also require the designation of public school sites, or a payment in lieu thereof.
- 4) The development plan shall specify reasonable periods within which development of each section of the PUD may be started and shall be completed. No building designed or intended for business use, except the Community Center and development office, shall be constructed in any PUD.

## SECTION 606 OPEN SPACE

If the application of this procedure results in land available for park(s), other recreation facilities, open space, school sites or other municipal purposes, the Planning Commission, 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 preservation and use of such lands for their intended purpose.

## ARTICLE VII ADMINISTRATION AND ENFORCEMENT

### SECTION 701 ZONING ADMINISTRATOR

#### SECTION 701.1 APPOINTMENT OF ZONING ADMINISTRATOR

- 1) A Zoning Administrator, who may hold any other office in the municipality other than membership in the Zoning Board of Adjustment, shall be nominated by the Planning Commission and appointed by the Selectboard for a term of three years promptly after the adoption of the first bylaws or when a vacancy exists. The compensation of the Zoning Administrator shall be fixed under 24 V.S.A. Sections 932 and 933, and the officer shall be subject to the personnel rules of the municipality adopted under 24 V.S.A. Sections 1121 and 1122. The Zoning Administrator shall administer the bylaws literally and shall not have the power to permit any land development that is not in conformance with those bylaws. The Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Planning Commission.
- 2) The Planning Commission may nominate and the Selectboard may appoint an Assistant Zoning Administrator who shall have the same duties and responsibilities as the Zoning Administrator in the Zoning Administrator's absence.

#### SECTION 701.2 DUTIES OF THE ZONING ADMINISTRATOR

- 1) The Zoning Administrator shall provide an applicant with forms required to obtain any municipal permit or approval required under these Regulations. If other municipal permits or approvals are required, the Zoning Administrator should coordinate a unified effort on behalf of Weston in administering its development review programs.
- 2) The Zoning Administrator is responsible for referring certain review functions to the Appropriate Municipal Panel as described in 24 V.S.A. Section 4460(e).
- 3) The Zoning Administrator should inform any person applying for municipal permits or approvals that the person should contact the regional permit specialist employed by the Agency of Natural Resources in order to assure timely action on any related state permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.
- 4) If the Zoning Administrator fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referral to the appropriate municipal panel, a permit shall be deemed issued on the 31st day.

### SECTION 702 ZONING PERMIT

#### SECTION 702.1 APPLICABILITY, EXEMPTION, AND APPLICATION FOR ZONING PERMIT

- 1) No land development may commence unless a zoning permit shall have been duly issued by the Zoning Administrator in conformance with these Regulations, with the following exceptions:
  - a) A permit shall not be required for the placement or construction of a tool shed, pumphouse, dog house, or other such accessory structures, provided that the floor space of the structure does not exceed 144 square feet and does not exceed 12 feet in height and provided that such structure is located no closer than the setbacks required in the zone in which it is located.
  - b) A permit shall not be required for any interior structural alteration, which does not change the use of the structure.

- c) A permit shall not be required for any exterior renovation or repair of a structure, which does not change the use or increase the exterior dimensions of the structure. The addition of chimneys or vent pipes shall be included in this exemption.
  - d) A permit shall not be required for a fence or wall that is 6 feet 4 inches in height or less. No fence shall be constructed which extends into or obstructs public rights of way or interferes with corner visibility or sight distances for vehicular traffic as established by Vermont Agency of Transportation, Sight Distance Standards.
  - e) A permit shall not be required for excavation and landfill except as required by Article IV Flood Hazard Area Regulations of these Zoning Regulations and Section 565 Extraction of Soil, Sand or Gravel of these Zoning Regulations. This exemption does not remove any requirement that Extraction of Soil, Sand or Gravel be reviewed under Conditional Use Review (Section 706) and Site Plan Review (Section 708).
- 2) The Zoning Administrator shall not issue a Zoning Permit unless an application, plot plan and other information required by this Regulation have been properly submitted.
  - 3) The Zoning Administrator shall, within 30 days of submission of application, data and other information, either issue or deny a zoning permit, or refer the application to the appropriate municipal panel or panels. If denied, the Zoning Administrator shall so notify the applicant in writing, stating his/her reasons therefore. If the zoning permit is approved, construction shall be started within 12 months and shall be completed within 30 months of its date of issue or reapplication to complete any activities shall be required, unless (a) permit extensions have been granted as provided below, or (b) longer periods of time for the start and completion of construction have been specified by the appropriate municipal panel or panels and incorporated in the permit.

Applications for permit extensions shall be made in writing, including a description of the specific reasons and circumstances for the extension, to the Zoning Administrator at least 30 days prior to the expiration date of the permit, including permits in force as of the date of the adoption of this amendment. The Zoning Administrator may grant extensions of up to two years for one- and two-family dwellings. In other cases, the Zoning Administrator shall submit the request to the Planning Commission for consideration and decision at the next available regularly scheduled meeting as an agenda item. No public hearing on the application for extension shall be required. If approved by the Planning Commission the permit shall be extended by the Zoning Administrator for a period up to two years from the date of expiration as specified in the decision of the Planning Commission.

- 4) If a permit application is not acted upon by the Zoning Administrator in 30 days, the applicant shall post, on the 31st day, a true copy of the application prominently in the Weston Town Office for a period of 15 days, together with a notice that appeals may be filed with the Appropriate Municipal Panel, and, if no appeals are filed during 15 days after the applicant posts this notice, the permit shall be deemed to be issued on the 46th day after submission of the application to the Administrative Officer.
- 5) Notwithstanding the foregoing, no zoning permit issued by the Zoning Administrator shall take effect until the time for appeal has passed as described in 24 V.S.A. §4449(a)(3).

## SECTION 702.2 PERMIT ISSUANCE, APPEAL TIMELINE, DISTRIBUTION, AND POSTING OF ZONING PERMIT

- 1) Within three days following the issuance of a zoning permit, the Zoning Administrator shall post a copy of the permit in the Town Office until the expiration of 15 days from the date of the issuance of the permit and deliver a copy of the permit to the Listers of the Town of Weston.
- 2) Each issued Zoning Permit/approval shall be require that the applicant post a notice of the permit, in a form prescribed by the Town of Weston within view from the public right-of-way most nearly adjacent to the subject property until the time

for appeals has passed as described in 24 V.S.A. Section 4465 Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.

- 3) Each issued Zoning Permit/approval shall contain a statement of the period of time within which an appeal may be taken. If an appeal is pursued by an interested party, the applicant shall also be required to post a Notice of Appeal on a form prescribed by the Town of Weston within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in §4465 of the Act has passed. Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.
- 4) Within 30 days after a Zoning Permit/approval has been issued or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
  - a) deliver the original or a legible copy of the Zoning Permit/approval or notice of violation, or a notice of municipal land use permit generally in the form set forth in subsection 24 VSA §1154(c) to the Town Clerk for recording as provided in §1154(a); and
  - b) file a copy of that municipal land use permit in the Town Office in a location where all municipal land use permits shall be kept.
- 5) The Town Clerk may charge the applicant for the cost of the recording fees as required by law.

## SECTION 703 VIOLATION, ENFORCEMENT, AND PENALTIES

A violations of these Regulations shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974(a) et seq. and penalties may be imposed as described 24 V.S. A. Sections 4451, 4452 and 4454 of the Act.

## SECTION 704 PLANNING COMMISSION: POWERS AND DUTIES

The Planning Commission shall consist of not less than three (3) and more than nine (9) members appointed by the Selectboard in accordance with 24 VSA Sections 4325. The Planning Commission has the powers and duties set forth in 24 VSA Section 4326, including administering these regulations until the Selectboard establishes a development review board.

## SECTION 705 APPROPRIATE MUNICIPAL PANELS

### SECTION 705.1 AUTHORITY OF APPROPRIATE MUNICIPAL PANELS

- 1) Appropriate Municipal Panel refers to the panel performing a development review function, including a Planning Commission, a Zoning Board of Adjustment, a Development Review Board or Selectboard.
- 2) The Town of Weston Zoning Board of Adjustment, it shall perform the following review functions in accordance with 24 VSA section 4460(e):
  - a) Review of proposed conditional uses;
  - b) Appeal from a decision of the Zoning Administrator.
  - c) Review requests for variances.

All other review functions shall be performed by the Planning Commission unless the Selectboard has specific authority to perform.

- 3) If the Town of Weston develops a Development Review Board, all review functions described in 24 VSA Section 4460(e) shall be performed by that board.
- 4) An appropriate municipal panel shall elect officers, adopt rules of procedures, adopt rules of ethics with respect to conflicts of interest and otherwise comply with the provisions of 24 VSA Section 4461 with respect to the conduct of meetings and other proceedings and the gathering of information and expenditures for services.
- 5) If more than one type of review is required for a project, the review, to the extent feasible, shall be conducted concurrently and the decisions for the applicable approval from each appropriate municipal panel will be rendered separately. If an application requires multiple review by various municipal panels the sequence for rendering the application decision shall be established by the appropriate municipal panels as follows:
  - a) The application shall be considered by the Appropriate Municipal Panel first to obtain the necessary approval for a Conditional Use or Appeal of the Zoning Administrator's Decision.
  - b) Upon receiving a favorable approval from the Appropriate Municipal Panel then the application may proceed to the Appropriate Municipal Panel for Site Plan review and approval.
- 6) Applications for review by the Appropriate Municipal Panel will be reviewed by the Zoning Administrator and will not be warned for a public hearing until the application has been determined complete.

## SECTION 705.2 HEARING AND NOTICE REQUIREMENTS FOR APPROPRIATE MUNICIPAL PANEL PROCEEDINGS

- 1) A warned public hearing shall be required for the following: conditional use review, variances, Zoning Administrator decision appeals, and plat review for subdivisions. Public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by:
  - a) publication in a newspaper of general circulation;
  - b) posting in three or more public places in conformance with 1 V.S.A. §312(c)(2).
  - c) posting within view from the public right-of-way most nearly adjacent to the property for which an application is made; and
  - d) written notification to the applicant and to the owners of all properties adjoining the property subject to development without regard to any public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
- 2) Public notice for hearings on all other types of review, including site plan review, shall be given not less than 7 days prior to the date of the public hearing and shall include at a minimum the following:
  - a) posting in three or more public places in conformance with 1 V.S.A. §312(c)(2); and
  - b) written notification to the applicant and to the owners of all properties adjoining the property subject to development without regard to right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
- 3) The Appropriate Municipal Panel shall be responsible for the public warning and the posting required in Sections 705.2(1)(a) and (b) and 705.2(2)(a) and notifying the applicant as required by Sections 705.2(1)(d) and 705.2(2)(b).

- 4) The applicant shall be responsible for the posting required by Section 705.2(1)(c) and the notification of the adjoining landowners required by Sections 705.2(1)(d) and 705.2(2)(b) and shall demonstrate proof of delivery to adjoining landowners by certified mail, return receipt requested.

### SECTION 705.3 DECISIONS BY APPROPRIATE MUNICIPAL PANEL

- 1) Pursuant to 24 V.S.A. §4464(b), the appropriate municipal panel may recess the proceedings on any application pending submission of additional information.
- 2) Decisions shall be made within 45 days after the adjournment of the hearing.
- 3) Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day.
- 4) Decisions shall be in writing and meet the requirements of 24 V.S.A. § 4464(b).
- 5) In rendering a decision, the appropriate municipal panel may attach conditions as provided in 24 V.S.A. § 4464(b),
- 6) Any decision shall be sent by certified mail within 45 days after the close of the hearing to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the Zoning Administrator and the Town Clerk as a part of the public records of the Town of Weston.

### SECTION 706 CONDITIONAL USES

In any zoning district, certain uses may be allowed only by approval of the Appropriate Municipal Panel, after a public hearing and upon finding by the panel.

- 1) These general standards shall require that the proposed conditional use shall not result in an undue adverse effect 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 municipal plan.
  - c) Traffic on roads and highways in the vicinity.
  - d) Bylaws and ordinances then in effect.
  - e) Utilization of renewable energy resources.
- 2) In addition to the standards set forth above, the Appropriate Municipal Panel may consider more specific criteria, including, but not limited to:
  - a) Minimum lot size.
  - b) Distance from adjacent or nearby uses.
  - c) Performance standards as set forth in 24 VSA Section 4413(5).
  - d) Off-street parking and loading facilities.



- e) Landscaping and fencing.
  - f) Size, design and location of signs, structures and service areas.
  - g) The criteria described in 24 VSA Section 4414(c).
- 3) Approval of a conditional use shall be based on a Site Plan, prepared in conformance to Section 708 below and failure of the development to conform to such plan shall constitute a violation of these Regulations.
  - 4) In granting a conditional use approval, the Appropriate Municipal Panel may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Act and these Regulations.

## SECTION 707 VARIANCES

- 1) A Variance from the provisions of these Regulations may be requested as provided for in 24 V.S.A. §4469.
- 2) The Appropriate Municipal Panel shall grant variances if all of the facts described in 24 V.S.A. § 4469 are found, and the finding is specified in its decision.

## SECTION 708 SITE PLAN REVIEW

- 1) As a prerequisite to the approval of any use other than one- or two-family dwellings, agricultural or residential accessory buildings, or extensions thereof, or signs, the Appropriate Municipal Panel shall approve site plans after a hearing under procedures set forth in Subchapter 10 of 24 VSA.
- 2) In reviewing site plans, the Appropriate Municipal Panel may impose appropriate conditions and safeguards with respect to: the adequacy of parking, traffic access and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location and design of signs; and other matters specified in these Regulations.
- 3) Applications for site plan approval shall be filed with four (4) sets of maps and accompanying written materials, which shall include at least the following:
  - a) Location of the proposed development, including lot, block and section number of the property taken from the latest tax records.
  - b) Name and address of the owner of record and the owners of adjoining lands.
  - c) Name and address of person or firm preparing the map.
  - d) Survey of the property showing existing features, including contours, features, water courses, structures, and easements, rights of way and land and deed restrictions.
  - e) Site plan drawn to scale showing all proposed improvements and land use areas, existing and proposed utilities, proposed traffic access, circulation, parking, loading areas, pedestrian walks, landscaping, site grading, erosion control plans and storm water management systems, screening, north arrow, scale and date.
  - f) Total site area, building coverage and total lot coverage.
  - g) Detailed specifications of the planting and landscaping materials proposed.

- h) Construction sequence and time schedule for completion of each phase in which all site improvements will be completed.
- i) Other information specified in any Site Plan Review Procedure and Checklist adopted by the Appropriate Municipal Panel.
- j) Any other data or information the Planning Commission shall reasonably view as necessary in applying the site plan review standards.

## SECTION 709 APPEALS OF DECISIONS OF ZONING ADMINISTRATOR; NOTICE AND HEARING

- 1) An interested person may appeal any decision or act taken by the Zoning Administrator as provided for in 24 V.S.A. §4465 by filing a Notice of Appeal with the Secretary of the Zoning Board of Adjustment or Development Review Board with the Town Clerk if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of the decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator. See 24 V.S.A. §4465 for the definition of "interested person".
- 2) The Notice of Appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.
- 3) The Appropriate Municipal Panel shall set a date and place for a public hearing of an appeal within 60 days of the filing of the Notice of Appeal under section 4465 of the Act. The Appropriate Municipal Panel shall give public notice of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date.
- 4) Any person or body empowered by §4465 of the Act to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the Appropriate Municipal Panel from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.

## SECTION 710 SUCCESSIVE APPEALS, APPEALS TO ENVIRONMENTAL COURT AND EXCLUSIVITY OF REMEDY

- 1) The Zoning Board of Adjustment may reject an appeal or request for reconsideration without hearing and render a decision, which shall include findings of fact, within ten (10) days of the date of filing of the notice of appeal, if the Zoning Board of Adjustment considers the issues raised by the appellant in the appeal have been decided in an earlier appeal or involve substantially or materially the same facts by or on behalf of that appellant. The decision shall be rendered, on notice given, as in the case of a decision under subdivision 4464(b)(3) of the Act, and shall constitute a decision of the Zoning Board of Adjustment for the purpose of § 4471 of the Act.
- 2) The Town of Weston shall enforce all decisions of its Zoning Board of Adjustment, and further, the Superior Court, or the Environmental Court shall enforce such decisions upon petition, complaint or appeal or other means in accordance with the laws of this state, by Weston or any interested person by means of mandamus, injunction, process of contempt, or otherwise.

- 3) An interested person who has participated in a municipal regulatory proceeding authorized under this section may appeal a decision rendered in that proceeding by an appropriate municipal panel to the Environmental Court in accordance with the procedures outlined in §4471 of the Act.

## ARTICLE VIII DEFINITIONS

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

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

**ACCESSORY DWELLING UNIT:** means an efficiency or one bedroom apartment that is located within or appurtenant to an owner-occupied single family dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation, provided that the unit complies with all of the following:

- 1) The property has sufficient wastewater capacity,
- 2) The unit does not exceed 30 percent of the total habitable floor area of the single family dwelling,
- 3) Applicable setback, coverage and parking requirements specified in the bylaws are met.

**ACCESSORY USE OR BUILDING:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

**ADMINISTRATIVE OFFICER:** See ZONING ADMINISTRATOR.

**AFFORDABLE HOUSING:** means either of the following:

- 1) Housing that is owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the US Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, and insurance is not more than 30 percent of the household's gross annual income; or
- 2) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the US Department of Housing and Urban development, and the total annual cost of the housing, including rent, utilities and condominium association fees is not more than 30 percent of the household's gross annual income.

**AFFORDABLE HOUSING DEVELOPMENT:** A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years.

**AGRICULTURE, AGRICULTURAL USE:** In accordance with § 4413 (d) (1), (2), (3) this bylaw does not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively under subsection 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

**ALTERATION:** Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment.

**APPROPRIATE MUNICIPAL PANEL:** Any body performing a development review function, including but not limited to the Planning Commission, the Zoning Board of Adjustment, a Development Review Board, or a legislative body (Selectboard).

**BAR:** A room or establishment where the sale and consumption of alcoholic beverages are the primary activities.

**BASEMENT:** Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

**BOARDING HOUSE:** Building wherein more than four people are sheltered and may be fed for profit.

**BOUNDARY LINE ADJUSTMENT:** Movement of a common boundary line of two lots which does not create any new lots (See [Section 591](#)).

**BUILDING:** Structure having a roof supported by columns or walls intended for the shelter or enclosure of persons, animals or chattel.

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

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

**BUILDING HEIGHT:** Vertical distance from lowest elevation (earth meeting building foundation) at finish grade to the elevation of the highest point of the roof of the building.

**BYLAWS and/or REGULATIONS:** Municipal regulations applicable to land development adopted under the authority of the Act. Within these Zoning Regulations these terms are used interchangeably.

**CAMP:** Land on which is located a cabin, trailer, shelter, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes.

**CAMPING TRAILER:** See [TRAILER](#)

**CAPACITY STUDY:** An inventory of available natural and human-made resources based on detailed data collection that identifies the capacities and limits of those resources to absorb land development. Data gathered, relevant to the geographic information system, shall be compatible with, useful to, and shared with the geographic system established under 3 V.S.A 20.

**CASUAL SALE(s):** Sales including but not limited to garage, tag, yard, or auctions.

**CEMETERY:** Property used for interring the dead except for private burial plots as defined in 18 V.S.A. 5319 (a).

**CHILD CARE FACILITY:** A childcare operation serving six or more children but not in a residence.

**CHILD CARE HOME:** A family childcare operation serving no more than six full-time children and four part-time children in a residence.

**CLINIC:** An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

**CLUB, PRIVATE:** Building or use catering exclusively to club members and their guests and not operated primarily for profit.

**COMMUNITY CENTER:** A public center used for any combination of meetings, instruction, events, or recreation, including museums, public theaters, or libraries, and operated primarily for non-profit, but excluding similar uses specifically defined by these regulations.

**CONDITIONAL USE:** A use permitted in each district only by approval of the Board of Adjustment, if the Board determines, after public notice and public hearing, that the proposed use will conform to general and specific standards, as provided in the Zoning Regulations.

**CONDOMINIUM:** Provides individual ownership of a dwelling unit in a multi-unit structure. Each owner of a unit receives the exclusive right to use, to occupy, to mortgage, and to dispose of his part of the condominium plus an individual interest in the area and fixtures that serve all tenant owners in common.

**CONFORMANCE WITH THE PLAN:** A proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes the following:

- 1) Makes progress toward attaining or at least does not interfere with the goals and policies contained in the municipal plan.
- 2) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- 3) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

**COVERAGE:** That percentage of the lot area covered by the structures thereon.

**CULTURAL ARTS FACILITY:** A non-profit, community-based cultural center that promotes the performing and visual arts, provides a community gathering place which may include but not be limited to performance, rehearsal, gallery and meeting spaces, and ancillary functions which may include but not be limited to food service, dining rooms, offices, class rooms, studios, scene shops, artist-in-residence housing.

**DRIVEWAY:** A vehicular access to one or two lots.

**DWELLING UNIT:** One room or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary, and sleeping facilities. It shall not include motel, hotel, or similar structures.

**DWELLING, ONE FAMILY:** Detached building used as living quarters by one family.

**DWELLING, TWO FAMILY:** Building used as living quarters by two families living independently of each other.

**DWELLING, MULTI FAMILY:** Building used as living quarters by three or more families living independently of each other. Includes condominiums, hotel condominiums, apartments, townhouses and villas, and other forms of multiple family housing.

**ELEMENT:** A component of a plan.

**FAMILY:** One or more persons occupying a single dwelling unit, provided that, unless all members are legally related, no such family shall contain over five persons, but further provided that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as a family or families.

**FARM STAND:** See AGRIGULTURE, AGRICULTURAL USE.

**FARM STRUCTURE:** "Farm structure" means 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.

A person shall notify the Zoning Administrator of the intent to build a farm structure and shall abide by setbacks approved by the secretary of agriculture, food and markets. No permit for a farm structure is required.

**FEES:** Zoning permit fees shall be set by the legislative body.

**FLOOD PLAIN AREA:** Land area adjoining a river, stream, watercourse, or lake, subject to a general and temporary condition of partial or complete inundation of normally dry land.

**FLOOD HAZARD AREA:** See definition in Section 414, Special Flood Hazard Area.

**FLOOD PROOFING:** See definition in Section 414.

**FLOODWAY:** See definition in Section 414.

**GASOLINE STATION:** Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

**GRADE, FINISHED:** Complete surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

**GREENHOUSE:** See AGRICULTURE, AGRICULTURAL USE.

**HIGHWAY FRONTAGE:** Lot lines, which abut a public highway.

**HOME BUSINESS:** An accessory use carried out on the premises of a dwelling that may be more intensive than a Home Occupation and is subject to conditions established for conditional use and which does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Refer to Section 503.2 of these Regulations for eligibility requirements.

**HOME OCCUPATION:** An accessory use that is customary in residential areas conducted within a minor portion of a dwelling, which is clearly secondary to the dwelling used for living purposes and which does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Refer to Section 503.1 of these Regulations for eligibility requirements.

**INDUSTRIAL USE:** A manufacturing or trading type of operation, carried out on a scale larger than would be permitted for a home industry and under conditions established for Conditional Use. Industrial Use includes Commercial Use.

**INN:** A residential dwelling in design and/or previous use, now used for commercial purposes wherein the patronage is of a transitory nature, the guests being entertained from day to day. Such use must include food service for guests within the structure and may include a restaurant with or without a lounge.

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

# ZONING REGULATIONS

## Town of Weston County of Windsor, Vermont



Town of Weston in 1894

***Adopted at Town Meeting, March 28, 1976  
Amended at Town Meeting, March 7, 1989, by Australian Ballot  
Amended at Town Meeting, March 3, 1992, by Australian Ballot  
Amended at Town Meeting, March 1, 1994, by Australian Ballot  
Amended at Town Meeting, March 7, 1995, by Australian Ballot  
Amended at Town Meeting, March 5, 1996, by Australian Ballot  
Amended at Town Meeting, March 7, 2006, by Australian Ballot  
Amended at Town Meeting, March 6, 2007, by Australian Ballot  
Amended at Town Meeting, March 4, 2008, by Australian Ballot  
Amended at Town Meeting, March 2, 2010, by Australian Ballot  
Amended at Town Meeting, March 4, 2014, by Australian Ballot  
Amended at Town Meeting, March 3, 2015, by Australian Ballot***

*These Regulations were in part funded by the Municipal Planning Grant Program  
Awarded by the Vermont Agency of Commerce & Community Development*

# TABLE OF CONTENTS

ARTICLE I	ENACTMENT, INTENT, AND APPLICATION OF ZONING REGULATIONS.....	6
Section 110	Enactment .....	6
Section 120	Intent and Purpose .....	6
Section 130	Application of Regulations.....	6
Section 131	Construction Approved Prior to Adoption or Amendment to Regulations .....	6
Section 140	Amendments .....	6
Section 150	Interpretation .....	6
Section 160	Effective Date .....	6
Section 170	Separability.....	7
ARTICLE II	ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP .....	8
Section 200	Prohibited Uses .....	8
Section 201	Establishment of Zoning Districts .....	8
Section 205	Conservation District (C) .....	8
Section 210	Resource District (Re) .....	8
Section 215	Rural Low Intensity District (R) .....	9
Section 220	Rural Residential District (RR) .....	10
Section 225	Village District (V) .....	10
Section 230	Commercial District (Com).....	11
Section 235	Industrial District (I) .....	12
Section 240	Zoning Map.....	12
Section 241	Zoning Map and Interpretation of District Boundaries .....	13
ARTICLE III	SHORELAND AREA REGULATIONS .....	14
Section 300	Statutory Authorization .....	14
Section 305	Classification of Shorelands .....	14
Section 310	General Description and Purpose .....	14
Section 315	Shoreland Regulations .....	14
ARTICLE IV	FLOOD HAZARD AREA REGULATIONS.....	15
Section 401	Statutory Authorization .....	15
Section 402	Statement of Purpose .....	15
Section 403	Lands to Which These Regulations Apply .....	15
Section 404	Development Permit Required .....	15
Section 405	Procedures .....	16



Section 406 Base Flood Elevations and Floodway Limits .....	16
Section 407 Development Standards .....	16
Section 408 Duties and Responsibilities of the Zoning Administrator and/or Designated Municipal ... Official.....	19
Section 409 Variances to the Development Standards .....	19
Section 410 Warning of Disclaimer of Liability.....	20
Section 411 Validity and Severability .....	20
Section 412 Precedence of these Flood Hazard Area Regulations .....	20
Section 413 Enforcement and Penalties .....	20
Section 414 Flood Hazard Area Definitions.....	20
ARTICLE V GENERAL REGULATIONS .....	24
Section 501 Existing Small Lots .....	24
Section 502 Required Frontage on, or Access to, Public Roads or Public Waters .....	24
Section 503 Protection of Home Occupations and Provision for Home Business .....	24
Section 503.1 Home Occupation.....	24
Section 503.2 Home Business .....	25
Section 504 Protection of Child Care Home or Facility.....	26
Section 505 Protection of Mobile Homes, Mobile Home Parks, Modular & Prefabricated Housing.....	26
Section 506 Protection of Multifamily Dwellings .....	26
Section 507 Protection of Residential Care or Group Home .....	26
Section 508 Protection of Accessory Dwellings.....	26
Section 509 Protection of Affordable Housing .....	27
Section 510 Special Public Use Exceptions & Limitations .....	27
Section 510.1 Special Public Uses .....	27
Section 510.2 Protection of Agricultural and Silvicultural Practices.....	27
Section 511 Nonconforming Uses, Structures, Lots/Parcels .....	28
Section 511.1 Nonconforming Uses .....	28
Section 511.2 Nonconforming Structures .....	28
Section 511.3 Nonconforming Lots or Parcels .....	29
Section 511.4 Accessibility for Physically Challenged Person.....	29
Section 512 Calculations of Required Lot Area .....	29
Section 513 General Requirements for All Districts .....	29
Section 514 Building Coverage, Open Porches, Carports and Garages .....	29

Section 515 Reduction of Lot Area.....	29
Section 516 Required Area of Yards.....	30
Section 517 Projection in Yards.....	30
Section 518 Variation of Yard Requirements in Residential Districts .....	30
Section 520 Casual Sales .....	30
Section 522 Location of Driveways .....	30
Section 523 Temporary Uses and Structures 3/96.....	30
Section 524 Removal of Structures .....	31
Section 525 Height Exceptions by Special Permit.....	31
Section 528 Dangers to Public Safety .....	31
Section 529 Public Utility Substations .....	31
Section 535 Gasoline Stations .....	31
Section 536 Roadside Agricultural Stands .....	32
Section 537 Sewage Requirements .....	32
Section 538 Public Toilet Facilities provided by Commercial Establishments .....	32
Section 540 Off-Street Parking Space Requirements .....	32
Section 541 Off-Street Loading Space Requirements.....	33
Section 550 Signs .....	33
Section 551 Off-Premises Signs (3/92) .....	34
Section 552 On-Premises Signs (3/92) .....	34
Section 553 Exempt Signs .....	36
Section 554 Prohibited Signs.....	37
Section 555 Definitions for Signs.....	37
Section 560 Performance Standards .....	38
Section 561 Uses Not Permitted .....	38
Section 562 General Standards .....	38
Section 563 Standards - Odor.....	39
Section 564 Storage of Flammable Liquids.....	39
Section 565 Extraction of Soil, Sand or Gravel .....	39
Section 566 Landfill .....	39
Section 570 Landscaping Requirements.....	40
Section 571 Screened Service Area Requirements.....	40
Section 574 Grading .....	40

Section 580 Mobile Homes and Trailers.....	40
Section 581 Mobile Home Parks and Trailer .....	40
Section 582 Mobile Home Park or Trailer Camp Standards .....	41
Section 590 Subdivision of Land.....	41
Section 591 Boundary Line Adjustments .....	41
ARTICLE VI PLANNED UNIT DEVELOPMENTS (PUD) .....	42
Section 602 Intent.....	42
Section 603 Dimensional Regulations .....	42
Section 604 General and Specific Regulations .....	42
Section 605 Administrative Controls.....	43
Section 606 Open Space.....	43
ARTICLE VII ADMINISTRATION AND ENFORCEMENT.....	44
Section 701 Zoning Administrator .....	44
Section 701.1 Appointment of Zoning Administrator .....	44
Section 701.2 Duties of the Zoning Administrator .....	44
Section 702 Zoning Permit .....	44
Section 702.1 Applicability, Exemption, and Application for Zoning Permit .....	44
Section 702.2 Permit Issuance, Appeal Timeline, Distribution, and Posting of Zoning Permit .....	45
Section 703 Violation, Enforcement, and Penalties .....	46
Section 704 Planning Commission: Powers and Duties.....	46
Section 705 Appropriate Municipal Panels .....	46
Section 705.1 Authority of Appropriate Municipal Panels .....	46
Section 705.2 Hearing and Notice Requirements for Appropriate Municipal Panel Proceedings .....	47
Section 705.3 Decisions by Appropriate Municipal Panel .....	48
Section 706 Conditional Uses.....	48
Section 707 Variances .....	49
Section 708 Site Plan Review .....	49
Section 709 Appeals of Decisions of Zoning Administrator; Notice and Hearing .....	50
Section 710 Successive Appeals, Appeals to Environmental Court and Exclusivity of Remedy .....	50
ARTICLE VIII DEFINITIONS.....	51
Appendix A Official Zoning Map.....	60

# ARTICLE I ENACTMENT, INTENT, AND APPLICATION OF ZONING REGULATIONS

## SECTION 110 ENACTMENT

In accordance with the Vermont Planning and Development Act hereinafter referred to as the "Act" 24 V.S.A., Chapter 117, the Town of Weston hereby establishes Zoning Regulations which are set forth in the text and map that constitutes these regulations. These regulations shall be known and cited as the "Town of Weston Zoning Regulations".

## SECTION 120 INTENT AND PURPOSE

It is the intent and purpose of these Zoning Regulations to provide for orderly community growth, further the purposes established in the Act, Section 4302 and to implement the Weston Town Plan.

## SECTION 130 APPLICATION OF REGULATIONS

The application of these Regulations is subject to Sections 4411, 4412, 4413, and 4446 of the Act. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

Any use not permitted by these Regulations shall be deemed prohibited.

## SECTION 131 CONSTRUCTION APPROVED PRIOR TO ADOPTION OR AMENDMENT TO REGULATIONS

Nothing contained in these Regulations shall require any change in plans or construction of a non-conforming structure for which a building permit has been issued, and which has been completed within one year from the effective date of these Regulations and their amendments.

## SECTION 140 AMENDMENTS

These Regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

## SECTION 150 INTERPRETATION

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except for Section 4413 of the Act and where these Regulations specifically provide to the contrary, it is not intended by these Regulations to repeal, annul, or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation permit, easement, or agreement, the provisions of these Regulations, shall control.

## SECTION 160 EFFECTIVE DATE

The Regulations shall take effect in accordance with the voting and other procedures contained in Section 4442(c)(2) of the Act and shall become effective upon adoption by a favorable vote by the registered voters of the Town of Weston.

SECTION 170 SEPARABILITY

The invalidity of any article or section of these Regulations shall not invalidate any other article or section thereof.

# ARTICLE II ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

## SECTION 200 PROHIBITED USES

In all districts, uses which are not specifically or conditionally permitted, are prohibited.

## SECTION 201 ESTABLISHMENT OF ZONING DISTRICTS

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

C	Conservation
Re	Resource
R	Rural Low Intensity
RR	Rural Residential
V	Village
Com	Commercial
I	Industrial

## SECTION 205 CONSERVATION DISTRICT (C)

**General Description and Purpose:** Conservation lands are extensive and essentially undeveloped areas without access to improved public roads and necessary service and facilities. They are predominantly forested with substantial physical limitations to development. These lands should be settled only at very low intensities.

### Permitted Uses:

- |                                 |                                |                        |
|---------------------------------|--------------------------------|------------------------|
| 1) Agricultural and Forest Uses | 4) Nursery, Greenhouse         | 7) Wildlife Refuge     |
| 2) Camp                         | 5) Private Recreation Facility | 8) Municipal Utilities |
| 3) Home Occupation              | 6) Single-family Houses        | 9) Child Care Home     |

### Area and Dimensional Requirements:

Minimum lot size	5 Acres; 5 acres per residential structure
Lot frontage minimum	300 feet
Lot depth minimum	300 feet
Front yard minimum	75 feet from centerline of highway
Rear yard minimum	75 feet from property line
Side yard minimum	50 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

## SECTION 210 RESOURCE DISTRICT (RE)

**General Description and Purpose:** Resource lands generally have high natural, recreational, scenic, or other special resource values or have substantial critical or serious physical limitations for development. These lands are not convenient to employment or shopping or have poor access to improved public roads. They should be developed for residential uses at low enough intensities to protect their resource values and to perpetuate the traditional settlement pattern of these lands.

Permitted Uses:

- |                                 |                                |                                  |
|---------------------------------|--------------------------------|----------------------------------|
| 1) Agricultural and Forest Uses | 5) Nursery, Greenhouse         | 9) Municipal Utilities           |
| 2) Camp                         | 6) Private Recreation Facility | 10) Roadside Agricultural Stands |
| 3) Home Occupation              | 7) Tourist Home                | 11) Child Care Home              |
| 4) One and Two Family Houses    | 8) Wildlife Refuge             |                                  |

Conditional Uses:

- |                                  |                               |                         |
|----------------------------------|-------------------------------|-------------------------|
| 1) Earth and Mineral Extraction  | 3) Home Business              | 5) Trailer Camp or Park |
| 2) Professional Residence Office | 4) Public Recreation Facility | 6) Cultural Arts School |

Area and Dimensional Requirements:

Minimum lot size	3 Acres; 3 acres per residential structure
Lot frontage minimum	200 feet
Lot depth minimum	300 feet
Front yard minimum	100 feet from centerline of highway
Rear yard minimum	50 feet from property line
Side yard minimum	50 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

## SECTION 215 RURAL LOW INTENSITY DISTRICT (R)

General Description and Purpose: Rural Low Intensity lands are capable of accommodating a limited proportion of the expected growth for Weston. Much of these lands offer serious limitations for development or are in productive agricultural use.

Permitted Uses:

- |                                 |                                  |                                   |
|---------------------------------|----------------------------------|-----------------------------------|
| 1) Agricultural and Forest Uses | 6) Private Recreation Facility   | 11) Residential Care & Group Home |
| 2) Camp                         | 7) Tourist Home                  |                                   |
| 3) Home Occupation              | 8) Wildlife Refuge               | 12) Child Care Home               |
| 4) One and Two Family Houses    | 9) Municipal Utilities           |                                   |
| 5) Nursery, Greenhouse          | 10) Roadside Agricultural Stands |                                   |

Conditional Uses:

- |                                 |  |                                  |
|---------------------------------|--|----------------------------------|
| 1) Earth and Mineral Extraction | 4) Multi-family Dwellings                      | 6) Professional Residence Office |
| 2) Home Business                | 5) Planned Unit Development (residential only) | 7) Cultural Arts School          |
| 3) Public Recreation Facility   |  | 8) Child Care Facility           |

Area and Dimensional Requirements:

Minimum lot size	2 Acres; 2 acres per residential structure; 2 acres per dwelling unit for multiple family dwellings
Lot frontage minimum	200 feet
Lot depth minimum	200 feet
Front yard minimum	75 feet from centerline of highway
Rear yard minimum	35 feet from property line
Side yard minimum	35 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural use

## SECTION 220 RURAL RESIDENTIAL DISTRICT (RR)

General Description and Purpose: Rural residential lands appear capable of accommodating a significant proportion of the expected growth for Weston. They are near improved highways and, except for certain areas with serious or critical limitations, are generally suitable for residential uses.

### Permitted Uses:

- |                                 |                                  |                                   |
|---------------------------------|----------------------------------|-----------------------------------|
| 1) Agricultural and Forest Uses | 6) Boarding Houses               | 11) Residential Care & Group Home |
| 2) Camp                         | 7) Tourist Home                  | 12) Child Care Home               |
| 3) Home Occupation              | 8) Wildlife Refuge               |                                   |
| 4) Nursery, Greenhouses         | 9) Private Recreation Facility   |                                   |
| 5) One and Two Family Houses    | 10) Roadside Agricultural Stands |                                   |

### Conditional Uses:

- |  |   |                                |
|--|---|--------------------------------|
| 1) Earth and Mineral Extraction                | 7) Nursing Home                                   | 13) Public Recreation Facility |
| 2) Home Business                               | 8) Restaurant                                     | 14) Cemetery                   |
| 3) Motel                                       | 9) Religious Institutions                         | 15) Multi-family Dwelling      |
| 4) Planned Unit Development (residential only) | 10) Schools                                       | 16) Cultural Arts School       |
| 5) Professional Residence Office               | 11) State Institutions and Development Facilities | 17) Child Care Facility        |
| 6) Public Utilities                            | 12) Public and Private Hospitals                  |                                |

### Area and Dimensional Requirements:

Minimum lot size 2 Acres; 2 acres per residential structure; 2 acres per dwelling unit for multiple family dwellings. Except a one acre lot if so spaced as to not be contiguous with a lot of less than two acres.

The one-acre exception applies only to one and two family dwellings and not to multiple-family dwellings.

Lot frontage minimum	150 feet
Lot depth minimum	150 feet
Front yard minimum	75 feet from centerline of highway
Rear yard minimum	35 feet from property line
Side yard minimum	35 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

## SECTION 225 VILLAGE DISTRICT (V)

General Description and Purpose: The purpose of the Village District is to protect the historic village center of Weston and provide for its orderly development. It is intended that any further development be consistent with and sympathetic to this traditional settlement pattern. This pattern consists of a compact village center (tight cohesive settlement without strip development or sprawl) within a rural setting surrounded by undeveloped areas (such as open fields, hills and forests).

### Permitted Uses:

- |                                  |                                  |                                  |
|----------------------------------|----------------------------------|----------------------------------|
| 1) Agriculture, Agricultural Use | 5) Home Occupation               | 9) Residential Care & Group Home |
| 2) Boarding House                | 6) Inn                           | 10) Tourist Accommodations       |
| 3) Cemetery                      | 7) One and Two Family Dwellings  |                                  |
| 4) Child Care Home               | 8) Professional, Business Office |                                  |



Conditional Uses:

- |                              |                             |   |
|------------------------------|-----------------------------|---|
| 1) Child Care Facility       | 6) Multi-family Dwelling    | 11) Retail Establishment                                  |
| 2) Community Center          | 7) Office Building          | 12) School, Private or Public                             |
| 3) Cultural Arts Facility    | 8) Planned Unit Development | 13) State or Municipally Owned<br>and Operated Facilities |
| 4) Home Business             | 9) Religious Institution    |   |
| 5) Light Industry/Commercial | 10) Restaurant, Bar         |   |

General Conditions:

- 1) No uses other than agricultural and forest uses, one and two family houses and home occupations are permitted on property which abuts Markham Lane or its extensions except in the case of those properties which also abut Route 100.
- 2) All applications except one and two family homes are subject to Site Plan Review.
- 3) Applications for mixed uses are encouraged and will be considered as a conditional use.
- 4) Any use that is similar to the above listed uses may be considered as a conditional use if the Zoning Board of Adjustment decides that:
  - a) The use is of the same general character as other Village permitted or conditional uses, and
  - b) Such use will not be detrimental to other uses in the Village or adjoining lands.

Area and Dimensional Requirements:

Minimum lot size	1 Acre per structure; half acre per dwelling unit for multi-family dwellings
Lot frontage minimum	50 feet
Lot depth minimum	150 feet
Front yard minimum	35 feet from centerline of highway
Rear yard minimum	10 feet from property line
Side yard minimum	10 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural use

## SECTION 230 COMMERCIAL DISTRICT (COM)

General Description and Purpose: In this area existing commercial uses should be allowed to expand and new ones to locate.

Permitted Uses:

- |                                  |                                  |                                      |
|----------------------------------|----------------------------------|--------------------------------------|
| 1) One of Two Family Houses      | 7) Agricultural and Forest Uses  | 13) Gasoline Station                 |
| 2) Home Occupation               | 8) Restaurant, Bar               | 14) Residential Care & Group<br>Home |
| 3) Inn                           | 9) Tourist Home                  | 15) Child Care Home                  |
| 4) Boarding House                | 10) Motel                        | 16) Public and Private Hospitals     |
| 5) Professional, Business Office | 11) Greenhouse, Nursery          |                                      |
| 6) Retail Establishment          | 12) Roadside Agricultural Stands |                                      |

Conditional Uses:

- |                          |                                       |  |
|--------------------------|---------------------------------------|--|
| 1) Industrial Use        | 5) Child Care Facility                | 8) State or municipal owned &<br>operated facilities |
| 2) Multi-family Dwelling | 6) Mobile Home Park                   | 9) Planned Unit Development<br>(mixed uses)          |
| 3) Home Business         | 7) Utility Power Generating<br>Plants |  |
| 4) Cultural Arts School  |                                       |  |

**Area and Dimensional Requirements:**

Minimum lot size	1 Acres; 1 acre per residential structure; 1 acres per dwelling unit for multiple family dwellings
Lot frontage minimum	150 feet
Lot depth minimum	150 feet
Front yard minimum	100 feet from centerline of highway
Rear yard minimum	25 feet from property line
Side yard minimum	25 feet from property line (except driveways)
Building height maximum	35 feet or 3 stories, whichever is less, except agricultural uses

**SECTION 235 INDUSTRIAL DISTRICT (I)**

**General Description and Purpose:** In this area existing industrial uses should be allowed to expand and new ones to locate.

**Permitted Uses:**

- |                                 |                                     |                                   |
|---------------------------------|-------------------------------------|-----------------------------------|
| 1) One and Two Family Houses    | 8) Professional and Business Office | 14) Industrial Use                |
| 2) Home Occupation              | 9) Restaurant, Bar                  | 15) Roadside Agricultural Stands  |
| 3) Multi-family Dwelling        | 10) Tourist Home                    | 16) Earth and Mineral Extraction  |
| 4) Inn                          | 11) Retail Establishment            | 17) Residential Care & Group Home |
| 5) Boarding House               | 12) Gasoline Station                | 18) Child Care Hom3               |
| 6) Motel                        | 13) Greenhouse, Nursery             |                                   |
| 7) Agricultural and Forest Uses |                                     |                                   |

**Conditional Use:**

- |                         |   |                                  |
|-------------------------|---|----------------------------------|
| 1) Home Business        | 5) Utility Power Generating Plants                | 7) Public and Private Hospitals  |
| 2) Cultural Arts School | 6) State or Municipal owned & operated Facilities | 8) Regional Solid Waste Facility |
| 3) Child Care Facility  |   | 9) Hazardous Waste Facility      |
| 4) Mobile Home Park     |   |                                  |

**Area and Dimensional Requirements:**

Minimum lot size	1 Acre; 1 acre per residential structure; 1 acre per dwelling unit for multiple family dwellings
Lot frontage minimum	150 feet
Lot depth minimum	150 feet
Front yard minimum	100 feet from centerline of highway
Rear yard minimum	25 feet from property line
Side yard minimum	25 feet from property line (except driveways)
Building height maximum	35 feet of 3 stories, whichever is less, except agricultural uses

**SECTION 240 ZONING MAP**

The location and boundaries of Zoning Districts are established as shown on the attached Official Zoning Map. The Official Zoning Map is hereby made a part of these regulations, together with all future amendments.

No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map, signed by the legislative body and attested to by the clerk of the municipality.

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the clerk of the municipality shall be the final authority as to the current zoning status of land and water areas.

## SECTION 241 ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES

The location and boundaries of zoning districts are established as shown on the attached Official Zoning Map, which is part of these Regulations. Where due to scale, lack of detail or illegibility by the Zoning Map there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary shown thereon, the Board of Adjustment shall make an interpretation, upon request, by any aggrieved party.

# ARTICLE III SHORELAND AREA REGULATIONS

## SECTION 300 STATUTORY AUTHORIZATION

To effect the purpose of Chapter 49 of Title 10 and to promote the public health, safety and general welfare in accord with criteria set forth in Sections 1423 and 1425, there are hereby established Shoreland Zoning Regulations for the Town of Weston.

## SECTION 305 CLASSIFICATION OF SHORELANDS

Weston's shorelands are classified as Natural.

## SECTION 310 GENERAL DESCRIPTION AND PURPOSE

Natural shorelands are those shorelands that border waters along the Wantastiquet Pond. These shorelands have been determined to contain high scenic, resource and recreational value. Weston's natural shorelands abut lands zoned for Conservation, Resource, Rural Low Intensity.

The purpose of natural shoreland control is to preserve and enhance high quality waters and to maintain high standards of quality for permitted development.

## SECTION 315 SHORELAND REGULATIONS

For the purpose of these Regulations, shorelands shall be defined as those lands lying between the normal mean water mark of the water body and a line shown on the Zoning Map.

### Permitted Uses:

- |                                 |                                |                          |
|---------------------------------|--------------------------------|--------------------------|
| 1) Agricultural and Forest Uses | 3) Home Occupation             | 5) Single family housing |
| 2) Camp                         | 4) Private Recreation Facility | 6) Wildlife Refuge       |

Area and Dimensional Regulations: as in Rural Residential District, plus setback from normal mean watermark:

- 1) 400 feet for structures
- 2) 300 feet for on-site sewage
- 3) Docks and landings shall be exempt from the setback requirement for structures

### Prohibited Uses:

Within natural shorelands, disposal, bulk storage, or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, fish and aquatic life are prohibited.

# ARTICLE IV FLOOD HAZARD AREA REGULATIONS

## SECTION 401 STATUTORY AUTHORIZATION

These Flood Hazard Area Regulations are adopted to effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, for areas of special flood hazard in the Town of Weston, Vermont.

## SECTION 402 STATEMENT OF PURPOSE

It is the purpose of these Flood Hazard Area regulations to:

- 1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- 2) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- 3) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- 4) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

## SECTION 403 LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply to all areas in the Town of Weston, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

## SECTION 404 DEVELOPMENT PERMIT REQUIRED

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional Use approval by the Appropriate Municipal Panel is required for:

- 1) New buildings;
- 2) Substantial improvement of existing buildings;
- 3) Development in a floodway; and
- 4) Alteration or Relocation of a watercourse

prior to being permitted by the Zoning Administrator. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards. At a minimum the following information shall be submitted by the applicant and include:

- 1) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- 2) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;
- 3) All flood proofing certifications required under this regulation

## SECTION 405 PROCEDURES

- 1) Prior to issuing a Zoning Permit a copy of the application and supporting information shall be submitted by the Zoning Administrator or other designated municipal official to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- 2) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- 3) Proposed development shall be reviewed by the Zoning Administrator or the Appropriate Municipal Panel to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

## SECTION 406 BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS

- 1) Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- 2) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.
- 3) Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

## SECTION 407 DEVELOPMENT STANDARDS

### 1) Floodway Areas

- a) Development within the regulatory floodway, as determined by Section 406(2), is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Vermont State licensed professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

- b) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

2) **Floodway Fringe Areas** (i.e., special flood hazard areas outside of the floodway)

a) **All Development** - All development shall be reasonably safe from flooding and:

- i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
- ii) constructed with materials resistant to flood damage,
- iii) constructed by methods and practices that minimize flood damage, and
- iv) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

b) **Residential Development:**

- i) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH as designated on the FIRM Maps shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction and existing buildings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
- ii) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
  - (1) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
  - (2) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.
- iii) Residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

c) **Commercial Development:**

- i) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
- ii) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and

sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- iii) A permit for a building proposed to be floodproofed shall not be issued until a Vermont State licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- iv) Commercial construction shall be flood proofed one foot above base elevation and commercial construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

**d) Subdivisions:**

- i) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data on the proposed subdivision plat or survey.
- ii) Subdivisions (including manufactured home parks) shall be designed to assure:
  - (1) such proposals minimize flood damage within the flood-prone area,
  - (2) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - (3) adequate drainage is provided to reduce exposure to flood hazards.

**e) Enclosed Areas Below the Lowest Floor:**

- i) Enclosed areas below the lowest floor, which are subject to flooding, shall be used solely for parking of vehicles, building access, or storage.
- ii) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- iii) Designs for meeting this requirement must either be certified by a Vermont State licensed professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**f) Recreational Vehicles:** Recreational Vehicles placed on sites with special flood hazard areas shall either:

- i) be on the site for fewer than 180 consecutive days,



- ii) be fully licensed and ready for highway use, or
- iii) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Section 407 2.(b).
- g) **Accessory Structures:** A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:
  - i) The structure must only be used for parking or storage and shall not be used for human and/or animal habitation,
  - ii) The structure must have the required openings to allow floodwaters in and out,
  - iii) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
  - iv) The structure must be adequately anchored to resist flotation, collapse and lateral movement, and
  - v) All building utility equipment including electrical and heating must be elevated or floodproofed.
- h) **Water Supply Systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- i) **Sanitary Sewage Systems:** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- j) **On-Site Waste Disposal Systems:** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least one (1) foot above the base flood elevation.
- k) **Watercourse Carrying Capacity:** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

## SECTION 408 DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR AND/OR DESIGNATED MUNICIPAL OFFICIAL

The Zoning Administrator and/or designated municipal official shall maintain a record of application data the following and is not limited to:

- 1) All permits issued for development in areas of special flood hazard;
- 2) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- 3) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- 4) All floodproofing certifications required under this regulation; and
- 5) All variance actions, including justification for their issuance.

## SECTION 409 VARIANCES TO THE DEVELOPMENT STANDARDS

Variations shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

## SECTION 410 WARNING OF DISCLAIMER OF LIABILITY

These flood hazard area regulations do not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This section of the regulations shall not create liability on the part of the Town of Weston or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

## SECTION 411 VALIDITY AND SEVERABILITY

If any portion of these regulations is held unconstitutional or invalid by a competent court, the remainder of these regulations shall not be affected.

## SECTION 412 PRECEDENCE OF THESE FLOOD HAZARD AREA REGULATIONS

The provisions of these bylaws shall not in any way impair or remove the necessity of compliance with any other applicable regulations or ordinances. Where these regulations impose a greater restriction, the provisions of these regulations shall take precedence.

## SECTION 413 ENFORCEMENT AND PENALTIES

It shall be the duty of the Zoning Administrator and/or other designated municipal official to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the opportunity to cure has passed, the Zoning Administrator shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of:

- 1) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location,
- 2) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,
- 3) a clear statement that the public body making the declaration has authority to do so and a citation to that authority,
- 4) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and
- 5) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## SECTION 414 FLOOD HAZARD AREA DEFINITIONS

The definitions within this section of the Zoning Regulations shall be the definitions for flood hazard area purposes. All other defined words shall have the definitions found in Article VIII.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

**Basement:** Any area of the building having its floor elevation (below ground level) on all sides.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Existing manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an existing manufactured home park or subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FIRM:** See [Flood Insurance Rate Map](#) below.

**Flood:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

**Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source (see definition of "flood").

**Flood proofing:** Any combination of structural and non-structural additions, changes, or adjustments to properties and/or structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Historic Structure:** Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) an approved state program as determined by the Secretary of the Interior or
  - b) Directly by the Secretary of the Interior in states without approved programs.

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

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

**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community. See also definition for Mobile Home Park in Article VIII.

**Recreational vehicle:** A vehicle which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

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

**Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

- 1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- 2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- 3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (3) of this definition, or a gas or liquid storage tank. See also definition for Structure in Article VIII.

**Substantial damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, during any 5 year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- 2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

## ARTICLE V GENERAL REGULATIONS

The provisions of these Regulations shall be subject to such additions, modifications or exceptions as herein provided by the following general regulations.

### SECTION 501 EXISTING SMALL LOTS

- 1) Any lot that is legally subdivided, in individual and separate and non-affiliated ownership from surrounding properties and is in existence on the effective date of any subsequent amendments of these Regulations may be developed for the purpose permitted in the zoning district in which it is located, even though the lot does not conform to the minimum lot size requirements of the zoning district in which the lot is located provided the lot is not less than one-eighth acre in area or has a width or depth dimension of at least forty (40) feet.
- 2) If a lot not conforming to the minimum lot size requirements in the zoning district in which it is located subsequently comes under common ownership with one or more contiguous lots it shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately developed and/or conveyed if all of the following apply:
  - a) The lots are conveyed in their pre-existing, nonconforming configuration;
  - b) On the effective date of the Zoning Regulations, each lot had been developed with a water supply and wastewater disposal system;
  - c) At the time of property transfer, each water supply and wastewater system is functioning in an acceptable manner; and
  - d) 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 502 REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS OR PUBLIC WATERS

No land development may be permitted which does not have adequate means of access, either frontage on a public road (Class 1, 2, or 3) or, with the approval of the Planning Commission, access by means of a permanent easement, right of way, or public waters to such a public road or public waters. Access easements or rights-of-way shall not be less than 25 feet in width. If serving more than two lots or multi-family dwelling, a right-of-way or easement shall be at least 50 feet in width to ensure public safety and orderly development.

### SECTION 503 PROTECTION OF HOME OCCUPATIONS AND PROVISION FOR HOME BUSINESS

#### SECTION 503.1 HOME OCCUPATION

- 1) No provision of these Regulations 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 that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located provided that the following conditions are met for the occupation:
  - a) is carried on in a minor portion of the dwelling unit of the resident;
  - b) is carried on by one or more residents of the dwelling unit;

- c) is clearly incidental and secondary to the primary use of the dwelling unit for residential purposes;
  - d) does not require any additional off-street parking;
  - e) does not change the external character of the dwelling, or the character of the neighborhood;
  - f) does not have an undue adverse effect upon the character of the residential area in which the dwelling is located;
  - g) offers for sale only articles produced on the premises or services produced by the resident;
  - h) must be in compliance with the performance standards set forth in Section 560 through 574 of this Regulation; and
  - i) does not store finished products in any non-screened outside area or enclosed outside storage structure.
- 2) Where it is determined by the Zoning Administrator that the proposal does not meet the definitions or standards of Home Occupation, the applicant may appeal the decision of the Zoning Administrator in accordance with Section 709 of these regulations or may apply to the Planning Commission for Site Plan Review under the broader use (commercial, industrial, etc.) as determined by the district in which the parcel is located.

## SECTION 503.2 HOME BUSINESS

A Home Business may be permitted if it meets all the criteria set forth below and does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Criteria for eligibility for a Home Business are:

- 1) is carried on in the dwelling unit or accessory structure(s) of the resident;
- 2) is carried on by residents of the dwelling unit and may include employees who are not residents of the dwelling unit;
- 3) is clearly incidental and secondary to the primary use of the dwelling unit for residential purposes;
- 4) does not take up more than a minor portion of the dwelling unit;
- 5) may require additional off-street parking, but does not require any on-street parking;
- 6) no traffic shall be generated in substantially greater volume than would normally be expected in the neighborhood;
- 7) does not have an undue adverse effect upon the character of the residential area in which the dwelling is located;
- 8) Conditional Use Permit and Site Development Plan Review are required for all Home Businesses;
- 9) may be allowed to expand the dwelling but cannot change the external character of the dwelling and must not change the character of the neighborhood;
- 10) offers for sale only articles produced on the premises or services produced by the resident;
- 11) must be in compliance with the performance standards set forth in Section 560 through 574 of this Regulation; and
- 12) may be allowed to store finished products and/or necessary equipment to carry on business functions in a screened outside area or enclosed outside storage structure.

## SECTION 504 PROTECTION OF CHILD CARE HOME OR FACILITY

- 1) A "family child care home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the State for childcare.
- 2) A family childcare home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property and does not require Site Development Plan Review.
- 3) A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property and requires Site Development Plan Review.
- 4) A family childcare facility serving more than six full-time and four part-time children is a Conditional Use within all zoning districts except the Conservation Zoning District and requires Site Development Plan Review.

## SECTION 505 PROTECTION OF MOBILE HOMES, MOBILE HOME PARKS, MODULAR & PREFABRICATED HOUSING

- 1) It is not the intent of these Regulations to have the effect of excluding mobile homes, modular housing, or prefabricated housing from the Town of Weston, except upon the same terms and conditions as conventional housing is excluded.
- 2) Mobile home parks, as defined in 10 V.S.A. Chapter 153, are Conditional Uses in the Commercial and Industrial Zoning Districts.
- 3) Refer to [Section 580 through 582](#) for specific standards for mobile homes and trailers.

## SECTION 506 PROTECTION OF MULTIFAMILY DWELLINGS

Multi-family Dwellings are allowed as Permitted Uses in the Village and Industrial zoning districts and as a Conditional Use in the Rural Low Intensity and Rural Residential and Commercial zoning districts and are subject to Site Development Plan Review.

## SECTION 507 PROTECTION OF RESIDENTIAL CARE OR GROUP HOME

- 1) A Residential Care or Group Home to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 VSA §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 residential care or group home. A residential care or group home requires Site Development Plan Review.
- 2) A Residential Care or Group Home, to be operated under state licensing or registration, serving nine (9) or more persons who have a handicap or disability as defined in 9 VSA §4501, shall be reviewed as a multi-family dwelling and shall be subject to Conditional Use Review and Site Development Plan Review.

## SECTION 508 PROTECTION OF ACCESSORY DWELLINGS

An accessory dwelling unit that is located within or appurtenant to a single-family dwelling shall be a permitted use. For the purposes for this section, appurtenant means incidental or subordinate to the primary dwelling unit. An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, 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:

- 1) The property has sufficient wastewater capacity, in accordance with applicable wastewater regulations by the Vermont Agency of Natural Resources.
- 2) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- 3) Applicable setback, coverage, and parking requirements are met.
- 4) The owner occupies either the primary single family or the accessory dwelling unit.

## SECTION 509 PROTECTION OF AFFORDABLE HOUSING

No provisions of these Zoning Regulations may have the effect of excluding from the Town of Weston housing to meet the needs of the population as identified in the Weston Town Plan and determined in accordance with 24 VSA §4382(C).

## SECTION 510 SPECIAL PUBLIC USE EXCEPTIONS & LIMITATIONS

Specific public land uses may only be regulated by municipalities with respect to location and physical site design requirements and only to the extent that these regulations do not have the effect of interfering with the intended functional use. These specific uses have been identified by the State of Vermont as serving the public well-being and can not be excluded from the municipality.

### SECTION 510.1 SPECIAL PUBLIC USES

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of building, off-street parking and loading facilities, traffic, noise, lighting, and landscaping or screening requirements and only to the extent that the regulations do not have the effect of interfering with the intended functional use:

- 1) Utility power generating plants and transmission lines.
- 2) State or municipal owned and operated institutions and facilities.
- 3) Public and private schools and other educational institutions certified by the Vermont Department of Education.
- 4) Churches and other places of worship, convents and parish houses.
- 5) Public and private hospitals.
- 6) Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- 7) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a.

### SECTION 510.2 PROTECTION OF AGRICULTURAL AND SILVICULTURAL PRACTICES

- 1) Pursuant to 24 V.S.A. § 4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from obtaining municipal land use permits.

- 2) However, persons intending to erect a farm structure must notify the Zoning Administrator of the intent to build a farm structure, and abide by setbacks approved by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances as specified by the applicable zoning district.
- 3) Additionally, all farm structures within Flood Hazard Areas must comply with the Flood Hazard Area requirements of these zoning regulations. Lastly, Weston may report violations of Accepted Agricultural Practices or Accepted Silvicultural Practices to the appropriate state authorities for enforcement.

## SECTION 511 NONCONFORMING USES, STRUCTURES, LOTS/PARCELS

The following provisions shall apply to all uses, structures, and lots/parcels existing on the effective date of these Regulations, which do not conform to these Regulations and to any subsequent amendments. It is the purpose of this Section to regulate the expansion and undue perpetuation of nonconforming uses, structures, and lots/parcels (Refer to the Definitions sections for descriptions).

This Section and its subsections shall not be construed to permit any unsafe use, structure, or to affect any proper procedures to regulate or prohibit the unsafe use of a structure.

### SECTION 511.1 NONCONFORMING USES

Any lawful use of any structure or land existing at the time of the enactment of these regulations may be continued, even though such structure or use does not conform with the provisions of these regulations, provided that the conditions in this section are met.

- 1) A nonconforming use shall not be extended or enlarged, nor shall it be extended to displace a conforming use, nor shall it be changed to another nonconforming use, nor shall it, if changed to a conforming use, thereafter be changed back to a nonconforming use.
- 2) A nonconforming use may not be changed, except to a conforming use, or with approval of the Zoning Board of Adjustment, to a use not more objectionable in character.
- 3) If a nonconforming use is changed to a conforming use, it shall not be changed back into a nonconforming use.
- 4) A nonconforming use, which has been abandoned or discontinued for a period of one (1) year, shall not be resumed thereafter without approval of the Zoning Board of Adjustment. A nonconforming use which, has been discontinued for more than eighteen (18) months, may not be resumed thereafter.
- 5) In the event the structure containing a nonconforming use has been unintentionally damaged or destroyed, such structure may be reconstructed or restored and the nonconforming use reestablished subject to approval of the Zoning Board of Adjustment, provided an application for a conditional use permit is filed with the Board within one (1) year of the date the damage or the destruction occurred.

### SECTION 511.2 NONCONFORMING STRUCTURES

Any nonconforming structure may be continued indefinitely, may be moved, enlarged, altered, extended, reconstructed, reestablished or restored, subject to the following conditions:

- 1) Nothing in these Regulations shall prevent the maintenance or repair of a nonconforming structure, provided that such an action does not increase the degree of nonconformity.

- 2) Any nonconforming building or structure may be altered, including additions to the building or structure, provided such alteration must comply with the provisions of these Regulations and/or not increase the degree of nonconformity.
- 3) Any nonconforming structure that is unintentionally damaged or destroyed by fire, disaster, act of God or other unintentional cause may be permitted to be reconstructed or restored to its original form provided an application for a Zoning Permit for the reconstruction or restoration is filed with the Zoning Administrator within one year of the date of the damage or destruction.
- 4) This section shall not be construed to permit any unsafe structure and a nonconforming structure, or part thereof, may be maintained, repaired, or restored to a safe condition as approved by the Zoning Board of Adjustment.

### SECTION 511.3 NONCONFORMING LOTS OR PARCELS

Refer to Section 501 (Existing Small Lots)

### SECTION 511.4 ACCESSIBILITY FOR PHYSICALLY CHALLENGED PERSON

A Conditional Use Permit may be granted, upon approval of the Zoning Board of Adjustment at a publicly noticed hearing, for the purpose of necessary exterior improvements allowing access to physically challenged person(s), in the event that such improvements will create a non-conformity or extend a non-conformity.

### SECTION 512 CALCULATIONS OF REQUIRED LOT AREA

Existing or proposed rights-of-way shall not be included in calculating the required lot area, lot width, depth and yards.

### SECTION 513 GENERAL REQUIREMENTS FOR ALL DISTRICTS

- 1) Site Development Plan Review is required for all uses except one and two-family dwellings, the accessory uses thereto, and agricultural uses.
- 2) The lot frontage requirement for the District shall serve as the lot width requirement for non-frontage lots.
- 3) The minimum building setback requirement from all permanent watercourses shall be 100 feet unless otherwise permitted by these Regulations.
- 4) Ponds are permitted in all districts provided the toe of the slope does not extend within a town road right of way. Side and rear yard requirements do not apply.

### SECTION 514 BUILDING COVERAGE, OPEN PORCHES, CARPORTS AND GARAGES

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

### SECTION 515 REDUCTION OF LOT AREA

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

## SECTION 516 REQUIRED AREA OF YARDS

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

## SECTION 517 PROJECTION IN YARDS

Every part of a required yard shall be open from grade level to the sky unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

## SECTION 518 VARIATION OF YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS

Upon approval by the Planning Commission, and after a public hearing, the requirements concerning lot area, frontage, side and rear yards may be varied for a planned residential development, provided that the maximum number of dwelling units of the overall development is not greater than that normally allowable in the district in which it is located, and provided that suitably landscaped open space at least forty feet in width shall surround the development. Such land as may be made available under this Section shall be devoted to common purposes for all residents, including a park, play area or gardens for use of residents.

## SECTION 520 CASUAL SALES

- 1) Casual sales or similar activities are permitted activities in all zoning districts provided that these sale activities do not exceed four (4) consecutive days, nor more than sixteen (16) total days in any calendar year.
- 2) The actual sale activity shall not be located within a public right-of-way.
- 3) Storage of sale items before and after a sale event shall be in a screened or enclosed area.
- 4) All sale activities that do not meet the definition of a casual sale and are conducted in excess of the allocated sixteen (16) days will be considered a retail activity and subject to review by the appropriate municipal panel for the Town of Weston.

## SECTION 522 LOCATION OF DRIVEWAYS

- 1) All driveway entrances shall be as approved by the Selectboard to eliminate drainage onto the road and provide safe entrance and exit.
- 2) All driveways are to be located at least one hundred feet from town road intersections for all uses except one and two family residential uses.
- 3) An access permit must be obtained from the Weston Selectboard for new accesses and driveways to a Town public road or right-of-way.
- 4) Access on a state highway must be permitted by Vermont Agency of Transportation.

## SECTION 523 TEMPORARY USES AND STRUCTURES 3/96

Permits for temporary structures may be issued by the Zoning Administrator for a period not exceeding one year for any structure, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Upon review by the Zoning Administrator temporary structures erected on the site of one or two family dwellings may be required to meet setback requirements. Permits may be renewed upon application for an additional

period not exceeding one year. Use of temporary structures that are open to the public and are an extension of retail space require site plan approval and may not remain in place for more than 12 days per calendar year.

## SECTION 524 REMOVAL OF STRUCTURES

Within 30 months after work on an excavation for a building has begun, or within 6 months after a permanent or temporary building or structure has been destroyed or demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

## SECTION 525 HEIGHT EXCEPTIONS BY SPECIAL PERMIT

No radio or television tower, water or cooling tower, windmill, oil or gasholder, elevator bulkhead, chimney, or similar structures in excess of thirty-five feet may be erected unless approved by the Planning Commission and after a public hearing and Site Plan Review.

## SECTION 528 DANGERS TO PUBLIC SAFETY

If a swimming pool, quarry, excavation, structure or similar facility, is maintained in a manner, which, in the judgment of the Planning Commission, constitutes a danger to public safety, the Commission may require the owner to provide adequate fencing.

## SECTION 529 PUBLIC UTILITY SUBSTATIONS

Public utility substations and similar utility structures, where permitted shall comply with the following:

- 1) The facility shall be surrounded by a fence set back from the property lines in conformance with the zoning district regulations for front, side and rear yards.
- 2) A landscaped area including a tree screen at least twenty-five feet wide shall be maintained in front, rear and side yards.

## SECTION 535 GASOLINE STATIONS

Gasoline or motor vehicle service stations are permitted in the Industrial District and Commercial District only and shall comply with the following:

- 1) A gasoline station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library or religious institution.
- 2) Pumps, lubricating and other service devices shall be located at least fifty feet from the front lot line and side and rear lot lines.
- 3) All fuel and oil shall be stored at least thirty-five feet from any property line.
- 4) All automobile parts and dismantled vehicles, after a period of 60 days, are to be stored within a building.
- 5) No sign shall extend beyond the pumps, nor exceed fifteen feet in height.
- 6) Each access driveway shall conform to State Highway Dept. standards.

## SECTION 536 ROADSIDE AGRICULTURAL STANDS

Roadside stands for the sale of agricultural products raised on the property may be erected in all Districts except Conservation, provided that:

- 1) No stand shall be nearer the front or side lot lines than twenty feet.
- 2) Off-street parking space shall be provided for at least four motor vehicles.

## SECTION 537 SEWAGE REQUIREMENTS

- 1) All repair, replacement, or new installations shall receive a permit from the Weston Sewage Officer for septic systems.
- 2) All other permits required by the State Agency of Natural Resources are the responsibility of the applicant.

## SECTION 538 PUBLIC TOILET FACILITIES PROVIDED BY COMMERCIAL ESTABLISHMENTS

All commercial and industrial uses must provide toilet facilities for the public they serve. As provided for in Section 4412 of the Act, existing non-conforming commercial establishments must comply with this section within three years from the effective date of these Regulations; such facilities shall be clearly identified for the patrons and maintained in working order.

## SECTION 540 OFF-STREET PARKING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty feet clear in width, except for one and two family uses. Parking lot shall be clearly identified.

- 1) **Residential Uses:**
  - a) One-family, two-family, and accessory dwelling units: one parking space for every unit.
  - b) Multiple-family dwelling units: four parking spaces for every three units.
  - c) Professional residence office: two parking spaces, plus one additional parking space for every three hundred square feet of office space.
  - d) Home Business: one parking space for each employee and any additional parking needs will be subject to Site Development Plan Review.
  - e) Child Care Home: one parking space per employee and any additional parking needs will be subject to Site Development Plan Review.
  - f) Child Care Facility: one parking space per employee and any additional parking needs will be subject to Site Development Plan Review.
- 2) **Hotel, Motel, Tourist Home, Boarding House, or Residential Care or Group Home:**
  - a) Three spaces plus one for every guest room and one space per employee.

3) **Dormitory, Fraternity, Nurses' Home, Hospital:**

- a) One space for every two beds.

4) **Places of Indoor Public Recreation:**

- a) Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge hall, or other place of public or private assembly, which provides facilities for seating people, one parking space for every three seats. Where there are no seats provided, one parking space shall be provided for every fifty square feet of floor area.

5) **Business, Professional and Medical Offices:**

- a) Two spaces plus one for every two hundred square feet of office space.

6) **Commercial, Business and Unspecified Uses:**

- a) One for every two employees, one parking space for every motor vehicle used in the business, plus one parking space for every one hundred square feet of retail floor area.

7) **Restaurant, Eating and Drinking Establishments:**

- a) One parking space for every motor vehicle used in the business, plus one for every two employees, plus one for every three seats.

8) **Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses:**

- a) One parking space for every vehicle used in the business; one parking space for every two employees.

- 9) Parking spaces may be provided by the applicant on other property, provided such land lies within five hundred feet of an entrance to the principal building.

10) **Outdoor Recreation:**

- a) As required by the Planning Commission

- 11) Where any non-residential district or use abuts a residential district or use, the parking or loading space shall be no closer than fifteen feet to the property line abutting the residential district or use, and the spaces shall be suitably screened and landscaped.

## SECTION 541 OFF-STREET LOADING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade or industry there shall be provided off-street space for loading and unloading of vehicles as required by the Planning Commission.

Minimum requirement shall be one loading space, 12 feet X 40 feet and 14 feet high for any business receiving or dispatching shipments.

## SECTION 550 SIGNS

Before the alteration, construction, enlargement, or erection of any sign a sign permit shall be secured from the Zoning Administrative Officer appointed by the Board of Selectboard.

Application for this permit shall be made on a form prescribed by the Selectboard, and a standard minimum fee, as determined by the Selectboard, shall be charged for processing the application. Action on the application shall be taken by the Zoning Administrative Officer within thirty (30) days of filing.

- 1) **Registration Of Signs**—All existing and new signs must be registered with the Zoning Administrative Officer. Signs which are non-conforming under the previous regulation (amended March 7, 1989) may continue to be displayed provided they are registered with the Zoning Administrative Officer no later than 60 days after adoption of this regulation. Each sign must be registered using the sign application/registration form provided by the Zoning Administrative Officer. A site plan, color photograph, dimensions, and description must be included with the registration form.
- 2) **Violations**—Any sign which has not been registered or which has not received a permit from the Zoning Administrative Officer within sixty (60) days of the effective date of this regulation, shall be deemed in violation of this regulation.

## SECTION 551 OFF-PREMISES SIGNS (3/92)

Off-premises signs shall be prohibited as provided in Title 10 V.S.A., Chapter 21, Subsections 497 a & b.

## SECTION 552 ON-PREMISES SIGNS (3/92)

### 1) Number of Signs Per Premises and Per Business or Enterprise

#### a) **Free-standing Signs**

There shall be only one (1) free-standing, pedestal, or post supported sign per premises. Where two or more businesses or enterprises share the same premises, such businesses or enterprises shall share a single free-standing sign.

#### b) **Projecting Signs**

There shall be one (1) projecting sign permitted provided there is no free-standing sign on the premises. Where two or more businesses or enterprises share the same premises, such businesses or enterprises shall share a single projecting sign.

#### c) **Signs Mounted Flush or Parallel to a Building Wall (Flush Mounted)**

In addition to one (1) free-standing or projecting sign per premises, there may be one (1) flush mounted sign for each business or enterprise on the wall of the building where the advertised activities are carried out.

A second flush mounted sign may be permitted for each business or enterprise in a building, provided that there is a separate entrance to the business or enterprise, where all of the following conditions are satisfied:

- i) such separate entrance is a direct access from a parking lot which is located on the premises; and
- ii) such sign is not greater than three square feet; and
- iii) such sign is not illuminated in any manner; and
- iv) such sign is mounted above the door to the business or enterprise which it advertises.

### 2) Size, Height, and Setback of Signs

#### a) **Size**

- i) Free-Standing Signs and Projecting Signs



Free-standing signs and projecting signs in the Village, Commercial and Industrial districts shall be no more than twelve (12) square feet in area, excluding posts and cornices.

Free-standing signs and projecting signs in Rural, Rural Residential, Resource and Conservation districts shall be no more than ten (10) square feet in area, excluding posts and cornices.

ii) **Flush Mounted Signs**

Signs mounted flush to a building wall shall protrude no more than six (6) inches from the wall. Flush mounted signs in the Village, Commercial and Industrial districts shall be limited to twelve (12) square feet in size. In all other districts a flush mounted sign will be permitted of six (6) square feet. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical structure of the sign.

iii) **Sides of Signs**

Two-sided signs shall have parallel sides no more than six (6) inches apart. The permitted square footage shall apply to each side of a two-sided sign. In no case shall any sign have more than two (2) sides.

b) **Height**

i) **Free-standing signs**

The bottom of a permitted free-standing sign shall not restrict the visibility of vehicles entering or leaving any intersection or driveways, town or state highways, or private roads. The Zoning Administrative Officer may require relocation or adjustment of any such sign within fifteen (15) feet of the edge of the traveled pavement to assure vehicular and pedestrian safety. Maximum height of such signs will be no more than ten (10) feet from grade level to the top of the sign. Maximum height of the supporting structure will be no more than twelve (12) feet from grade level to the top of the structure.

ii) **Projecting signs**

Projecting signs cannot extend within the area used by vehicular traffic nor extend more than four (4) feet from the supporting structure. The bottom of the sign shall not be less than ten (10) feet above the finished grade, the top of the sign will not exceed fifteen (15) feet above finished grade.

c) **Setback**

No portion of any sign or supporting structure may intrude upon a state or town right of way.

3) **Special Categories of Signs**

a) **Subdivision Or Housing Projects**

Subdivision or housing projects are permitted one (1) free-standing sign containing the name of the project, and not exceeding eight (8) square feet.

b) **Gas Station Signs**

Gasoline price signs shall be confined to the pump island. The signs shall be limited to one (1) square foot in area and one (1) per pump.

c) **Signs announcing an auction, sale, or special entertainment event**, may be allowed provided that such signs shall:

- i) Be located on the premises where the event is taking place; and

- ii) Not exceed six (6) square feet in area; and
- iii) Not be displayed more than ten (10) days prior to the event, and shall be removed the day following said event; and
- iv) Not be displayed for more than twelve (12) consecutive days in any 30 day period.

**d) Window Signs**

Window signs may be displayed, and may cover up to twenty-five percent (25%) of the total window area per business or enterprise on the side of the building where such signs are located.

## SECTION 553 EXEMPT SIGNS

The following signs are exempt from the provisions of Sections 550, 551, and 552:

- 1) Signs located on or in a rolling stock of common carriers, provided that such rolling stock is not regularly parked near a highway in such a way that the rolling stock becomes the functional equivalent of a prohibited or non-conforming sign.
- 2) Signs on registered and inspected motor vehicles except those which are determined by the Zoning Administrator to be circumventing the intent of this regulation.
- 3) Advertises the sale or lease of real estate and is exhibited on such real estate, provided it meets the state standards for a real estate sign, not exceeding two (2) per premises.
- 4) Posters as defined in the regulation. Any person erecting a poster is responsible for its removal after ten (10) days.
- 5) Political signs may be erected not more than three (3) weeks before an election and must be removed the day after the election is held. Any person erecting a political sign is responsible for its removal.
- 6) Signs erected by the Town of Weston.
- 7) Signs erected by the State of Vermont or any of its Boards, Agencies or Departments.
- 8) Small signs without advertising, displayed for direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, posted area or the like, with an area not exceeding two (2) square feet, provided such signs are on the premises of the activity served by the sign.
- 9) The Zoning Administrator shall have the authority to issue a permit for the erection and display of signs, banners, or other advertising displays of any nature, on a temporary basis, to any civic, religious, fraternal, political or charitable group, provided however, that such permit shall specifically state the location or locations of such signs and devices, and specifically state the starting and expiration dates of such use and the responsibility for removal.
- 10) Residential signs as defined in this regulation.
- 11) Window signs conforming to the requirements of Section 552 Subsection (3)(d).
- 12) Construction signs not exceeding 6 square feet.

## SECTION 554 PROHIBITED SIGNS

- 1) No authorized off-premises sign, on-premises sign, or exempt sign may be erected or maintained which is visible or audible from any street, highway, or public right-of-way which:
  - a) Interferes with, imitates, or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.
  - b) Prevents the driver of a motor vehicle from having clear and unobstructed view of official traffic control signs and approaching or merging traffic.
  - c) Contains, includes or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, flags, ribbons, streamers or spinners, or other moving devices, or has any animated or moving parts, except traffic control signs. Holiday displays, commercial or residential, employing customary strings of white or colored lights or other holiday decorations, are specifically excluded from the restriction for the period, beginning the day after Thanksgiving until March 1.
  - d) Has any lighting that is not shielded to prevent beams or rays of light from being directed at any portion of the main traveled highway or street or is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise to interfere with the operation thereof.
  - e) Is illuminated from within unless free-standing, constructed of opaque material cut out so that only the letters are illuminated, and such area of illumination does not exceed fifty percent (50%) of the sign area.
  - f) Is located upon any street within the Town or State right-of-way or painted upon a rock or other natural feature or upon utility poles.
  - g) Is in violation of, or at variance with any Federal law or regulation, including one containing or providing for conditions to or affecting the allocation of Federal highway or other funds to the benefit of the State or any subdivision thereof.
  - h) Advertises activities which are illegal under State or Federal law.
  - i) Is not clean and in good repair.
  - j) Is not securely affixed to a substantial structure.
  - k) Contains any fluorescent paint or material or which is lit by neon.
  - l) Are displayed on the roof of any building or structure.
  - m) Signs mounted on wheels, trailers or other motor vehicles if the vehicles, trailers or wheeled signs are regularly located for fixed display.
- 2) No premises shall incorporate a public address system or other audible system in such a manner that sound is audible on adjacent property or on any street or highway.

## SECTION 555 DEFINITIONS FOR SIGNS

**OFF-PREMISES SIGN:** A sign which directs attention to a business, profession, commodity, service or entertainment that is not carried on, sold or offered on the same premises.

**ON-PREMISES SIGN:** A sign which directs attention to a business, profession, commodity, service or entertainment carried on, sold or offered on the same premises.

**POSTER:** A temporary, off-premises sign, exhibited no more than ten (10) days, and not exceeding three (3) square feet in area, advertising a specific event or occurrence at a particular time and place.

**PREMISES:** The site, building, or set of related buildings comprising the location of one or more businesses or other ventures.

**RESIDENTIAL SIGNS:** A sign that calls attention to the person or persons who reside in the residence.

**RIGHT OF WAY:** Any publicly owned space used for vehicular or pedestrian traffic. When the boundary of the right of way is not known, it shall be assumed to be 25 feet from the centerline of the traveled way.

**SIGN:** Any structure, wall display, device or representation which is designed or used to advertise or call attention to or directs a person to a business, association, profession, commodity product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible or audible from a highway or other public right-of-way. It does not include the flag, pennant or insignia of any nation or state on a single pole.

**WINDOW SIGNS:** Any sign affixed to the inside or outside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door whose sole purpose is to circumvent this regulation. Small signs incorporated into a window display of merchandise and measuring no more than 100 square inches shall not be deemed to be a window sign.

*SEE ALSO DEFINITIONS UNDER ARTICLE VIII*

## SECTION 560 PERFORMANCE STANDARDS

In accordance with §4414(5) of the Act, in all districts the following performance standards together with all applicable State standards must be met. The Planning Commission shall decide whether proposed or existing uses meet the standards in Sections 561 through 574.

## SECTION 561 USES NOT PERMITTED

In all districts the following uses are not permitted: junk yards, machinery wrecking yards; bulk storage of fuel oil, butane, propane, gasoline.

In all districts the following uses are not permitted: smelters; blast furnaces; slaughter houses; rendering plants; hide tanning or curing plants; manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine, manufacture or refining of petroleum, gas, explosives, bulk storage of explosives; dumps, except municipally operated sanitary landfill; amusement parks and zoos, drive-in establishments.

## SECTION 562 GENERAL STANDARDS

In all districts uses are not permitted which exceed any of the following standards measured at the individual property line:

- 1) Emit noise in excess of 70 decibels.
- 2) Emit any smoke, in accordance with applicable standards, guidelines, and/or regulations established and/or enforced by the State of Vermont and the United States Environmental Protection Agency as they are adopted and amended.
- 3) Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.

- 4) Cause, as a result of normal operations, a vibration which causes displacement of 0.002 of one inch.
- 5) Lighting of signs which create glare, which could impair the vision of a driver of any motor vehicle.
- 6) Cause a fire, explosion or safety hazard.
- 7) Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.

## SECTION 563 STANDARDS - ODOR

In all districts uses are not permitted which in the judgment of the Planning Commission emit any non-agricultural odor, which is considered offensive.

## SECTION 564 STORAGE OF FLAMMABLE LIQUIDS

The storage of any flammable liquid in tanks above ground shall conform to the standards set by the Vermont Dept. of Labor and Industry, Fire Prevention Division.

## SECTION 565 EXTRACTION OF SOIL, SAND OR GRAVEL

In any district the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Commission and after a public hearing. In any district, the following provisions shall apply:

- 1) Before approval of any new sand, soil or gravel removal operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvement to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake, recreation area or other usable open space.
- 2) When abandoning the excavation operation or a portion thereof, the sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Administrative Officer.
- 3) All surface drainage affected by excavation operations shall be controlled by the owner and approved by the Administrative Officer to prevent erosion debris and other loose materials from filling any drainage course or stream.
- 4) All excavation slopes in excess of one to two shall be fenced, if required by the Zoning Administrator.
- 5) The Planning Commission may attach such additional conditions as it may find necessary for the safety and general welfare of the public. The permit shall be issued for a period not to exceed two years, but may be renewed by the Planning Commission upon application.

## SECTION 566 LANDFILL

In any district, dumping of refuse and waste material for landfill is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill.

## SECTION 570 LANDSCAPING REQUIREMENTS

Landscaping required in all districts under these Regulations to be installed and maintained in front, side and rear yards shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas or ground cover.

Where any commercial or industrial use abuts a residential use, the commercial or industrial user shall maintain a strip of land at least 25 feet in width as a landscape and utility area in the front, side, and rear yards, unless such a requirement is waived in writing by abutting property owners.

## SECTION 571 SCREENED SERVICE AREA REQUIREMENTS

In any district all areas designated, used or intended to be used as service areas for any building or land use, other than one-family and two-family dwelling units shall be screened from view with either a wall, a solid fence or evergreens to a height of at least 5 feet above grade level, on all sides where the adjacent land is in a residential district or residential use.

## SECTION 574 GRADING

No grading, cut or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of one to two.

## SECTION 580 MOBILE HOMES AND TRAILERS

- 1) It shall be unlawful for any person to park a mobile home on any public or private property except in accordance with regulations the same as those applying to single-family dwellings.
- 2) It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach or motor home on private property, except in accordance with the following Regulations:
  - a) The owner of a trailer may park it on his own property, provided that the trailer is parked within the setback requirements for any structure on the same lot. A trailer so parked shall not be used as living quarters except temporarily.
  - b) A trailer used as permanent living quarters in excess of 14 days shall be subject to residential restrictions and require a permit.

## SECTION 581 MOBILE HOME PARKS AND TRAILER

- 1) No person or persons shall construct or operate a mobile home park or trailer camp without first obtaining Site Development Plan approval from the Planning Commission and a permit from the Town Selectboard. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Commission. Before issuing a permit, the Selectboard shall require a performance bond from the operator of the camp to assure that the camp is maintained in a satisfactory manner.
- 2) Application for a mobile home park or trailer camp permit shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the camp, a contour map, a layout of the roads, walk-ways, trailer lots, parking areas, garbage collection stations, electrical

distribution, water lines, sanitary sewer facilities, storm sewer drainage facilities, and all other requirements for submission of a complete application for Site Development Plan review.

- 3) The Planning Commission may accept the proposed plans, accept them with recommended changes, or reject them.

## SECTION 582 MOBILE HOME PARK OR TRAILER CAMP STANDARDS

The following regulations shall apply to all trailer camps:

- 1) A mobile home park or trailer camp shall have an area of not less than 3 acres.
- 2) Mobile home park or trailer camps shall provide for individual trailers, access driveways and parking.
- 3) Each mobile home or trailer lot shall be at least 4500 square feet in area, and at least 50 feet wide by at least 80 feet in depth, and shall have frontage onto an access driveway.
- 4) All access driveways within a trailer park must be at least 30 feet in width and have a compacted gravel surface at least 20 feet in width.
- 5) Each trailer lot shall have an attachment for water supply. The water supply source must be approved by the State Health Dept. of Health.
- 6) Each trailer lot shall have access to public toilets and sewage disposal within the trailer camp. The method of sewage disposal must be in compliance with the State Dept. of Health regulations.
- 7) No trailer lot or service building shall be closer to a public street, right of way line than 80 feet, not closer to a property line than 50 feet.
- 8) A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all trailer camp property lines.

## SECTION 590 SUBDIVISION OF LAND

- 1) Minor Subdivision Review - After a warned hearing the Planning Commission shall review a minor subdivision for:
  - a) Verification for lot existence for ten or more years.
  - b) Access to a Legal Right of Way.
  - c) Lot conformity to area and dimensional requirements for applicable district.

After review and approval by the Planning Commission the applicant shall file a copy of the planned minor subdivision with the town clerk.

- 2) Major Subdivision Review - See Town of Weston Major Subdivision Regulations

## SECTION 591 BOUNDARY LINE ADJUSTMENTS

Landowners who desire to make a simple Boundary Line Adjustment, as defined in [Article VIII Definitions](#), may seek approval from the Zoning Administrator provided these adjustments:

- 1) Are between adjacent land owners and do not create any new lot

- 2) Will not adversely impact access to any parcel
- 3) Will not result in the creation of a non-conforming lot, structure or use or increase the non-conformity of pre-existing lots.
- 4) Do not violate any condition imposed as part of an existing permit.

## ARTICLE VI PLANNED UNIT DEVELOPMENTS (PUD)

In accordance with the provisions set forth in §4417 of the Act, and where permitted by the Rural Residential District provisions in the Zoning Districts as set forth in these Regulations, the modification of the Zoning Regulations by the Planning Commission is permitted simultaneously with the approval of a development plan provided that such modification shall not exceed the concentration of density for the district in which the development is located.

### SECTION 602 INTENT

The purposes of a PUD are:

- 1) to provide for a mixture and variety of housing types and/or commercial uses at different concentrations;
- 2) to provide economies and efficiencies in road utility and public facility construction and maintenance;
- 3) to encourage, provide and enhance allocation and distribution and maintenance of areas designated as common open space;  
and
- 4) to provide a method of development for existing lots which because of physical, topographical, or geological conditions could not otherwise be developed.

### SECTION 603 DIMENSIONAL REGULATIONS

Upon approval of a Site Development Plan by the Planning Commission the lot area, frontage, and yard requirements in the Zoning Regulations may be waived for a PUD.

### SECTION 604 GENERAL AND SPECIFIC REGULATIONS

The following requirements shall be met in obtaining PUD approval:

- 1) Uses shall be limited to those permitted and/or conditional uses within the district in which the PUD is proposed.
- 2) Density requirements of the district apply. Deviation from the required amount of usable open space per dwelling unit may be allowed, provided such deviation shall be adjusted for in other sections of the PUD.
- 3) The minimum set backs required for the district shall apply to the periphery of the project.
- 4) The project shall meet the development and improvement standards of Weston's Subdivision Regulations, which shall be used as the basis for project review by the Planning Commission.
- 5) All other zoning requirements of the district, except for those that specifically may be waived or varied under the provisions of the section shall be met.



- 6) The proposed PUD shall be in harmony with the Town Plan and shall be in conformance with the requirements of Site Development Plan Review .

## SECTION 605 ADMINISTRATIVE CONTROLS

The following administrative procedures and controls shall be required in presenting a PUD Plan:

- 1) Open space or common land shall be assured and maintained in accordance with the procedures prescribed by the Planning Commission.
- 2) The Planning Commission may require that a park or parks be suitable located for playground or other recreational purposes, if the areas so required do not exceed more than 15 per cent of the flat area or, in lieu thereof, a payment to the municipality of an amount to be determined by the legislative body.
- 3) The Planning Commission may also require the designation of public school sites, or a payment in lieu thereof.
- 4) The development plan shall specify reasonable periods within which development of each section of the PUD may be started and shall be completed. No building designed or intended for business use, except the Community Center and development office, shall be constructed in any PUD.

## SECTION 606 OPEN SPACE

If the application of this procedure results in land available for park(s), other recreation facilities, open space, school sites or other municipal purposes, the Planning Commission, 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 preservation and use of such lands for their intended purpose.

# ARTICLE VII ADMINISTRATION AND ENFORCEMENT

## SECTION 701 ZONING ADMINISTRATOR

### SECTION 701.1 APPOINTMENT OF ZONING ADMINISTRATOR

- 1) A Zoning Administrator, who may hold any other office in the municipality other than membership in the Zoning Board of Adjustment, shall be nominated by the Planning Commission and appointed by the Selectboard for a term of three years promptly after the adoption of the first bylaws or when a vacancy exists. The compensation of the Zoning Administrator shall be fixed under 24 V.S.A. Sections 932 and 933, and the officer shall be subject to the personnel rules of the municipality adopted under 24 V.S.A. Sections 1121 and 1122. The Zoning Administrator shall administer the bylaws literally and shall not have the power to permit any land development that is not in conformance with those bylaws. The Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Planning Commission.
- 2) The Planning Commission may nominate and the Selectboard may appoint an Assistant Zoning Administrator who shall have the same duties and responsibilities as the Zoning Administrator in the Zoning Administrator's absence.

### SECTION 701.2 DUTIES OF THE ZONING ADMINISTRATOR

- 1) The Zoning Administrator shall provide an applicant with forms required to obtain any municipal permit or approval required under these Regulations. If other municipal permits or approvals are required, the Zoning Administrator should coordinate a unified effort on behalf of Weston in administering its development review programs.
- 2) The Zoning Administrator is responsible for referring certain review functions to the Appropriate Municipal Panel as described in 24 V.S.A. Section 4460(e).
- 3) The Zoning Administrator should inform any person applying for municipal permits or approvals that the person should contact the regional permit specialist employed by the Agency of Natural Resources in order to assure timely action on any related state permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.
- 4) If the Zoning Administrator fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referral to the appropriate municipal panel, a permit shall be deemed issued on the 31st day.

## SECTION 702 ZONING PERMIT

### SECTION 702.1 APPLICABILITY, EXEMPTION, AND APPLICATION FOR ZONING PERMIT

- 1) No land development may commence unless a zoning permit shall have been duly issued by the Zoning Administrator in conformance with these Regulations, with the following exceptions:
  - a) A permit shall not be required for the placement or construction of a tool shed, pumphouse, dog house, or other such accessory structures, provided that the floor space of the structure does not exceed 144 square feet and does not exceed 12 feet in height and provided that such structure is located no closer than the setbacks required in the zone in which it is located.
  - b) A permit shall not be required for any interior structural alteration, which does not change the use of the structure.

- c) A permit shall not be required for any exterior renovation or repair of a structure, which does not change the use or increase the exterior dimensions of the structure. The addition of chimneys or vent pipes shall be included in this exemption.
  - d) A permit shall not be required for a fence or wall that is 6 feet 4 inches in height or less. No fence shall be constructed which extends into or obstructs public rights of way or interferes with corner visibility or sight distances for vehicular traffic as established by Vermont Agency of Transportation, Sight Distance Standards.
  - e) A permit shall not be required for excavation and landfill except as required by Article IV Flood Hazard Area Regulations of these Zoning Regulations and Section 565 Extraction of Soil, Sand or Gravel of these Zoning Regulations. This exemption does not remove any requirement that Extraction of Soil, Sand or Gravel be reviewed under Conditional Use Review (Section 706) and Site Plan Review (Section 708).
- 2) The Zoning Administrator shall not issue a Zoning Permit unless an application, plot plan and other information required by this Regulation have been properly submitted.
  - 3) The Zoning Administrator shall, within 30 days of submission of application, data and other information, either issue or deny a zoning permit, or refer the application to the appropriate municipal panel or panels. If denied, the Zoning Administrator shall so notify the applicant in writing, stating his/her reasons therefore. If the zoning permit is approved, construction shall be started within 12 months and shall be completed within 30 months of its date of issue or reapplication to complete any activities shall be required, unless (a) permit extensions have been granted as provided below, or (b) longer periods of time for the start and completion of construction have been specified by the appropriate municipal panel or panels and incorporated in the permit.

Applications for permit extensions shall be made in writing, including a description of the specific reasons and circumstances for the extension, to the Zoning Administrator at least 30 days prior to the expiration date of the permit, including permits in force as of the date of the adoption of this amendment. The Zoning Administrator may grant extensions of up to two years for one- and two-family dwellings. In other cases, the Zoning Administrator shall submit the request to the Planning Commission for consideration and decision at the next available regularly scheduled meeting as an agenda item. No public hearing on the application for extension shall be required. If approved by the Planning Commission the permit shall be extended by the Zoning Administrator for a period up to two years from the date of expiration as specified in the decision of the Planning Commission.

- 4) If a permit application is not acted upon by the Zoning Administrator in 30 days, the applicant shall post, on the 31st day, a true copy of the application prominently in the Weston Town Office for a period of 15 days, together with a notice that appeals may be filed with the Appropriate Municipal Panel, and, if no appeals are filed during 15 days after the applicant posts this notice, the permit shall be deemed to be issued on the 46th day after submission of the application to the Administrative Officer.
- 5) Notwithstanding the foregoing, no zoning permit issued by the Zoning Administrator shall take effect until the time for appeal has passed as described in 24 V.S.A. §4449(a)(3).

## SECTION 702.2 PERMIT ISSUANCE, APPEAL TIMELINE, DISTRIBUTION, AND POSTING OF ZONING PERMIT

- 1) Within three days following the issuance of a zoning permit, the Zoning Administrator shall post a copy of the permit in the Town Office until the expiration of 15 days from the date of the issuance of the permit and deliver a copy of the permit to the Listers of the Town of Weston.
- 2) Each issued Zoning Permit/approval shall be require that the applicant post a notice of the permit, in a form prescribed by the Town of Weston within view from the public right-of-way most nearly adjacent to the subject property until the time

for appeals has passed as described in 24 V.S.A. Section 4465 Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.

- 3) Each issued Zoning Permit/approval shall contain a statement of the period of time within which an appeal may be taken. If an appeal is pursued by an interested party, the applicant shall also be required to post a Notice of Appeal on a form prescribed by the Town of Weston within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in §4465 of the Act has passed. Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.
- 4) Within 30 days after a Zoning Permit/approval has been issued or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
  - a) deliver the original or a legible copy of the Zoning Permit/approval or notice of violation, or a notice of municipal land use permit generally in the form set forth in subsection 24 VSA §1154(c) to the Town Clerk for recording as provided in §1154(a); and
  - b) file a copy of that municipal land use permit in the Town Office in a location where all municipal land use permits shall be kept.
- 5) The Town Clerk may charge the applicant for the cost of the recording fees as required by law.

## SECTION 703 VIOLATION, ENFORCEMENT, AND PENALTIES

A violations of these Regulations shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974(a) et seq. and penalties may be imposed as described 24 V.S. A. Sections 4451, 4452 and 4454 of the Act.

## SECTION 704 PLANNING COMMISSION: POWERS AND DUTIES

The Planning Commission shall consist of not less than three (3) and more than nine (9) members appointed by the Selectboard in accordance with 24 VSA Sections 4325. The Planning Commission has the powers and duties set forth in 24 VSA Section 4326, including administering these regulations until the Selectboard establishes a development review board.

## SECTION 705 APPROPRIATE MUNICIPAL PANELS

### SECTION 705.1 AUTHORITY OF APPROPRIATE MUNICIPAL PANELS

- 1) Appropriate Municipal Panel refers to the panel performing a development review function, including a Planning Commission, a Zoning Board of Adjustment, a Development Review Board or Selectboard.
- 2) The Town of Weston Zoning Board of Adjustment, it shall perform the following review functions in accordance with 24 VSA section 4460(e):
  - a) Review of proposed conditional uses;
  - b) Appeal from a decision of the Zoning Administrator.
  - c) Review requests for variances.

All other review functions shall be performed by the Planning Commission unless the Selectboard has specific authority to perform.

- 3) If the Town of Weston develops a Development Review Board, all review functions described in 24 VSA Section 4460(e) shall be performed by that board.
- 4) An appropriate municipal panel shall elect officers, adopt rules of procedures, adopt rules of ethics with respect to conflicts of interest and otherwise comply with the provisions of 24 VSA Section 4461 with respect to the conduct of meetings and other proceedings and the gathering of information and expenditures for services.
- 5) If more than one type of review is required for a project, the review, to the extent feasible, shall be conducted concurrently and the decisions for the applicable approval from each appropriate municipal panel will be rendered separately. If an application requires multiple review by various municipal panels the sequence for rendering the application decision shall be established by the appropriate municipal panels as follows:
  - a) The application shall be considered by the Appropriate Municipal Panel first to obtain the necessary approval for a Conditional Use or Appeal of the Zoning Administrator's Decision.
  - b) Upon receiving a favorable approval from the Appropriate Municipal Panel then the application may proceed to the Appropriate Municipal Panel for Site Plan review and approval.
- 6) Applications for review by the Appropriate Municipal Panel will be reviewed by the Zoning Administrator and will not be warned for a public hearing until the application has been determined complete.

## SECTION 705.2 HEARING AND NOTICE REQUIREMENTS FOR APPROPRIATE MUNICIPAL PANEL PROCEEDINGS

- 1) A warned public hearing shall be required for the following: conditional use review, variances, Zoning Administrator decision appeals, and plat review for subdivisions. Public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by:
  - a) publication in a newspaper of general circulation;
  - b) posting in three or more public places in conformance with 1 V.S.A. §312(c)(2).
  - c) posting within view from the public right-of-way most nearly adjacent to the property for which an application is made; and
  - d) written notification to the applicant and to the owners of all properties adjoining the property subject to development without regard to any public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
- 2) Public notice for hearings on all other types of review, including site plan review, shall be given not less than 7 days prior to the date of the public hearing and shall include at a minimum the following:
  - a) posting in three or more public places in conformance with 1 V.S.A. §312(c)(2); and
  - b) written notification to the applicant and to the owners of all properties adjoining the property subject to development without regard to right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
- 3) The Appropriate Municipal Panel shall be responsible for the public warning and the posting required in Sections 705.2(1)(a) and (b) and 705.2(2)(a) and notifying the applicant as required by Sections 705.2(1)(d) and 705.2(2)(b).

- 4) The applicant shall be responsible for the posting required by Section 705.2(1)(c) and the notification of the adjoining landowners required by Sections 705.2(1)(d) and 705.2(2)(b) and shall demonstrate proof of delivery to adjoining landowners by certified mail, return receipt requested.

### SECTION 705.3 DECISIONS BY APPROPRIATE MUNICIPAL PANEL

- 1) Pursuant to 24 V.S.A. §4464(b), the appropriate municipal panel may recess the proceedings on any application pending submission of additional information.
- 2) Decisions shall be made within 45 days after the adjournment of the hearing.
- 3) Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day.
- 4) Decisions shall be in writing and meet the requirements of 24 V.S.A. § 4464(b).
- 5) In rendering a decision, the appropriate municipal panel may attach conditions as provided in 24 V.S.A. § 4464(b),
- 6) Any decision shall be sent by certified mail within 45 days after the close of the hearing to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the Zoning Administrator and the Town Clerk as a part of the public records of the Town of Weston.

### SECTION 706 CONDITIONAL USES

In any zoning district, certain uses may be allowed only by approval of the Appropriate Municipal Panel, after a public hearing and upon finding by the panel.

- 1) These general standards shall require that the proposed conditional use shall not result in an undue adverse effect 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 municipal plan.
  - c) Traffic on roads and highways in the vicinity.
  - d) Bylaws and ordinances then in effect.
  - e) Utilization of renewable energy resources.
- 2) In addition to the standards set forth above, the Appropriate Municipal Panel may consider more specific criteria, including, but not limited to:
  - a) Minimum lot size.
  - b) Distance from adjacent or nearby uses.
  - c) Performance standards as set forth in 24 VSA Section 4413(5).
  - d) Off-street parking and loading facilities.

- e) Landscaping and fencing.
  - f) Size, design and location of signs, structures and service areas.
  - g) The criteria described in 24 VSA Section 4414(c).
- 3) Approval of a conditional use shall be based on a Site Plan, prepared in conformance to Section 708 below and failure of the development to conform to such plan shall constitute a violation of these Regulations.
  - 4) In granting a conditional use approval, the Appropriate Municipal Panel may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Act and these Regulations.

## SECTION 707 VARIANCES

- 1) A Variance from the provisions of these Regulations may be requested as provided for in 24 V.S.A. §4469.
- 2) The Appropriate Municipal Panel shall grant variances if all of the facts described in 24 V.S.A. § 4469 are found, and the finding is specified in its decision.

## SECTION 708 SITE PLAN REVIEW

- 1) As a prerequisite to the approval of any use other than one- or two-family dwellings, agricultural or residential accessory buildings, or extensions thereof, or signs, the Appropriate Municipal Panel shall approve site plans after a hearing under procedures set forth in Subchapter 10 of 24 VSA.
- 2) In reviewing site plans, the Appropriate Municipal Panel may impose appropriate conditions and safeguards with respect to: the adequacy of parking, traffic access and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location and design of signs; and other matters specified in these Regulations.
- 3) Applications for site plan approval shall be filed with four (4) sets of maps and accompanying written materials, which shall include at least the following:
  - a) Location of the proposed development, including lot, block and section number of the property taken from the latest tax records.
  - b) Name and address of the owner of record and the owners of adjoining lands.
  - c) Name and address of person or firm preparing the map.
  - d) Survey of the property showing existing features, including contours, features, water courses, structures, and easements, rights of way and land and deed restrictions.
  - e) Site plan drawn to scale showing all proposed improvements and land use areas, existing and proposed utilities, proposed traffic access, circulation, parking, loading areas, pedestrian walks, landscaping, site grading, erosion control plans and storm water management systems, screening, north arrow, scale and date.
  - f) Total site area, building coverage and total lot coverage.
  - g) Detailed specifications of the planting and landscaping materials proposed.

- h) Construction sequence and time schedule for completion of each phase in which all site improvements will be completed.
- i) Other information specified in any Site Plan Review Procedure and Checklist adopted by the Appropriate Municipal Panel.
- j) Any other data or information the Planning Commission shall reasonably view as necessary in applying the site plan review standards.

## SECTION 709 APPEALS OF DECISIONS OF ZONING ADMINISTRATOR; NOTICE AND HEARING

- 1) An interested person may appeal any decision or act taken by the Zoning Administrator as provided for in 24 V.S.A. §4465 by filing a Notice of Appeal with the Secretary of the Zoning Board of Adjustment or Development Review Board with the Town Clerk if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of the decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator. See 24 V.S.A. §4465 for the definition of "interested person".
- 2) The Notice of Appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.
- 3) The Appropriate Municipal Panel shall set a date and place for a public hearing of an appeal within 60 days of the filing of the Notice of Appeal under section 4465 of the Act. The Appropriate Municipal Panel shall give public notice of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date.
- 4) Any person or body empowered by §4465 of the Act to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the Appropriate Municipal Panel from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.

## SECTION 710 SUCCESSIVE APPEALS, APPEALS TO ENVIRONMENTAL COURT AND EXCLUSIVITY OF REMEDY

- 1) The Zoning Board of Adjustment may reject an appeal or request for reconsideration without hearing and render a decision, which shall include findings of fact, within ten (10) days of the date of filing of the notice of appeal, if the Zoning Board of Adjustment considers the issues raised by the appellant in the appeal have been decided in an earlier appeal or involve substantially or materially the same facts by or on behalf of that appellant. The decision shall be rendered, on notice given, as in the case of a decision under subdivision 4464(b)(3) of the Act, and shall constitute a decision of the Zoning Board of Adjustment for the purpose of § 4471 of the Act.
- 2) The Town of Weston shall enforce all decisions of its Zoning Board of Adjustment, and further, the Superior Court, or the Environmental Court shall enforce such decisions upon petition, complaint or appeal or other means in accordance with the laws of this state, by Weston or any interested person by means of mandamus, injunction, process of contempt, or otherwise.



- 3) An interested person who has participated in a municipal regulatory proceeding authorized under this section may appeal a decision rendered in that proceeding by an appropriate municipal panel to the Environmental Court in accordance with the procedures outlined in §4471 of the Act.

## ARTICLE VIII DEFINITIONS

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

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

**ACCESSORY DWELLING UNIT:** means an efficiency or one bedroom apartment that is located within or appurtenant to an owner-occupied single family dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation, provided that the unit complies with all of the following:

- 1) The property has sufficient wastewater capacity,
- 2) The unit does not exceed 30 percent of the total habitable floor area of the single family dwelling,
- 3) Applicable setback, coverage and parking requirements specified in the bylaws are met.

**ACCESSORY USE OR BUILDING:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

**ADMINISTRATIVE OFFICER:** See ZONING ADMINISTRATOR.

**AFFORDABLE HOUSING:** means either of the following:

- 1) Housing that is owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the US Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, and insurance is not more than 30 percent of the household's gross annual income; or
- 2) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the US Department of Housing and Urban development, and the total annual cost of the housing, including rent, utilities and condominium association fees is not more than 30 percent of the household's gross annual income.

**AFFORDABLE HOUSING DEVELOPMENT:** A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years.

**AGRICULTURE, AGRICULTURAL USE:** In accordance with § 4413 (d) (1), (2), (3) this bylaw does not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively under subsection 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

**ALTERATION:** Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment.

**APPROPRIATE MUNICIPAL PANEL:** Any body performing a development review function, including but not limited to the Planning Commission, the Zoning Board of Adjustment, a Development Review Board, or a legislative body (Selectboard).

**BAR:** A room or establishment where the sale and consumption of alcoholic beverages are the primary activities.

**BASEMENT:** Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

**BOARDING HOUSE:** Building wherein more than four people are sheltered and may be fed for profit.

**BOUNDARY LINE ADJUSTMENT:** Movement of a common boundary line of two lots which does not create any new lots (See [Section 591](#)).

**BUILDING:** Structure having a roof supported by columns or walls intended for the shelter or enclosure of persons, animals or chattel.

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

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

**BUILDING HEIGHT:** Vertical distance from lowest elevation (earth meeting building foundation) at finish grade to the elevation of the highest point of the roof of the building.

**BYLAWS and/or REGULATIONS:** Municipal regulations applicable to land development adopted under the authority of the Act. Within these Zoning Regulations these terms are used interchangeably.

**CAMP:** Land on which is located a cabin, trailer, shelter, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes.

**CAMPING TRAILER:** See [TRAILER](#)

**CAPACITY STUDY:** An inventory of available natural and human-made resources based on detailed data collection that identifies the capacities and limits of those resources to absorb land development. Data gathered, relevant to the geographic information system, shall be compatible with, useful to, and shared with the geographic system established under 3 V.S.A 20.

**CASUAL SALE(s):** Sales including but not limited to garage, tag, yard, or auctions.

**CEMETERY:** Property used for interring the dead except for private burial plots as defined in 18 V.S.A. 5319 (a).

**CHILD CARE FACILITY:** A childcare operation serving six or more children but not in a residence.

**CHILD CARE HOME:** A family childcare operation serving no more than six full-time children and four part-time children in a residence.

**CLINIC:** An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

**CLUB, PRIVATE:** Building or use catering exclusively to club members and their guests and not operated primarily for profit.

**COMMUNITY CENTER:** A public center used for any combination of meetings, instruction, events, or recreation, including museums, public theaters, or libraries, and operated primarily for non-profit, but excluding similar uses specifically defined by these regulations.

**CONDITIONAL USE:** A use permitted in each district only by approval of the Board of Adjustment, if the Board determines, after public notice and public hearing, that the proposed use will conform to general and specific standards, as provided in the Zoning Regulations.

**CONDOMINIUM:** Provides individual ownership of a dwelling unit in a multi-unit structure. Each owner of a unit receives the exclusive right to use, to occupy, to mortgage, and to dispose of his part of the condominium plus an individual interest in the area and fixtures that serve all tenant owners in common.

**CONFORMANCE WITH THE PLAN:** A proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes the following:

- 1) Makes progress toward attaining or at least does not interfere with the goals and policies contained in the municipal plan.
- 2) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- 3) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

**COVERAGE:** That percentage of the lot area covered by the structures thereon.

**CULTURAL ARTS FACILITY:** A non-profit, community-based cultural center that promotes the performing and visual arts, provides a community gathering place which may include but not be limited to performance, rehearsal, gallery and meeting spaces, and ancillary functions which may include but not be limited to food service, dining rooms, offices, class rooms, studios, scene shops, artist-in-residence housing.

**DRIVEWAY:** A vehicular access to one or two lots.

**DWELLING UNIT:** One room or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary, and sleeping facilities. It shall not include motel, hotel, or similar structures.

**DWELLING, ONE FAMILY:** Detached building used as living quarters by one family.

**DWELLING, TWO FAMILY:** Building used as living quarters by two families living independently of each other.

**DWELLING, MULTI FAMILY:** Building used as living quarters by three or more families living independently of each other. Includes condominiums, hotel condominiums, apartments, townhouses and villas, and other forms of multiple family housing.

**ELEMENT:** A component of a plan.

**FAMILY:** One or more persons occupying a single dwelling unit, provided that, unless all members are legally related, no such family shall contain over five persons, but further provided that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as a family or families.

**FARM STAND:** See AGRIGULTURE, AGRICULTURAL USE.

**FARM STRUCTURE:** "Farm structure" means 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.

A person shall notify the Zoning Administrator of the intent to build a farm structure and shall abide by setbacks approved by the secretary of agriculture, food and markets. No permit for a farm structure is required.

**FEES:** Zoning permit fees shall be set by the legislative body.

**FLOOD PLAIN AREA:** Land area adjoining a river, stream, watercourse, or lake, subject to a general and temporary condition of partial or complete inundation of normally dry land.

**FLOOD HAZARD AREA:** See definition in Section 414, Special Flood Hazard Area.

**FLOOD PROOFING:** See definition in Section 414.

**FLOODWAY:** See definition in Section 414.

**GASOLINE STATION:** Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

**GRADE, FINISHED:** Complete surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

**GREENHOUSE:** See AGRICULTURE, AGRICULTURAL USE.

**HIGHWAY FRONTAGE:** Lot lines, which abut a public highway.

**HOME BUSINESS:** An accessory use carried out on the premises of a dwelling that may be more intensive than a Home Occupation and is subject to conditions established for conditional use and which does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Refer to Section 503.2 of these Regulations for eligibility requirements.

**HOME OCCUPATION:** An accessory use that is customary in residential areas conducted within a minor portion of a dwelling, which is clearly secondary to the dwelling used for living purposes and which does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Refer to Section 503.1 of these Regulations for eligibility requirements.

**INDUSTRIAL USE:** A manufacturing or trading type of operation, carried out on a scale larger than would be permitted for a home industry and under conditions established for Conditional Use. Industrial Use includes Commercial Use.

**INN:** A residential dwelling in design and/or previous use, now used for commercial purposes wherein the patronage is of a transitory nature, the guests being entertained from day to day. Such use must include food service for guests within the structure and may include a restaurant with or without a lounge.

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

**LEGISLATIVE BODY:** means the Selectboard.

**LIGHT INDUSTRY/COMMERCIAL:** Research and development activities, the manufacture, fabrication, processing or warehousing of previously prepared materials, which activities are conducted wholly within an enclosed structure. Finished or semi-finished products may be stored outdoors pending shipment.

**LOADING SPACE:** Off-street space used for the temporary location of one licensed motor vehicle, which is at least twelve feet wide and forty feet long and fourteen feet high, not including access driveway and having direct access to a road or alley.

**LOT AREA:** Total area within the property lines excluding any part thereof lying within the boundaries of a public road, or proposed road.

**LOT CORNER:** Lot which has an interior angle of less than 135 degrees at the intersection of two roads. A lot abutting a curved road shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle less than 135 degrees.

**LOT DEPTH:** Mean horizontal distance from the road line of the lot to its opposite rear line measured at right angles to the building front line.

**LOT FRONTAGE:** Distance measured across the width of the lot at the building front line, or the proposed building front line.

**LOT LINE:** Property lines bounding a lot.

**LOT WIDTH:** Width measured at right angles to its lot depth, at the required building front line.

**MOBILE HOME:** Any vehicle or similar transportable structure suitable for single family year round occupancy and containing the same water supply, waste disposal, and major housekeeping appliances as immobile housing. A mobile home shall be considered a dwelling unit.

**MOBILE HOME PARK:** Land on which two or more mobile homes are parked and occupied for living purposes.

**MODULAR OR PREFABRICATED HOUSING:** A factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

**MOTEL:** Building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom and containing no cooking facilities.

**MULTI-FAMILY DWELLING:** See DWELLING, MULTI-FAMILY

**MUNICIPAL LAND USE PERMIT:** Any of the following:

- 1) A zoning, subdivision, site plan, or building permit or approval, any of which relate to "land development" as defined herein, which has received approval from the applicable board, commission, or officer of the municipality.
- 2) A wastewater system permit issued under any municipal ordinance adopted pursuant to Chapter 102 of this title.
- 3) Final official minutes of a meeting, which relate to a permit or approval described in subsections (1) or (2) above.
- 4) A certificate of occupancy, which relates to the permits or approvals described in subsections (1) or (2) above.
- 5) An amendment of any of the above.

**MUNICIPALITY:** A town, a city or an unincorporated village or an unorganized town or gore.

**NEW CONSTRUCTION:** See definition in Section 414.

**NONCONFORMING LOTS OR PARCELS:** 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 administrative officer.

**NONCONFORMING USE:** 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.

**NON-CONFORMING STRUCTURE:** Structure or a 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.

**NONCONFORMITY:** A nonconforming use, structure, lot or parcel.

**NON-RESIDENTIAL USE:** All uses of buildings, structures or land except one family dwellings, two family dwellings and multiple family dwellings.

**NURSING HOME:** Building where persons are housed and furnished with meals and nursing or convalescent care.

**OFFICE BUILDING:** A structure used primarily for conducting the affairs of one or more businesses, professions, services, industries, studios or governmental agencies.

**ONE AND TWO FAMILY DWELLINGS:** See DWELLING, ONE FAMILY and DWELLING TWO FAMILY.

**PARKING SPACE:** Off-street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a Town road or State highway.

**PERSON:** An individual, corporation, partnership, association and any other incorporated or unincorporated organization or group.

**PLAN:** A municipal plan adopted under section 4385 of the Act.

**PLANNED UNIT DEVELOPMENT:** One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any combination of density or intensity, transfers, density or intensity increases, as well as the mixing of land uses, and which need not correspond to bylaws requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required open space or other standards.

**PLANNING COMMISSION:** The Planning Commission for the Town of Weston created by the Selectboard under subchapter 2 of the Act.

**PLAT:** A map or chart of a subdivision with surveyed lot lines and dimensions.

**PROFESSIONAL RESIDENCE OFFICE:** A residence in which the resident maintains an office and practices a vocation requiring specialized knowledge for which a license is required, which is clearly secondary to the use of the residence as a dwelling, employs a minor portion of the building, and does not change the character thereof.

**PROFESSIONAL, BUSINESS OFFICE:** The office of a member of a recognized profession maintained for the conduct of that profession. A studio, as defined herein, shall be considered a professional office.

**PUBLIC WATER, PUBLIC SEWER:** Water supply and sewage disposal systems approved by the Town Board of Selectboard for municipal operation.

**RECREATION FACILITY, PUBLIC:** Recreational facility catering to the public.

**RECREATIONAL FACILITY, PRIVATE:** Recreational facility catering exclusively to members and their guests and not to transients.

**RELIGIOUS INSTITUTION:** Includes church, temple, parish house, convent, seminary and retreat house.

**REGIONAL PLAN:** A plan adopted under section 4348 of the Act.

**REGIONAL PLANNING COMMISSION:** A planning commission for a region created under subchapter 3 of the Act.

**RENEWABLE ENERGY SOURCES:** Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

**RESIDENTIAL CARE HOME OR GROUP HOME:** In accordance with §4412 (G), shall be operated under state licensing or registration, serving not more than eight persons who have a defined handicap or disability by (9 V.S.A § 4501) shall be considered by right to constitute a single-family residential use of property, except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home

**RESIDENTIAL USE:** Includes one family dwelling, two family dwelling, multiple family dwelling, professional residence office, and home occupation.

**RESTAURANT:** A structure for public eating in which the primary business is the preparation and serving of food for consumption on the premises.

**RETAIL ESTABLISHMENT:** Includes enclosed restaurant, cafe, indoor recreation, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, gasoline station and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and services.

**ROAD:** A vehicular access to three or more lots. A road is required to meet town road specifications and meet Selectboard's road acceptance policy.

**ROAD GRADE:** Officially established grade of the road upon which a lot fronts. If there is no officially established grade, the existing grade of the road shall be taken as the road grade.

**ROAD LINE:** Right of way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five feet from the center line of the road pavement, or traveled surface.

**RURAL TOWN:** Means a town having, as at the date of the most recent United States census, a population of less than 2,500 persons, as evidenced by that census, or a town having 2,500 or more but less than 5,000 persons that has voted by Australian ballot to be considered a rural town.

**SCHOOL: PRIVATE:** Pre-school, through high school, college and university education, including accessory uses, including but not limited to residential facilities operated by a parochial or private institution.

**SCHOOL: PUBLIC:** A town or state facility for public education.

**SELECTBOARD:** The legislative body for the Town of Weston.

**SHOULD:** means that an activity is encouraged but not mandated.

**SETBACK:** The linear distance between a structure and a property line or the centerline of a road.

**SIGN, BUSINESS:** Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate. Whenever dimensions of a sign are specified, they shall include panels and frames and supporting structures, excluding the building to which a sign may be attached. (See also Section 555)

**STATE OR MUNICIPAL OWNED AND OPERATED FACILITY:** A public building used by municipal or state agencies.

**STREET:** Refer to ROAD.

**STRUCTURE:** An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, sign, wall, fence or tent.

**STUDIO:** A structure or portion of a structure used as a place of work by an artist, photographer, or artisan. See PROFESSIONAL BUSINESS OFFICE.

**SUBDIVISION:** The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other division of land for sale or development. (From Black's Law Dictionary.)

- 1) **MAJOR SUBDIVISION:** Division of any parcel of land into three or more lots, tracts, or parcels for the purpose of conveyance, transfer of ownership, improvement, building development or sale within a period of ten years. The term subdivision shall not include the division of land for agricultural purposes into two or more lots, each with ten acres or more in area, and which does not involve the creation of a new road.
- 2) **MINOR SUBDIVISION:** Division of any parcel of land into two lots, tracts, or parcels for the purpose of conveyance, transfer of ownership, improvement, building development or sale within a period of ten years. The term subdivision includes resubdivision. A minor subdivision does not require compliance with major subdivision regulations. A subdivision shall not include the division of land for agricultural purposes into two or more lots, each with ten acres or more in area and which does not involve the creation of a new road.

**SUBSTANTIAL IMPROVEMENT:** See definition in Section 414.

**TECHNICAL DEFICIENCY:** a defect in a proposed plan or bylaw, or an amendment or repeal thereof, correction of which does not involve substantive change to the proposal, including corrections to grammar, spelling, and punctuation, as well as the numbering of sections.

**TELECOMMUNICATIONS FACILITY:** means a tower or other support structure, including antennae, that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

**TOURIST ACCOMMODATIONS:** An owner occupied dwelling unit, in which rooms are rented to transients.

**TEMPORARY USES AND STRUCTURES:** A structure or use to exist for a period not exceeding one year.

**TRAILER:** Includes any vehicle used for sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck, but not intended for year-round occupancy. Any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

**TRAILER CAMP (or Park):** Land on which two or more trailers are parked and occupied for camping purposes.

**WETLANDS:** Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.



**WILDLIFE REFUGE:** An area preserved to be forever wild by a non-profit organization where precautions shall be taken to contain, preserve and prevent escape of wildlife.

**YARD:** Space on a lot not occupied with a building or structure. Porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

**YARD, FRONT:** Yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the road line to the front line of the building.

**YARD, REAR:** Yard between the rear lot line and the rear line of a building extended to the side lot line of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

**YARD, SIDE:** Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.

**ZONING ADMINISTRATOR:** The individual responsible for enforcement and interpretation of the Zoning and Subdivision Regulations for the Town of Weston.

**ZONING PERMIT:** A document signed by the Zoning Administrator which is required by the Zoning Regulations as a condition precedent to the start of a use or the erection, reconstruction, alteration, conversion of a structure. This document acknowledges that such use and/or structure complies with the provisions of the Zoning Regulations or variance there from duly authorized by the Appropriate Municipal Panel.

**ZONING BOARD OF ADJUSTMENT:** An appropriate municipal panel for the Town of Weston as created provided for in §4460 of the Act.

