

Panton Selectboard  
Panton Zoning Administrator  
Citizens of Panton

**From:** Panton Planning Commission

**Date: November 1, 2006**

**Re:** Changes to the Panton Zoning Regulation (Adopted March 6, 2001) to implement the Changes to Title 24, Chapter 117 of the Vermont Statutes Annotated governing municipal planning and development.

## **Planning Commission Reporting Form For Municipal Bylaw Amendments**

This report is in accordance with 24 V.S.A. §4441(c) which states:

*“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendment s..... The report shall provide:*

*(A) brief explanation of the proposed bylaw, amendment, or repeal and ....include a statement of purpose as required for notice under §4444 of this title,*

**In 2004, the Vermont legislature made significant changes to Chapter 1 17, Title 24 of the Vermont Statutes Annotated governing Municipal and Regional Planning. The changes to the state statutes require all municipalities in the State of Vermont to revise their own plans and regulations in order to comply with the statutes. Towns that fail to revise their plans and regulations automatically become subject to the changes as of September 1, 2005. The Panton Planning commission has made these changes to its regulations in order to comply with pertinent provisions of the State statute. The Zoning Bylaws implement and enforce the Town Plan. They govern all types of development within the town. All areas within the Town of Panton are affected, as are all Articles of the regulations .**

*and shall include findings regarding how the proposal:*

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

**The changes conform to the Town Plan by implementing state statute, including those provisions of state statute promoting the availability of safe and affordable housing. Changes to Sections dealing with housing include: Section 501 providing for the equal treatment of housing; Section 503 providing for accessory apartments; Section 504 allowing for group housing in all districts allowing single family housing; and Section 505 allowing development on existing small lots;**

- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*

**The changes conform to the Town Plan by leaving in place the current zones and densities.**

- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

**The changes do not impact planned community facilities.**

- 4. Other substantive changes made by the Planning Commission include:*

- a. Correcting all the citations to match the current state statutes they reference .**
- b. Changing Sections 1001 through 1004 governing the Zoning Districts to allow more uses, generally promoting affordable housing, as required by Chapter 117. (The Planning Commission did not make any other changes to the districts at this time and is not asking any one to approve other changes to the districts at this time.)**

- c. **Changing Article III, Administration and Enforcement, Section 301 Exemptions by allowing more exemptions as required by Chapter 117, generally permitting agriculture and silvicultural practices and structures, utilities and certain specified public facilities without permits.**
- d. **Changing Section 324, the effective day of a permit, to require the expiration of all appeals periods before a permit will go into effect.**
- e. **Adding Section 501 regarding the equal treatment of housing ;**
- f. **Adding Section 513 governing certain public use exceptions to the Zoning regulations as required by Chapter 117;**
- g. **Adding Section 504 governing when daycares and residential group homes will be treated the same as single family homes.**
- h. **Revising Section 512 providing the DRB more flexibility with which to deal with nonconforming lots and structures;**
- i. **Revising Section 528 to provide for combining Planned Unit (PUDs) and Planned Residential Developments (PRDs) into one section;**
- j. **Making significant changes to Article III, Administration and Enforcement including:**
  - **Adding Section 330 defining the appropriate municipal panel for making specific decisions;**
  - **Adding Section 340 explaining how each hearing before the Appropriate Municipal Panel (DRB) will happen, what will be required for applications, notice, conduct of the hearing and decisions. The provisions regarding notice of the hearing changed substantially to require extra posting on the property subject to the hearing, notice in the paper and mailing notice to all neighbors.**
  - **Adding sections 350-375, explaining how Conditional uses, variances and appeals to the Development Review Board will be carried out, including application requirements, process requirements review criteria and decisions;**
  - **Adding Sections 380-385 entitled "Waiver" allowing the DRB to waive certain structural infractions into zoning district setbacks without a formal variance;**
  - **Adding Section 399 explaining the procedure to appeal the actions of the DRB or Planning Commission;**
- k. **Definitions. Lastly, the statutes also contain a number of new definitions. The definitions in the bylaws were amended to match the definitions in the statute. Accordingly, definitions for abutting land owners, accessory dwelling units, affordable housing and many others were added.**

# TOWN OF PANTON

## ZONING BYLAWS

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A representative Zoning Map is attached as Appendix A.

## ***Article I: Enactment, Intent, Repeal of Former Zoning Bylaws, and Definitions***

### **Section 110: Enactment**

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, hereinafter referred to as the "Act", and in accordance with Sections 4401, 4402, and 4410 thereof are hereby established Zoning Regulations for the Town of Panton which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Panton Zoning Regulations".

### **Section 120: Intent**

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

### **Section 125: Repeal of Former Zoning Bylaws**

The Zoning Bylaws and Zoning Map for the Town of Panton in effect before the adoption of these bylaws and map are hereby amended and replaced in their entirety by these regulations as of the effective date of these regulations.

### **Section 130: 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 "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; and the word "street" is synonymous with "road".

Doubt as to the precise meaning of any word used in these regulations shall be clarified by the definitions contained in current edition of Merriam Webster's Dictionary or equivalent edition.

**Abutting Land Owner:** A person who owns land in fee simple if that land:

1. Shares a boundary with the tract of land where a proposed or actual development or subdivision is located; or
2. Is adjacent to a tract of land where a proposed or actual development or subdivision is located and the two properties are separated only by a river, stream or public highway.

**Accessory Dwelling Unit:** A dwelling unit located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity to satisfy state regulations.
2. The unit does not exceed the greater of 1,200 square feet or 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, subordinate to the principal use or building, and located on the same lot.

**Accepted Agricultural Practices:** This bylaw shall not regulate accepted agricultural practices, as those practices are defined by the Secretary of the Agency of Agriculture Food and Markets.

**Agricultural Sales and Service Facility:** A retail establishment for the display, sales, or service of agricultural equipment and supplies, including but not limited to tractors, balers, hay wagons, bulk tanks, fertilizer and feed. Includes showroom, parking lot, and enclosed bulk storage and warehouse.

**Agricultural Use (Farming):** Land or structure used for raising livestock, growing agricultural or forest products, storing agricultural equipment, or, as an accessory use, selling agricultural products or nursery stock raised on the property, pursuant to the definition of farming contained in 10 V.S.A. 6001(22).

**Alteration:** Structural change, rearrangement, or use or addition to a building.

**Applicant:** Any person, firm, corporation, partnership, association, unincorporated organization, trust, or any other commercial or legal entity, including a joint venture of affiliated ownership which owns or controls the tract(s) of land to be developed or subdivided, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for him/herself or for others or who other files a request before the Zoning Administrator or Development Review Board

**Appurtenant:** An accessory apartment or other structure is appurtenant to a primary dwelling or other type of principal use when it satisfies both of the following tests:

1. Proximity. The accessory apartment or structure is located within a short distance from the main structure (Generally less than 200 feet.).
2. Connectivity. The accessory apartment or structure shares all or a portion of the same infrastructure as the main structure and is clearly subordinate to the main structure.

**Basement:** Story partly or entirely 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 (6) feet.

**Bed and Breakfast:** Building wherein people are offered food and lodging on a temporary basis as a for-profit business.

**Building:** Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any carport, porch, terrace, deck, or steps covered overhead.

**Building Area:** Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings. Any solar collection device or related apparatus is not included. All dimensions shall be measured between exterior faces of walls.

**Building Front Line:** Line parallel to the street line transecting that point of the building, which is closest to the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

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

**Building Rear Line:** Line parallel to the street line transecting that point of the building, which is farthest from the street line. Where a lot fronts on public water but not a public road, "mean water line" shall replace "street line" in this definition.

**Building Side Line:** Line parallel to the nearest side lot line transecting that point of the building which is nearest the side lot line.

**Camper:** Any motorized or un-motorized vehicle mounted on wheels and used as sleeping, camping, or temporary living quarters. This includes a camper body mounted on a truck, and excludes mobile homes.

**Campground:** Any tract or parcel of land occupied by three (3) or more campers, tents, or tent sites.

**Certificate of Compliance:** A certificate issued to an occupant or owner certifying compliance with applicable zoning regulations and permits conditions.

**Churches, Place(s) of Worship:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**Clinic:** A non-residential office building used by members of the healthcare professions for the diagnosis and outpatient treatment of human ailments.

**Clear Cutting:** Complete or substantial removal of all trees greater than three inches (3") in diameter at breast height in a given area.

**Club:** Building or use catering exclusively to club members and their guests for recreational, educational, or service purposes.

**Community Facility:** Any state or community owned institutions or facilities, public and private schools or other educational institutions certified by the State Department of Education; churches and other places of worship, convents or parish houses; and public and private hospitals.

**Conditional Use:** Use which may be permitted only by approval of the Development Review Board after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in this regulation and pursuant to Section 4414 of the Act.

**Daycare Facility or Family Childcare Home:** A family childcare home or facility means a home or facility where the owner or operator is licensed or registered by the state for childcare. A family childcare home serving not more than six children shall be considered to constitute a permitted single-family residential use of property. A family childcare home serving not more than six fulltime children and four part-time children, as defined in subdivision 33 V.S.A. §4902(3)(A), shall be considered a permitted use, but shall be subject to site plan approval based on requirements in these regulations, if site plan review standards are adopted. A family childcare facility serving more than 6 fulltime and four part-time children shall be a conditional use or prohibited, pursuant to the guidance provided in the relevant portion of Article X of these regulations governing the uses allowed in each district.

**Drive-In Facility:** An establishment designed or operated to serve a patron while seated in a motor vehicle parked in an off-street parking space.

**Driveway:** A private access road for vehicular travel serving up to three residences and related accessory units.

**Dwelling Unit:** Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a tourist home, bed and breakfast or motor lodge.

**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, Multiple-Family:** Building used as living quarters by three or more families living independently of each other.

**Family:** One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

**Farm:** A parcel of land primarily used for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or raising, feeding or managing livestock, poultry, equines, fish or bees; or operating greenhouses; or producing maple syrup for commercial purposes.

**Farm Structure:** A building, enclosure, or fence for housing livestock, raising horticulture or agronomic plants, or carrying out other practices associated with an acceptable agricultural practice.

**Fence:** Structure or vegetation used primarily for enclosure or screening.

**Finished Grade:** Completed surfaces of ground, lawn, walks, paved areas and roads brought to grade as shown on plans relating thereto.

**Floor Area:** Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

**Front Yard Setback:** Consists of the depth of the front yard (distance from building front line to street line) plus the distance from the street line to the center line of the existing roadway. Where a lot fronts on public waters but not a public road, the front yard setback shall consist only of the depth of the front yard (building front line to ordinary high water level of 96.8).

**Garage Sale:** The sale of personal property on the premises of a dwelling unit, for a period not exceeding three (3) consecutive days, and not more than nine (9) days in a calendar year. A sale or sales of longer duration shall be deemed a retail store use. A garage sale is an accessory use.

**Gasoline or Motor Vehicle Service Station:** Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has commercial facilities for lubricating, washing, painting, repairing, or servicing motor vehicles.

**Group Home or Residential Care Home:** A residential care or group home operated under state licensing or registration, serving not more than 8 persons, who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so permitted if it is located within 1,000 feet of another existing or permitted such home.

**Home Occupation:** Accessory use conducted within a minor portion of a dwelling typically by the residents thereof, which is clearly secondary to the residential uses, is customary in residential areas, and does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

**Housing, Affordable:** Housing that is owned or rented by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, for owners (including principal, interest, taxes and insurance) and for renters (including rent, utilities, and condominium association fees) is not more than 30 percent of the household's gross annual income. 24 V.S.A. § 4303(1) (A).

**Housing, Low Income:** Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that does not exceed 50 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

**Housing, Moderate Income:** Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50 percent but does not exceed 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

**Interested Person:** A person owning or occupying real property in the immediate neighborhood of a parcel of land that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. Please see 24 V.S.A., §4465 for a broader definition of an interested parties and a more complete definition.

**Junk Yard:** Land or building used for the collecting, storage, or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition.

**Kennel:** Any lot or premise on which three or more dogs, at least four months of age, are kept for sale or commercial breeding purposes.

**Land Development:** Means 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 including above and in-ground pools, any prefabricated structures or of any mining, excavation, or landfill; and any change in the use of any building or other structure or land, or extension of use of land.

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

**Lot:** For the purposes of land development, land, with or without buildings, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a public road or public waters, or other means of access as may be required elsewhere in these bylaws. The definition includes an existing small lot, per Section 501, which may not meet minimum area, width, or depth requirements.

**Lot Area:** Total area within the property lines excluding any part thereof lying within the boundaries of an existing or proposed street.

**Lot, Corner:** Lot, which has an interior angle of less than 135 degrees at the intersection of two streets.

**Lot Coverage:** That percentage of the lot area covered by the building area.

**Lot Depth:** Mean horizontal distance from the rear lot line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

**Lot Frontage:** Distance measured across the width of the lot at the public road or, in the absence of a public road, the public waters or an approved right of way.

**Lot Line:** Property lines bounding a lot.

**Lot Line, Rear:** The lot line opposite and most distant from the street line. Where a lot fronts on public waters but not a public road, "mean waterline" shall replace "street line" in this definition.

**Lot Width:** Mean horizontal distance between side lot lines.

**Marina:** A place for docking, mooring, storing, selling, servicing, or repairing boats, including the sale of fuel and supplies.

**Minor Portion of a Dwelling:** A portion less than fifty (50) percent of the total square footage of the dwelling or structure.

**Mobile/Modular/Manufactured Home:** A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole and is ready for occupancy upon arrival at the site except for incidental unpacking, connections with utilities, and placement on supports or foundation or any structure for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. § 6201(1) (governing mobile homes).

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

**Motor Lodge:** A building or group of buildings used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals.

**Motor Vehicle Sales Facility:** A retail establishment for the display and sale of motor vehicles, including but not limited to cars, trucks, vans, campers, boats, motorcycles, or snowmobiles. Includes an enclosed showroom and a parking lot.

**Non-Conforming Structure:** Structure not conforming to the Zoning Regulations for the district in which it is located, where such structure conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a structure improperly authorized as a result of error of the Administrative Officer

**Non-Conforming Use:** Use of land or structure that does not comply with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a parcel improperly authorized as a result of error of the Administrative Officer

**Parking Space:** Off-street space used for the temporary location of one licensed motor vehicle, such space being at least eight (8) feet wide and eighteen (18) feet long, not including access driveway, and having direct access to a street.

**Permitted Use:** Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

**Personal Service:** Barber, beauty salon, shoe repair, Laundromat, dry cleaner, photographic studio, and other businesses providing similar personal services, except for medical services.

**Planned Unit Development (PUD):** An area of land to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk, or type of dwelling, commercial, or industrial use, density lot coverage, and required open space to the zoning regulations established for the district in which it is proposed to be located. A PUD can encourage new communities, innovation in design, layout, and use that are more efficient of land. See Sections 4303(19) and 4417 of the Act for a

more detailed description of PUD's.

**Plat:** A document record describing a plot of land.

**Professional Office:** Professional office including architect, accountant, dentist, doctor, lawyer, engineer, psychologist, or other similar occupation.

**Quarrying:** Marble, granite or other stone extraction operations and any land development incidental thereto. Quarrying includes the enlargement of any existing quarrying excavations.

**Recreation, Indoor:** Bowling alley, theater, pool hall, arcade, skating rink, gymnasium, health club, or other similar places of indoor recreation.

**Recreation, Outdoor:** Golf course, hunting preserve, skating rink, park beach, cross county skiing facility, playground, ball field or other similar places of outdoor recreation.

**Residential Use:** One-family dwelling, two-family dwelling or multiple-family dwelling.

**Right-of-Way:** A legally defined right of access.

**Restaurant:** A public eating establishment in which the primary function is the preparation and serving of food.

**Retail Store:** Any enclosed business concerned primarily with the sale of product, products, goods, equipment or commodities; and shall exclude any drive -in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant or junk yard.

**Sanitary Landfill:** A land use permitted for the disposal, dumping and burial of mixed solid waste and construction and demolition debris, and in compliance with the applicable Vermont State Statutes.

**Service Area:** A designated space used for waste storage or pickup, utility areas, or for the delivery of goods and services, to any building or land uses.

**Setback:** Distance from the side or rear property lines behind which a structure can be built. Front yard setback is distance from center road line to a point behind which structures can be built.

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

**Silvicultural Practices:** This bylaw shall not regulate accepted silvicultural practices, as those practices are defined by the commissioner of forests, parks and recreation under subsection 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

**Solar Collector:** A device or structure, combination or part thereof that transforms direct solar energy into thermal, chemical, or electrical energy.

**Solar Energy System:** A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy. Passive solar energy systems are those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

**Stable:** A facility where less than 4 horses are kept for remuneration, hire, sale, or for private use. A stable shall be considered an accessory use to a single family home. Stables housing 4 or more horses are considered agricultural operations and should be treated as exempt agricultural uses as per Section 322.

**Street:** A public way whether public or private serving more than three residences or commercial parcels officials of the town accepted.

**Street Line:** Right-of-way line of a street as dedicated by a deed or other proper instrument of record.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

**Variance:** A departure from the zoning bylaws, which is granted or denied by the Development Review Board. The condition specified in Section 4468 of the Act must exist in order for a variance to be granted.

**Veterinary Clinic/Animal Hospital:** A building or premises for the medical or surgical treatment of animals.

**Warehouse:** A structure or part thereof for storing goods and merchandise.

**Wind Energy Conversion System:** A device that converts wind energy to mechanical or electrical energy, and may store it for future use.

**Yard:** Land area on a lot not excluding principal buildings or structures.

**Yard, Front:** Land area between the street centerline or ordinary high water level of 96.8 and the building front line.

**Yard, Rear:** Land area between a lot back line and a building back line at ground level.

## ***Article II: Establishment of Zoning Districts and Zoning Map***

### **Section 210: Establishment of Zoning Districts**

The Town of Panton is hereby divided into the following zoning districts as shown on the "Zoning Map".

- Residential 2 (R-2)
- Residential 5 (R-5)
- Residential Agricultural (RA-10)
- Commercial (C-1)
- Flood Hazard Area (FH)

## **Section 220: Zoning Map**

The locations and boundaries of Zoning Districts are established as shown on the Zoning Map drafted by Addison County Regional Planning Commission dated February, 2002 and recorded in the Town Clerk's Office. A non-official reproduction is included herein for convenience only. The Zoning Map is hereby made a part of these regulations, together with all future amendments. If uncertainty exists with respect to the boundary of any zoning district on the Zoning Map, the Planning Commission shall determine the location of such boundary, based on the official Zoning Map on file in the Town Clerk's Office.

## **Article III: Administration and Enforcement**

### **Section 300: Application of Regulations**

The application of these regulations is subject to 24 V.S.A. §§ 4411, 4412 and 4413 of the Act. Except as hereinafter provided, no land development shall occur unless it is in conformity with the regulations herein specified for the district in which it is located or it is exempt per the Act or Section 301 of these regulations.

**Any use not permitted by these regulations shall be deemed prohibited.**

### **Section 301: Exemptions**

The following require no zoning permit but must conform to existing zoning regulations for the district within which they are located.

1. Pursuant to 24 V.S.A. § 4413(b), public utility power generating plants or transmission facilities regulated under 30 V.S.A. §248.
2. Pursuant to 24 V.S.A. § 4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance, unless they provide an approval of lesser setbacks by the Secretary of the Agency of Agriculture, Food and Markets. The notification to the town must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted Silvicultural practices to the appropriate state authorities for enforcement.
3. Pursuant to 24 V.S.A. § 4413(e), but subject to 24 V.S.A. 2295, these regulations shall not restrict hunting, fishing, trapping and other activities under section 2295.
4. Pursuant to 24 V.S.A. § 4413 the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic, noise, lighting, landscaping or screening requirements and only to the extent that the regulations do not have the effect of interfering with the intended functional use:
  - a. State or community owned and operated institutions and facilities.

- b. Public and private schools and other educational institutions certified by the state Department of Education.
- c. Churches and other places of worship, convents and parish houses.
- d. Public and private hospitals.
- e. Regional Solid Waste Management Facilities certified under 10 V.S.A. Chapter 159.
- f. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under Section 6606(a) of Title 10.

Accordingly, these uses are only partially exempt. Please see Section 513 for more detail regarding how they will be regulated.

- 5. Fences, hedges, or walls, which do not interfere with corner visibility and which are no more than eight (8) feet in height. Fences do not need to meet Setback requirements.
- 6. Terraces, decks, step, or play structures, which are not covered overhead.
- 7. Doghouses, sheds, tree houses, or play structures having less than 64 square feet in floor area and less than eight (8) feet in height. Structures exempt under this section must be located at least 10 feet off property lines and outside all rights of way
- 8. Any sign erected by the Town or State for directional information or traffic control purposes. Signs exempt under this section (Except traffic control or other town signs) must be located at least 10 feet off property lines and outside all rights of way .
- 9. Above ground pools.

### **Section 310: Administrative Officer**

The Administrative Officer shall be nominated by the Planning Commission and approved by the legislative body to administer the zoning regulation, as provided for in Section 4448 of the Act. Said officer shall administer the bylaws literally and shall not have the power to permit any land development not in conformance with these bylaws. In doing so the officer shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these regulations, including providing interested persons with forms and information necessary to obtain municipal permits and coordinating a unified effort on behalf of the municipality in administering its development review programs.

### **Section 320: Zoning Permit**

Except as noted in Section 301 of these regulations, or as specifically exempted in the Act, no land development or site and building construction may commence without a zoning permit issued by the Administrative Officer as provided for in 24 V.S.A. §4449 of the Act. .

### **Section 321: Fees**

The Selectboard shall establish all fees to be charged with respect to the administration of these regulations.

### **Section 322: Application for a Zoning Permit**

Any person desiring to undertake any activity requiring a zoning permit, not exempt pursuant to Section 301 of these regulations, shall complete an application for a zoning permit and submit it with all required information to the Administrative Officer. The Administrative Officer shall not issue a permit unless a complete application is filed with them. The application shall include the following information:

1. Existing conditions of the lot including structures, roads, easements, boundaries, rights-of-way, etc.
2. A sketch or plan indicating the shape, size, height and location of the proposed project.
3. The relation of the proposal to all property lines and to street or road lines.
4. Any structure to be erected, altered, extended or moved, and of the existing lot conditions of any structures already on the lot and/or indicating the location of any proposed new boundary line on the lot; the existing and intended use of all such structures and the land; the names and addresses of adjoining property owners, and such other information as may be required by the Administrative Officer to ensure that the provisions of these regulations are being followed.

### **Section 323: Action by the Administrative Officer.**

Within 30 days after submission of a complete application, the Administrative Officer shall act with regard to the application for a permit presented and either pass it to the Development Review Board for its review, or, if authorized, conduct a review of the project. If the Zoning Permit is approved, the Administrative Officer shall issue a permit with appropriate conditions, if any. If the application is denied, the Administrative Officer shall state such denial and the reasons therefore in writing and shall immediately mail notice of such denial to the applicant at the address indicated on the application. Failure to act on a complete permit application, which the Administrative Officer has the authority to review, for a period of greater than 30 days shall result in a permit deemed approval. All activities authorized by the issuance of a zoning permit shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.

### **Section 324: Effect of Issuance of a Permit (Statutory Changes)**

No permit issued pursuant to this section shall take effect until the time for appeal in Section 4465 of this title has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the Development Review Board is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days whichever comes first.

### **Section 325: Posting of a Zoning Permit (Statutory Changes)**

Each permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. The Applicant shall post a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (15 days) has passed.

### **Section 326: Certificate of Occupancy**

It shall be unlawful to use, occupy or permit the use or occupancy of any land and/or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, unless a Certificate of Occupancy has been issued by the Administrative Officer stating that the proposed use of the land or structure conforms to the provisions of these regulations. In the case of a structure, the Administrative Officer must inspect the site at the time the footings are in place and again when the structure is completed and deemed by the owner to be ready for occupancy before issuing a Certificate of Occupancy.

### **Section 327: Septic Systems**

All residential and commercial dwellings and structural units require septic, sewage disposal systems designed and installed in accordance with State of Vermont standards . Plans are required as part of any zoning permit application.

### **Section 328: Penalties**

Violations of these regulations shall be addressed as prescribed in Sections 44 51 and 4452 of the Act. Penalties may include fines up to the amount listed in the Act at the time of the offense (Currently up to one-hundred (100) dollars per offense, per day, doubled in the event of a default) injunctive relief, and any other lawful remedy the municipality may seek under the Act.

The offender will receive seven days written notice of the violation before imposition of a penalty. Injunctive relief may also be sought , pursuant to the procedure for enforcement contained in Sections 4451 and 4452 of the Act.

### **Section 330: Appropriate Municipal Panel (Statutory Changes)**

The Development Review Board (“DRB”) shall constitute the appropriate municipal panel in Panton and shall be responsible for conducting quasi-judicial reviews of specific types of applications as listed below. Rules of procedures, rules of ethics, public notice requirements, requirements regarding decisions, appeals and all other matters before the DRB acting as the appropriate municipal panel shall be established as provided by the Act and as set forth in the regulations.

### **Section 331: Planning Commission (Statutory Changes)**

The Town of Panton Planning Commission consists of members appointed by the legislative body. The Planning Commission has the following functions:

1. Prepare and update the Panton Town Plan every five years and amend it as necessary.
2. As needed, prepare amendments to these regulations and other regulations as permitted by 24 V.S.A. Chapter 117.
3. Resolve any uncertainties regarding district boundaries on the Official Zoning Map.
4. Nominate the Administrative Officer with approval of the Selectboard to administer these regulations, as provided for in 24 V.S.A. § 4448 .
5. Undertake capacity studies
6. Perform such other functions as dictated by 24 V.S.A. § 4325 and as it deems necessary and appropriate to fulfill its duties and obligations.

### **Section 332: Development Review Board**

The Town of Panton Development Review Board will consist of members appointed by the Selectboard for specified terms. Members may also be members of the Planning Commission. Any member of the Development Review Board may be removed for just cause by the Selectboard upon written charges and after a public hearing.

The Development Review Board has the following functions:

1. Hear and grant or deny appeals of actions of the Administrative Officer.
2. Hear and grant or deny requests for Variances.

3. Hear and grant or deny Conditional Use Approval.
4. Hear and grant or deny approval for expansions of non-conforming uses and non-complying structures pursuant to the criteria for Conditional Use Approval.
5. Hear and grant or deny approval for activities in the floodplain.
6. Hear and grant or deny requests for Waivers.
7. Serve as the appropriate municipal panel for the purpose of hearing and granting or denying approval of subdivision applications pursuant to the Subdivision Regulations.
8. Serve as the appropriate municipal panel for the purpose of hearing and granting or denying approval to modify district requirements under the Planned Unit Development provisions of these regulations as it considers subdivision applications.
9. Review requests for rights of way, or other changes requested to plats of record.
10. Any other form of land use request for which it is the appropriate municipal panel as authorized by these regulations and 24 V.S.A. §4460.

**If more than one review is required, for a project, the reviews, to the extent feasible, shall be conducted concurrently.**

### **SECTION 340: PUBLIC NOTICE AND REVIEW PROCEDURE (Statutory Changes)**

The applicant shall submit its application for review by delivering two (2) copies of those materials required by the appropriate section of these regulations governing the type of action requested to the town office, at least 25 days prior to the regular meeting of the Development Review Board. Sections governing the application and procedures for each type of review are contained herein:

Conditional Use: See Section 350

Appeal: See Section 360

Variance: See Section 370

Waivers: See Section 380

Other: See Section 390

Subdivision: See Subdivision Regulations

1. **Notice procedures:** All development review applications or appeals before the Development Review Board shall require notice for a warned public hearing as follows:
  - a. Public Notice of hearings for conditional use review, variances, appeals of decisions of the Administrative Officer, and final plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing by all the following:
    - i. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Administrative Officer or clerk of the Development Review Board shall place the notice in the paper.
    - ii. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c) (2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The Administrative Officer or clerk of the Development Review Board shall post notices two places within town. The Administrative Officer or clerk of the Development Review Board shall also be responsible for posting the property.
    - iii. Written notification to the applicant or appellant and to 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 proceeding is a prerequisite to the right to take any subsequent appeal. The Administrative Officer or clerk of the Development Review Board shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. Prior to the first hearing, the Administrative Officer or clerk of the Development Review Board shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent to and the certificate of mailing demonstrating that the letters were sent (The Administrative Officer or clerk need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered. If the Administrative Officer or clerk fails to reasonably demonstrate that they sent notice to the adjoiners and any other interested party, the Development Review Board may postpone the hearing.

- b. Public Notice of Hearings on **all other types of development 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 all the following:
  - i. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in compliance with the notice requirements for special meetings contained in 1 V.S.A. § 312(c)(2); The Administrative Officer or clerk of the Development Review Board shall post notices two places within town. The Administrative Officer or clerk of the Development Review Board shall also be responsible for posting the property.
  - ii. Written notification to the applicant and to 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 proceeding is a prerequisite to the right to take any subsequent appeal. The Administrative Officer or clerk of the Development Review Board shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. Prior to the first hearing, the Administrative Officer or clerk of the Development Review Board shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent to and the certificate of mailing demonstrating that the letters were sent (The Administrative Officer or clerk of the Development Review Board need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered.
2. **Review Procedures.** Pursuant to the requirements of 24 V.S.A. § 4461, for development review and §4468 for appeals, the Development Review Board shall set a date and place for a public hearing of an application or an appeal under this chapter that shall be within 60 days of the filing of a complete application or the notice of appeal with the Development Review Board. The Development Review Board shall give public notice of the hearing pursuant to the procedure described in Subsection 1 of this section and shall mail to the applicant, or in the case of appeals, the appellant, a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by Section 4465 of the Act to participate as an interested party or 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. The Development Review Board may adjourn the hearing from time to time;

provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings 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, Vermont Statute.

3. **Decisions.** The Development Review Board shall issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal within 45 days after completing the hearing and shall within that period send the applicant or appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Administrative Officer and the Town Clerk who shall record the decision as a public record. If the Development Review Board fails to make a decision within 45 days, on the 46<sup>th</sup> day the Development Review Board shall be deemed to have rendered a decision in favor of the applicant or permittee in the case of an appeal.

## **SECTION 350: CONDITIONAL USES (Statutory Changes)**

### **Section 351: General Structure**

The Administrative Officer shall not issue a Zoning Permit for any use or structure that requires conditional use approval or for the expansion or enlargement or change in use of an existing conditional use until the Development Review Board grants such approval. Uses requiring conditional use approval are listed Article X in the sections governing each zoning district. The Development Review Board shall make findings on general and specific standards, hold hearings and attach conditions, if any, as provided for in 24 V.S.A. § 4414(3) of the Act and all applicable sections of these regulations. Per Section 4413 of the Act, in any district certain uses may be permitted only by approval of the Development Review Board, if the Development Review Board after public notice and public hearing determines that the proposed use will conform to general and specific standards contained in these regulations.

### **Section 352: Existing Conditional Uses**

Uses listed as conditional uses which existed prior to the effective date of these Regulations shall conform to all requirements herein pertaining to conditional uses with respect to a change in use, expansion or contraction of land area, or alteration of structures.

### **Section 353: Application for Conditional Use Approval**

The applicant shall submit to the Administrative Officer, by filing an application in the town offices, at least 25 days prior to the regular meeting of the Development Review Board, two (2) copies of a letter summarizing the proposed conditional use which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision including: property identification numbers of the property taken from the latest tax records; name and address of the owner of record and the owners of adjoining lands; name and address of person or firm preparing the map; scale of Map of at least 1"=200', north point and date.

In addition to the information noted above, the Development Review Board may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions. (At least one copy of each map presented to the DRB should be on paper

smaller than 11X17 to allow the clerk of the DRB to copy the map for the DRB 's use during the hearing process.)

2. A plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
3. A construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information as requested by the Development Review Board

### **Section 354: Public Notice and Review Procedure**

The Development Review Board shall give public notice of hearing as specified in Section 340(1) (a) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 340(2) of these Regulations and pursuant to any rules of procedure it adopts.

### **Section 355: General Criteria for Review**

When determining the appropriateness of a proposed conditional use, the Development Review Board shall determine that the development or use will not result in an undue adverse impact on any of the following:

1. Capacity of Community Facilities. The capacity of existing or planned community facilities. A conditional use shall not overburden or exhaust existing or planned municipal facilities or services.
2. Character of the Area. 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. A conditional use may not, by its nature, scale, or conduct, cause an undue adverse change to the character of the area, as the area would exist if fully developed in accordance with the Town Plan. To that end, the conditional use shall meet or, where it is deemed appropriate by the Development Review Board, exceed the dimensional requirements for the district, the sign standards indicated in Article VII, and any other performance standards specified in these regulations. The estimated traffic generated by a conditional use shall not exhaust or exceed the capacity of the road to accept increased traffic unless the applicant agrees to a condition requiring the applicant to upgrade the road.
3. Traffic Impacts. The estimated traffic generated by a conditional use shall not, in combination with other uses, exceed the road capacity. The Development Review Board may require a traffic study to determine whether the capacity of the road will be exceeded. Where the capacity of the road to accept increased traffic is limited, the conditional use shall not exhaust or exceed the remaining capacity of the road.
4. Compliance with Regulations. A conditional use must comply with bylaws and regulations in effect at the time of submission of the application, including the portion of the bylaws governing PUD applications which allow changes to other portions of the bylaws.
5. Renewable Energy Resources. A conditional use shall not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water and sunlight) for energy generation.

### **Section 356: Specific Criteria for Review**

Specific Standards. In addition to any conditions stemming from its review of the general criteria listed in Section 355, the Development Review Board may make such additional requirements

as it deems necessary with respect to the specific standards in Articles IV-X of these regulations or as it deems reasonable and necessary to implement the purpose of the Act and these Bylaws.

### **Section 357: Decision**

Upon the close of the hearing, the Development Review Board shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in subsection 3 of Section 340 of these regulations.

### **Section 358: Performance Bonds (Revised)**

The Development Review Board may require that the applicant furnish the town with a performance bond up to the value of the cost of the work/improvement to benefit the municipality to be guaranteed by such bond in order to assure the proper development of the improvements benefiting the municipality according to the restrictions and conditions specified by the Development Review Board and as set forth in these regulations. The Development Review Board may determine the amount of the bond or certified check based upon the recommendations of a professional architect/engineer hired by the town at the expense of the applicant pursuant to 24 V.S.A. 4440(d) of the Act.

## **SECTION 360: APPEALS TO THE DEVELOPMENT REVIEW BOARD (Statutory Changes)**

Appeals of any decision of the Administrative Officer shall be made to the Development Review Board. The Development Review Board shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in 24 V.S.A. §§ 4465, 4466, 4468, 4469 and 4470.

### **Section 361: Deadline for Appeal**

An appeal taken with respect to an act or decision of the Administrative Officer must be filed within 15 days of such act or decision.

### **Section 362: Interested Persons**

Only an “interested person” as defined in Section 130 of these regulations and by 24 V.S.A. § 4465(b) may appeal the decision or action of the Administrative Officer under these regulations.

### **Section 363: Notice of Appeal**

The appellant shall file a notice of appeal in the town offices with the secretary or chair of the Development Review Board or with the town clerk if no such secretary or chair has been elected. The following information shall be included as part of the submittal:

1. Name and address of the appellant;
2. Names and addresses of the applicant, co-applicant or any person party to the original application;
3. A brief description of the property from which the appeal is taken;
4. A reference to the regulatory provisions applicable to that appeal;
5. The relief requested;

6. The grounds as to why the relief requested is proper under the circumstances;

### **Section 364: Public Notice and Review Procedure**

Public notice of hearing shall be given as required by Section 340(1)(a) of these regulations. The Development Review Board shall review all appeals pursuant to the procedure established in Section 340(2) of these regulations.

### **Section 365: Decision**

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 340 of these regulations.

### **SECTION 370: VARIANCE (Statutory Changes)**

Requests for variances shall be made to the Development Review Board pursuant to the procedure outlined below.

### **Section 371: Application**

The applicant shall submit to the Administrative Officer, by filing an application in the town offices at least 25 days prior to the meeting of the Development Review Board, two (2) copies of a letter summarizing the proposed variance which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision, including property identification numbers of the property taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map; scale of Map, north point and date. In addition to the information noted above, the Development Review Board may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions. (At least one copy of each map presented to the DRB should be on paper smaller than 11X17 to allow the clerk of the DRB to copy the map for the DRB's use during the hearing process.)
2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Development Review Board.

### **Section 372: Public Notice and Review Procedure**

Public notice of hearing shall be given as required by Section 340(1)(a) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 340(2) of these Regulations and pursuant to any rules of procedure it adopts.

### **Section 373: Review Criteria**

The Development Review Board shall review all variance requests to determine if they can meet **all** of the following standards:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these condition and not the circumstances or provisions of the bylaw in the district in which the property is located.
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is necessary to enable the reasonable use of the property.
3. Unnecessary hardship has not been created by the appellant .
4. The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable resources or be detrimental to the public welfare ,
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.

Please see 24 V.S.A. § 4469 for more information or for matters dealing with variances relating to renewable energy resource structures.

### **Section 374: Decision**

The Development Review Board shall make its decision on the request for variance by applying the facts presented in the application and at hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 340 of these regulations.

### **Section 375: Conditions**

In approving a project the Development Review Board shall act to ensure, and may impose conditions requiring that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any variance and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

### **SECTION 380: WAIVERS (Optional Statutory Change)**

As an alternative to the variance procedures noted above, applicants may apply for site waivers of dimensional requirements pursuant to the criteria below .

### **Section 381: Application**

The applicant shall submit to the information required to the Administrative Officer, by filing two (2) copies of a letter summarizing the proposed waiver which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations, at the Town Clerk's office, at least 25 days prior to the meeting of the Development Review Board. Information will include that which is necessary for the Development Review Board to make its decision, including property identification numbers of the property taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map; scale of Map, north point and date.

In addition to the information noted above, the Development Review Board may require the

following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions. (At least one copy of each map presented to the DRB should be on paper smaller than 11X17 to allow the clerk of the DRB to copy the map for the DRB's use during the hearing process.)
2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Development Review Board.

### **Section 382: Public Notice and Review Procedure**

Public notice of hearing shall be given as required by Section 340(1)(b) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 340(2) of these Regulations and pursuant to any rules of procedure it adopts.

### **Section 383: Review Criteria**

The Development Review Board may grant waivers to reduce dimensional requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
2. The waiver requested is in conformance with the town plan and the goals set forth in Section 4302 of the Act.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors.
4. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.

### **Section 384: Decision**

The Development Review Board shall make its decision on the request for waiver by applying the facts presented in the application and at hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 340 of these regulations.

### **Section 385: Conditions**

In approving a project the Development Review Board shall act to ensure, and may impose

conditions requiring that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any waiver and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

## **SECTION 390: OTHER APPLICATIONS (Statutory Changes)**

### **Section 391: General Conditions**

Any other applications or uses that require approval of a Development Review Board, but are not specifically listed shall be reviewed under the procedure immediately below.

### **Section 392: Applications for Other Approvals**

The owner shall submit two (2) sets of plan maps and supporting data to the Development Review Board by delivering the application to the Administrative Officer or filing the application at the Town Clerk's office. The application shall include the following information, presented in drawn form and accompanied by written text:

1. Property identification numbers of the property taken from the latest tax records; name and address of the owner of record and the owners of adjoining lands; name and address of person or firm preparing the map; Scale of Map, north point, and date.
2. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use, and deed restrictions. (At least one copy of each map presented to the DRB should be on paper smaller than 11X17 to allow the clerk of the DRB to copy the map for the DRB's use during the hearing process.)
3. Plan, showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
4. Construction sequences and time schedules for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
5. A description of energy utilization and conservation measures for each heated structure.

### **Section 393: Public Notice and Review**

Public notice of hearing shall be given as specified in Section 340(1)(b) of these regulations. The Planning Commission or Development Review Board shall review this application pursuant to the review procedure established in Section 340(2) of these Regulations and pursuant to any rules of procedure it adopts.

### **Section 394: Review Criteria**

The Planning Commission or Development Review Board shall review the plan map and supporting data, taking into consideration the following objectives, before approval with or without stated conditions, or disapproval, is given:

1. Safety of vehicular circulation between the site and the street network.
2. Adequacy of circulations, parking, and loading facilities, with particular attention to safety.

3. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.
4. Freedom from flooding and ponding.
5. Adequacy of landscaping and screening with regard to the potential shading of the most southerly facing wall and/or roof of adjacent buildings.

### **Section 395: Decisions**

Upon the close of the hearing, the Planning Commission or Development Review Board shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 340 of these regulations. In approving a project with conditions, the Planning Commission or Development Review Board may require specific modifications to the design, scale, layout and/or design or configuration of the project.

### **SECTION 399: APPEALS TO THE ENVIRONMENTAL COURT (Statutory Changes)**

An “interested person” who has participated in a proceeding before the Development Review Board (the Development Review Board or Planning Commission, depending upon the type of application) may appeal a decision rendered in that proceeding to the Environmental Court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Development Review Board shall be taken in such a manner as the Supreme Court may by rule provide for appeals from state agencies governed by 3 V.S.A. Sections 801 - 816.

Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

### ***Article IV: Amendments, Interpretation, Effective Date***

#### **Section 410: Amendments**

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

#### **Section 420: 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 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, where these regulations impose a greater restriction upon the use of a structure or land than are required by any other statutes, ordinances, rules, regulation, permit, easement or agreement, the provisions of these regulations shall control.

### **Section 430: Effective Date**

These regulations or amendments thereto shall take effect in accordance with the voting and other procedures contained in Section 44 42 of the Act.

### **Section 440: Severability**

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and for this purpose the provisions of these regulations are severable .

### **Article V: Required and General Regulations**

This use and interpretation of these regulations shall be subject to such additions, modifications, or exceptions as herein provided by the following required and general regulations.

### **Section 501: Promote and Protect Affordable Housing**

These regulations shall be interpreted to promote and protect affordable housing as follows:

1. No provision of this regulation shall have the effect of excluding from the municipality housing to meet the needs of any population as identified in the housing element of the municipal plan as required under 24 V.S.A.§ 4382(a)(10) of the Act.
2. Except as provided in 24 V.S.A.§ 4414(1)(E) and (F) of the Act no provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded (See Article 1, Section 130, Definitions).
3. No provision of this regulation shall be construed to prevent the establishment of mobile home parks pursuant to Chapter 153 of Title 10 . These regulations allow new mobile home parks on the same basis as other subdivisions and allow the replacement of existing mobile homes on existing lots.
4. These regulations provide for multifamily units in certain districts (See Article X Section 1004).
5. These regulations shall promote accessory apartments in all districts allowing single family homes, subject to specific requirements (See Article 1 definitions, Section 130 , Article V, Section 503 and Article X).
6. Group or residential care homes as defined in Article 1, Section 130 of these regulations shall be allowed in all districts allowing single family homes, subject to certain restrictions (See Article V, Section 504 and Article X).

### **Section 502: Mobile Home Parks**

Mobile homes are permitted in approved mobile home parks subject to the requirements of this section and state law. Existing mobile home parks shall be considered pre-existing non-conforming uses, unless they specifically comply with all provisions of these regulations. Nothing in these bylaws shall prohibit the replacement or improvement of homes on lots in existing parks. New mobile home parks shall be allowed under the PUD provisions on the same basis as any other subdivision regulation.

### **Section 503: Accessory Apartments**

An accessory dwelling unit that is located within or appurtenant to an owner occupied single - family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as

efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied 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 owner occupies either the primary dwelling or accessory dwelling .
2. The property has sufficient wastewater capacity.
3. The unit does not exceed the greater of 1,200 sq. ft. or 30 percent of the total habitable floor area of the single-family dwelling.
4. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
5. Accessory Dwellings shall be appurtenant to the primary dwelling and shall use the same access.

#### **Section 504: Group Home or Residential Care Facility**

A residential care or group home operated under state licensing or registration, serving not more than 8 persons, who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so permitted if it is located within 1,000 feet of another existing or permitted such home.

#### **Section 505: Existing Small Lots**

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

#### **Section 506: Required Frontage on, or Access to, Public Roads or Public Waters**

No land development may be permitted on lots which do not have either frontage on a public road or public waters, or with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width. If the proposed ROW is serving or in the opinion of the Planning Commission has the potential to service more than two houses, the Planning Commission may require an easement up to 50 or 60 feet depending upon whether the utilities require their own separate 10 foot easement.

In approving a permanent easement or right-of-way, the Planning Commission may attach conditions and safeguards, as it deems necessary to protect public health, safety and welfare.

#### **Section 507: Protection of Home Occupations**

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling or structure for an occupation which is customary in residential areas and which does not have an undue adverse affect the character of the residential neighborhood, as determined by the Administrative Officer pursuant to the guidance provided by the Land Use Districts contained in the Pantown Plan .

A home occupation may be considered an accessory use to a residential use . A home occupation is allowed in any district in which residential uses are also allowed. A zoning permit application shall be submitted to the Administrative Officer so that a determination can be made as to

whether the proposed use is, in fact, a home occupation as defined by these bylaws.

Any home occupation that requires an employee(s) other than the residents thereof must submit a permit application to the Administrative Officer, so that a determination can be made that the occupation is within the definitions.

Home occupations in accessory buildings may be allowed with a conditional use permit .

### **Section 508: Daycare Facility or Family Childcare Home**

Daycare facilities and child family care homes are defined in Section 130 hereof . Depending upon their size, and the potential for impact based on their size, they are either allowed in all districts on the same basis as single family homes or regulated by site plan review or conditional use review (See Article X).

### **Section 509: Interior Lots**

Any lot which does not have frontage on either a public road or public waters shall have the same setback distance requirements as established for lots in the district , unless part of a PUD.

### **Section 510: Lots in Two Zoning Districts**

Where a district boundary line divides a lot of record, the regulations for the more restricted part shall apply.

### **Section 511: Residential Buildings on Lots**

There shall be no more than one residential building on a lot except for Planned Unit Developments, as authorized by Section 4407(3) of the Act.

### **Section 512: Non-Conforming Uses and Non-Conforming Structures**

The following provisions shall apply to all structures and uses existing on the effective date of these regulations which do not conform to the requirements set forth in these regulations and to all structures and uses that in the future do not conform by reason of any subsequent amendment to these regulations.

Any non-conforming use of structures or land except those specified below may be continued indefinitely, but:

1. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever, without approval by the Development Review Board, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 350-358 in a manner, which, in the opinion of the Development Review Board does not enlarge the nature of the non-conformance.
2. Shall not be changed to another non-conforming use without approval by the Development Review Board, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 350-358 and only to a use, which, in the opinion of the Board is of the same or of a more restricted nature.
3. Shall not be re-established if such use has discontinued for a period of one year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

4. Shall not be restored for other than a conforming use after damage from any cause unless the non-conforming use is reinstated by the commencement of construction within one year of such damage and the completion of construction and restoration of such building within two years; otherwise, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on uninterrupted in the damaged part of the building.

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming building provided that such action does not increase the degree of non-conformance.

### **Section 513: Special Public Use Exceptions**

Pursuant to 24 V.S.A. § 4413 the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic, noise, lighting, 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. State or community owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state Department of Education.
3. Churches, and other places of worship, convents and parish houses.
4. Public and private hospitals.
5. Regional Solid Waste Management Facilities certified under 10 V.S.A. Chapter 159.
6. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under Section 6606(a) of Title 10.

It is the intent of these regulations to regulate these facilities to the maximum extent allowable under law. Since Pantown does not have Site Plan review at the current time, the uses noted above shall be subject to those criteria under the conditional use procedure and standards listed in Article III of these regulations that pertain to the criteria that Pantown may regulate. As a part of the review, Pantown may also enforce any other portions of these regulations that pertain to aspects of the project that Pantown may regulate, including Parking (Article VI), Signage (Article VII) and others.

### **Section 514: Construction Approved Prior to Adoption of or Amendment to Regulations**

No additional or revised permit shall be required for any building up on which construction had begun prior to the adoption of these regulations, provided such construction is completed within one year from the date of such adoption.

The Town shall not require any change in the plans for, or construction of, a structure or use for which a zoning permit has been issued and which has subsequently been made non-complying or non-conforming by an amendment of these bylaws if the activities authorized by the zoning permit are completed while the permit is valid.

### **Section 515: Abandonment of Structures**

Within one year, after a permanent or temporary structure has been destroyed or demolished all structural materials shall be removed from the site. Any remaining excavation on the site shall be secured in a safe and reasonable manner.

## **Section 516: Temporary Use and Structures**

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

## **Section 520: Public Utility Structures**

Public utility structures as listed in Section 518, where permitted, shall comply with the following:

1. The facility shall be surrounded by a fence which is set back from the property lines in conformance with the district regulations for front, side and rear yards.
2. A landscaped area, subject to review and approval by the Planning Commission, designed to screen the property from adjacent roads and properties, shall be maintained in front, rear and side yards.

## **Section 521: Storage of Flammable Liquids**

The storage of any highly flammable liquid in tanks above ground with unit capacity greater than five hundred and fifty gallons shall be prohibited, unless such tanks up to and including ten thousand gallon capacity are placed not less than eighty feet from all property lines, and unless all such tanks of more than ten thousand gallon capacity are placed not less than two hundred feet from all property lines.

All tanks having a capacity greater than five hundred and fifty gallons shall be properly retained with containment dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.

## **Section 522: Gasoline or Motor Vehicle Service Stations**

Gasoline or motor vehicle service stations shall comply with the following:

1. Lot size shall be at least two acres.
2. Lot frontage shall be at least 200 feet.
3. Lot depth shall be at least 200 feet.
4. Pumps, lubricating and other service devices shall be located at least fifty feet from the street line and side and rear lot lines.
5. All fuel and oil shall be stored at least thirty-five feet from any property line.
6. All automobile parts and dismantled vehicles are to be stored within a building unless screened from public view.
7. No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
8. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.
9. A suitable landscaped area shall be maintained at least five feet in depth along all street frontages not used as driveway.
10. Changes from these requirements are possible with Planning Commission review and approval.

## **Section 523: Campers**

It shall be unlawful for any person to park a camper except:

1. In an approved campground;
2. In an approved camper sales lot; or
3. The owner of a camper may park one camper on his/her own property provided it is:
  - (a) Parked at least fifty feet from the property line;
  - (b) Not used as permanent living quarters that is lived in for more than thirty (30) days consecutively and;
  - (c) Not hooked up to water or sewer utilities.

Invited guests may also park campers in the same manner as required of any owner on his/her own property for a period not to exceed thirty days.

### **Section 524: Roadside Agricultural Stands**

Temporary roadside stands for the sale of agricultural products raised on the property may be erected provided that:

1. No stand shall be in continuous operation for more than six (6) months during any one calendar year.
2. No stand shall be closer to any lot line than twenty feet.
3. Access to or egress from any stand shall not create a traffic hazard.

### **Section 525: Filling Land**

In any district a zoning permit is required for the depositing of rock, concrete, stone, gravel, sand, cinders, stumps and soil used for the filling of land. The Administrative Officer may issue a permit provided the applicant demonstrates that the activity will not significantly alter existing drainage patterns, cause soil erosion, or result in any hazard or expense to the community. State laws governing the filling of land must be adhered to.

### **Section 526: Extraction of Soil, Sand, or Gravel**

In accordance with Section 4407(8) of the Act, the removal of soil, sand, gravel or stone 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 shall apply:

1. Before approval of any new sand, gravel, or stone operation, or extension thereof, 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 improvements 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. The removal of all material shall be conducted to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.
3. The excavation operation 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 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.

4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water shall meet with the approval of the Administrative Officer.
5. No excavation, blasting or stockpiling of materials shall be located within two hundred feet of any street or other property line.
6. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
7. All excavation slopes of more than two to one shall be adequately fenced as determined by the Administrative Officer.
8. Extension of an existing non-conforming operation shall not be permitted.
9. The Planning Commission may attach any additional conditions, as it may find necessary for the safety and general welfare of the public.

### **Section 527: Wind Energy Systems**

A wind energy conversion system is a conditional use with the Development Review Board considering the following criteria in addition to the general standards specified in Section 341(2):

1. Climbing access to the tower shall be restricted;
2. For rotors 20 feet in diameter or less, a setback from all lot lines shall be 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet;
3. Wind energy conversion systems shall be evaluated based on their neighborhood context and visual impact;
4. The distance from the base of the tower to the property line shall be a minimum of 10 feet longer than the height of the wind power tower and rotor.

### **Section 528: Planned Unit Development**

In accordance with the provisions set forth in 44 17 of the Act, and in those districts in which residential uses are allowed, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a site plan under the following procedures:

1. Purpose: The purpose of the planned unit development (PUD) provisions is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities or open land, to provide for a mixture and variety of housing types at different densities, and to provide for the development of existing lots which because of physical, topographic or geological conditions could not otherwise be developed.
2. Application Procedure: A plan of the site shall be submitted to the Development Review Board in accordance with the application procedures governing subdivision of property showing the location, height and spacing of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces, water systems and sewage disposal plans, unique natural or man-made features, and physical conditions of the site,

accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations. Copies of any appropriate agreements or restrictive covenants shall be included.

3. Public Hearing: The Development Review Board shall hold at least one public hearing pursuant to Section 340 of These Regulations.
4. General Standards for Review: The following general standards shall be met in order for the Development Review Board to approve the application:
  - (a) The PUD is consistent with the municipal plan.
  - (b) The overall density of the project does not exceed the number of dwelling units which could be permitted in the Planning Commission's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations .
  - (c) The uses proposed for the project are residential; dwelling units may be of varied types, including one-family, two-family, or multi-family construction or commercial construction of a type allowed within the district in which the property is located.
  - (d) The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of streams, and stream banks, steep slopes, wet areas, and unique natural and man - made features.
  - (e) The development plan is proposed over a reasonable period in order that adequate municipal facilities and services may be provided.
  - (f) Where possible, buildings shall be sited to take advantage of southeast, south or southwest orientations. No building in the development shall cast shadows which will preclude the proposed or potential use of solar energy collectors which are located upon and/or within the most southern facing wall or roof of any other dwelling unit within the development, except where topographical conditions make compliance unreasonable.
  - (g) Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be noted on or appended to the application.
5. Specific Standard for Review: The following specific standards shall be met in order for the Development Review Board to approve the application:
  - (a) District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Development Review Board.
  - (b) To ensure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the PUD shall be set back 50 feet and screening may be required.
  - (c) Adequate water supply and sewage disposal facilities shall be provided.
6. Open Space: If the PUD results in lands available for parks, recreation, open space or other municipal purposes, the Development Review Board as a condition of its approval may establish such conditions as to the ownership, use and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purposes.

### **Section 535: Campground Permits**

1. No person or persons shall construct or operate a campground without first obtaining conditional use approval from the Development Review Board and a permit from the

Administrator Officer. Before approving a permit, the Development Review Board shall require a performance bond from the applicant to assure that the area is constructed and maintained in a satisfactory manner.

2. Application for approval shall be made to the Development Review Board. The application shall be accompanied with the site plan and drawings prepared by a professional engineer showing the property lines and area of the campground, a contour map showing the proposed grading of the area, a layout of the roads, walkways, campsites, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities.

### **Section 536: Campground Standards**

1. A campground shall not have less than 10 acres.
2. A campground shall provide for individual vehicles, access driveways, and parking.
3. Each campsite shall have a least 2550 square feet with each dimension at least 50 feet with the remaining 2500 square feet in common area.
4. All access driveways within a campground must be a least thirty feet in width and have a compacted gravel surface (or other type of all-weather road) at least twenty feet in width.
5. The water supply source for the campground must be approved by the State Department of Environmental Conservation or other appropriate agency.
6. The campground shall have provisions for public toilets and sewage disposal that complies with the State Department of Environmental Conservation regulations.
7. The strip of land at least twenty feet in width shall be maintained as a landscaped area abutting all public roads. A strip of land at least fifty feet in width shall be maintained in an area abutting all property lines.
8. The campground shall be operated on a seasonal basis only 120 days each calendar year.

### **Section 542: Reduction of Lot Area**

No lot shall be so reduced in area that the area, yards, frontage, coverage or other requirements of these regulations do not conform to the requirements herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose, or unless as a part of an approved PUD.

### **Section 543: Required Area or Yards**

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

### **Section 544: Projection in Yards**

Every part of a required yard shall be open from grade level to the sky unobstructed, except for vegetation and 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, measured from the base of the building. Additionally, certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors, and piping may be permitted by the Development Review Board to project into the required yard.

### **Section 545: Corner Lot Exceptions**

Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front yards and side yards.

## **Section 550: Landscaping**

1. Where any non-residential district abuts any residential district, a strip of land at least fifteen feet in width shall be maintained as a landscaped area in the front, side, or rear yards, which abut the residential district.
2. The outdoor storage of trash shall be screened or hidden from public view and the view of persons in residential districts. In commercial or industrial districts such storage shall be screened and located to the rear of the buildings.
3. Landscaping required by these regulations should consist, at a minimum of a landscape plan to be reviewed by the Planning Commission. The plan shall contain trees and/or shrubs suitable to provide appropriate screening. The landscaped area shall be located to minimize potential shading of south-facing surfaces of adjacent residences. Suitable ground cover is required for the entire landscaped area.

## **Section 560: Grading**

No grading, cutting or filling shall be carried out in any district, which leaves the slope of the finished grade in excess of two to one. Such grades shall not create drainage and/or erosion impacts to adjoining landowners. Slopes of 2:1 shall be stabilized by use of cover or structural means.

## **Section 570: Height Restrictions**

Through the conditional use review procedure, the Development Review Board may permit a structure to exceed the applicable building height maximum if the general standards of Section 350-358 are met and if the structure or extension thereof is a steeple, bell tower, fire tower, antenna, monument, cooling tower, chimney, flagpole, electric transmission pole, wind energy conversion system, or other similar structure meeting all other applicable requirements of these bylaws.

## **Section 595: Freestanding Dishes and Antennas**

The installation of freestanding dishes and antennas shall meet the minimum setback, lot coverage, and height requirements for the district in which it is located, and shall be permitted only in the rear yard of a dwelling or other building served. Alternative siting will be permitted by the Development Review Board if the following criteria are met:

1. Quality reception requires alternative siting.
2. Screening that does not impair reception may be required to minimize the visibility of the installation from the public right-of-way and neighboring properties.

## **Article VI: Transportation, Access, Safety and Parking**

### **Section 610: Parking in Neighborhood Commercial Zones from Adjacent Properties**

1. Parking lots shall be screened or buffered as deemed appropriate by the Development Review Board.
2. Parking of motor vehicles may be allowed in setback areas.

### **Section 611: 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.

1. Residential Uses: One-family and two-family dwelling units: one parking space for every unit.
2. Residential Health Care Facility: One parking space for every two beds.
3. Community Center: One parking space for each four fixed seats, or every two hundred (200) square feet of floor space, whichever is more.
4. Professional Office: One parking space, plus one additional parking space for every three (300) hundred square feet of office space.
5. Commercial, business, and unspecified uses: One parking space for every motor vehicle used in business, plus one parking space for every two (200) hundred square feet of floor area.

### **Section 620: Access Permit**

Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Administrative Officer after an on-site inspection of the area by said officer and approval by the Selectboard.

1. All driveways are to be located at least one- (100) feet from a street line intersection for all uses.
2. All driveways shall have suitably installed tubing or culverts required for the purpose of assisting the flow of surface water.
3. The Administrative Officer shall have the power to deny the use of such driveways or enjoin the owner from completing such driveways should the owner fail to obtain such permit and approval.
4. The Planning Commission may require changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping and the location and height of buildings and enclosures to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties.

### **Section 622: Obstruction of Vision**

On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three (3) feet and ten (10) feet above the average grade of each street.

## ***Article VII: Signs, Temporary, Information Regarding Location***

### **Section 710: General**

No signs shall be permitted without meeting the following criteria:

1. Be in the public interest and not to the detriment of the public safety or welfare .
2. Not be detrimental to surrounding properties.
3. Be of a character, size and location that will be in harmony with the orderly development of the district.
4. All applicants for sign permits must submit a drawing showing all proposed dimensions: sign design, color, mounting method and location on property.
5. All permitted signs shall be located outside the right-of-way.

## **Section 720: Off Premises Signs**

Any sign located elsewhere than upon the lot containing the subject of the sign shall conform to State Statute and Regulation.

## **Section 730: Signs in Residential Districts**

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

1. One professional or home occupation sign, not exceeding four (4) square feet.
2. One temporary real estate sign, not exceeding six (6) square feet.
3. Signs identifying any non-residential building or use permitted in residential districts, not exceeding twelve (12) square feet.
4. Directional or information sign, not exceeding four (4) square feet, or signs necessary for public safety or welfare, upon approval of the Planning Commission.

## **Section 740: Signs in Commercial Districts**

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

1. All signs permitted under Section 730.
2. One business sign not larger than one square foot for each lineal foot of frontage occupied by the establishment, but not to exceed twenty (20) square feet.
3. One directory sign not exceeding ten (10) square feet.
4. Any wall, projection, and/or ground steps shall not exceed the highest point of the building's roof.
5. Every projecting sign shall:
  - (a) Not exceed more than four (4) feet from the building wall.
  - (b) Not be less than ten (10) feet above the surface of a public walkway area.
  - (c) Not exceed twelve (12) square feet.
6. Every ground sign shall:
  - (a) Not exceed fifteen (15) feet in height above the finished grade.
  - (b) Be set back at least ten (10) feet from any street line or lot.
  - (c) Not exceed sixteen square feet.
7. Roof signs shall not be permitted in any zoning district.

## **Section 760: Computation of Permissible Sign Area**

When computing the total permissible sign area for any use:

1. Existing signs shall be included.
2. The total areas of all signs shall not exceed the requirements as set forth in these regulations.
3. Signs consisting of freestanding letters, numerals, or other devices shall include any intervening spaces between them.
4. Back-to-back signs may be counted as one sign.

## **Section 770: Traffic, Hazard, Safety, and Obstruction**

Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.

### **Section 780: Illuminating and Flashing Signs**

1. Signs may be illuminated by a steady light provided that such lighting is shielded to not illuminate or reflect onto other properties and roadways.
2. Flashing, oscillating, or revolving signs shall not be permitted, unless necessary for public safety or welfare.
3. Message signs and internally illuminated signs may be permitted in commercial districts provided they meet the requirements as set forth in these regulations.

### **Article VIII: Performance Standards**

No land or building in any zoning district shall be used or occupied in any manner to create dangerous, injurious, noxious or otherwise objectionable conditions in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area of adjoining properties. The following specific standards are set forth to implement this purpose. The burden of proof that the following standards are met shall be on the applicant.

#### **Section 810: Noise**

No noise, which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development to be incompatible with the reasonable use of the surrounding area, shall be permitted. In general, the sound pressure should not exceed 70 decibels at the property line at any time, except for agricultural uses.

#### **Section 820: Glare, Light and Reflection**

No glare, lights, or reflection shall be permitted which are nuisances to other property owners or tenants of which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety, and welfare. However, reflections from solar energy collectors, which are part of an operating solar energy system, shall not be considered a nuisance to other property owners and tenants.

#### **Section 830: Fire, Explosive, and Safety Hazards**

No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increase burden on municipal facilities.

#### **Section 831: Violations**

The Development Review Board will review any impact or possible violations to these performance standards with professional/technical assistance if necessary, to ascertain the nature of the impact and possible mitigation measures if any.

Based on this review the Development Review Board will propose appropriate action, including but not limited to a recommendation to the Selectboard to issue an order to discontinue the violation or to propose acceptable mitigation efforts.

## **Article IX: Flood Hazard Area Regulations**

### **Section 901: Statutory Authorization**

To effect the purposes of 10 V.S.A. Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Section 44 10, 4411 and 4424, there are hereby established zoning regulations for areas of special flood hazard in the Town of Pa nton.

### **Section 902: Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

1. Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
3. Protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

### **Section 903: Land to Which These Regulations Apply**

These regulations shall apply to all lands in the Town of Panton identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated September 18, 1986, and any revisions thereto.

### **Section 904: Official Flood Hazard Area Map**

The official Flood Hazard Area Map shall consist of the FEMA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM), and Flood Boundary and Flood way Maps. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of these regulations.

### **Section 905: Interpretation of District Boundaries**

The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by utilizing the base flood elevation data contained in the Flood Insurance Study, or in the absence of such data, by obtaining, reviewing, and reasonable utiliz ing any base flood elevation data available from a federal or state agency. Appeals with respect to a boundary interpretation shall be made by filing a notice with the Secretary of the Development Review Board within fifteen days of the decision or act.

### **Section 906: Permitted Uses**

Upon issuance of a permit the Administrative Officer, the following open space uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by any other ordinance and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, affect the water ca rrying capacity of the regulatory floodway or channel, or increase off site flood damage potential.

1. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry.

2. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farm, fish hatcheries, wildlife sanctuaries, nature preserves, swimming area , and boat launching sites.
3. Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

### **Section 907: Conditional Uses In Flood Hazard Area**

All new construction, substantial improvement, and development uses prescribed t he Town of Panton Zoning Ordinance that do not meet the requirements of Section 906 and fall within the designated area of special flood hazard are permitted only upon the granting of a conditional use permit by the Development Review Board in accordance with the procedures and requirements of Sections 910, 911 and 912 of these regulations.

### **Section 908: Permit Requirements and Application Procedures**

Permits are required for all proposed new construction, substantial improvements, and other developments, including the placement of mobile homes, within all lands to which these regulations apply.

All zoning permit applications shall be submitted to the Administrative Officer, on forms furnished by them, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established in Section 905 of these regulations.

If the proposed use will be located in the areas of special flood hazard and meets the requirements of Section 906 of these regulations, the Administrative Officer shall issue a permit. If the proposed use does not meet the requirements of Section 906, the Administrative Officer shall refer all applicants to the Secretary of the Development Review Board.

### **Section 909: Records**

The Administrative Officer shall maintain a record of:

1. the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures and whether or not such structures contain a basement; and
2. the elevation, in relation and to mean sea level, to which such structures have been flood proofed.

### **Section 910: Conditional Use Review Application**

The applicant shall submit to the Administrative Officer, by filing an application in the town offices, at least 25 days prior to the regular meeting of the Development Review Board, two (2) copies of a letter summarizing the proposed conditional use which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision including: property identification numbers of the property taken from the latest tax records; Name and address of the owner of record and the owners of adjoining lands; Name and address of person or firm preparing the map; Scale of Map of at least 1"=200', north point and date.

1. Upon receiving an application for a conditional use permit under these regulations, the Development Review Board shall, prior to holding a hearing and rendering a decision

thereon, obtain from the applicant:

- (a) base flood elevation data for all subdivisions and other proposed new developments greater than 50 lots or 5 acres, whichever is the smaller;
  - (b) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
  - (c) where flood proofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been flood proofed;
  - (d) certification from a registered professional engineer or architect that the flood proofed structure meets the flood proofing criteria of Section 91 4(1)(c) of these regulations;
  - (e) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
2. In addition, the Development Review Board shall require such of the following information, as it deems necessary to determine the suitability of the particular site for the proposed use:
- (a) plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the sign and location on the site the existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation ;
  - (b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross -sectional areas to be occupied by the proposed development ;
  - (c) a profile showing the slope of the bottom of the channel or flow line of the stream ;
  - (d) specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of material water supply, and sanitary facilities.
3. In unnumbered A zones, the Development Review Board shall obtain, review, and reasonably utilize any base flood elevation data available from the federal, state, or other source, as criteria for approval of all new construction and substantial improvements under Section 914.
4. The Development Review Board shall notify adjacent communities and the Vermont Department of Water Resources before approval of an alteration or relocation of a watercourse and shall submit copies of such notifications to the FEMA Administrator.
5. The Secretary of the Development Review Board shall transmit one copy of the information required by subsections 910(1) and 910(2) to the Vermont Department of Water Resources in accordance with 24 V.S.A., Section 44 24(d).
6. In reviewing each application, the Development Review Board shall consider the evaluation of the Vermont Department of Water Resources and shall determine that the proposed use will conform to the development standard of Section 91 4 of these regulations.
7. In accordance with 24 V.S.A., Section 44 24(d), no permit may be granted for new construction or the development of land in any area designated as a flood plain by the Vermont Department of Water Resources prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Water

Resources under Section 910(5) above.

### **Section 911: Public Notice and Review Procedure**

The Development Review Board shall give public notice of hearing as specified in Section 340(1) (a) of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section 340(2) of these Regulations and pursuant to any rules of procedure it adopts.

### **Section 912: Review Criteria for the Development Review Board**

In reviewing each application, the Development Review Board shall consider:

1. the danger to life and property due to increase flood heights or velocities caused by encroachments;
1. the danger that materials may be swept onto other lands or downstream to the injury of others;
3. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding ;
4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
5. the importance of the services provided by the proposed facility to the community;
6. the necessity to the facility of a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed use;
8. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. the relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed.
10. the safety of access to the property in times of flood of ordinary and emergency vehicles;
11. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site;
12. the costs of providing governmental and public facilities and services during and after flooding;
13. such other factors as are relevant to the purposes of this ordinance.

### **Section 913: Decisions**

Upon the close of the hearing, the Development Review Board shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in subsection 3 of Section 340 of these regulations.

### **Section 914: Conditions Attached to Approval**

1. As a condition of approval, the Development Review Board shall specifically require that:
  - (a) all new construction or substantial improvement of any residential structure have the first floor and basement floor elevated to or above the base flood elevation, unless the Town of Panton has been granted an exception by the Administrator for the allowance of basements flood proofed below the base flood level;
  - (b) all new construction or substantial improvement of nonresidential structures have the lowest floor, including basement, elevated to or above the base level elevation, or be flood proofed below the base flood level in accordance with subsection (c) of this section;

- (c) the lowest floor, including basement, and attendant utility and sanitary facilities of all new construction or substantial improvement below the base flood elevation be flood proofed or that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy ;
  - (d) structures be designed and anchored to resist flotation, collapse, or lateral movement;
  - (e) any encroachment, including fill, new construction, substantial improvement, or other development, be prohibited that will result in any increase in flood levels within the regulatory floodway during the occurrence of the base flood discharge, except as flood control measure;
  - (f) the flood carrying capacity within any portion of an altered or relocated watercourse be maintained;
  - (g) all gas and electrical equipment, circuits, and appliances be located and constructed to minimize or eliminate flood damage;
  - (h) all new and replacement water supply systems be designed so as to minimize or prevent the infiltration of flood waters into the systems;
  - (i) all new and replacement sanitary sewage systems be designed to minimize or prevent the infiltration of flood waters in the systems and discharges from the systems into flood waters;
  - (j) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding;
  - (k) no mobile home shall be placed in the floodway, except in an existing mobile home park or existing mobile home subdivision;
  - (l) all mobile homes to be placed in the designated area of special flood hazard or regulatory floodway are anchored to resist flotation, collapse, or lateral movement by;
2. over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than fifty (50) feet long requiring one additional tie per side;
  3. frame ties at each corner of the home, with five additional ties per side at intermediate points, and mobile homes less than fifty (50) feet long requiring four additional ties per side;
    - (a) all components of the mobile home anchoring system required for mobile homes placed in the designated area of special flood hazard or regulatory floodway shall be capable of carrying a force of 4,800 pounds and any additions to the mobile home shall be similarly anchored;
    - (b) within zones A 1-30, for new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions, for existing mobile home parks and subdivision where the repair, reconstruction, or improvement of the streets, utilities, and pads equals, or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision;
  4. stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at the base flood level;
  5. adequate surface drainage and access for a hauler to be provided; and
  6. in the instance of elevation in pilings, (1) the lots are large enough to permit steps, (2) piling foundations are placed in stable soils no more than six (6) feet above the ground

level.

- (a) an evacuation plan indicating alternate vehicular access and escape routes be filed with and approved by the Deputy Civil Defense Director for mobile home parks and mobile home subdivisions located within the designated area of special flood hazard;
  - (b) all necessary permits are obtained from those governmental agencies from which approval is required by federal or state law;
  - (c) all subdivision proposals are reasonably safe from flooding and that;
7. all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, be located and constructed to minimize or eliminate flood damage, and
  8. adequate drainage is provided within subdivisions to reduce exposure to flood hazard.
  9. Upon consideration of those factors in Section 91 2, and the purposes of these regulations, the Development Review Board shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and flood hazard area management requirements of these zoning regulations.

### **Section 915: Issuance and Transmission of Permits**

Upon granting a permit, the Development Review Board shall send to the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person appearing and having been heard at the hearing, to the Administrative Officer, who shall forthwith issue a permit, and to the Town Clerk as a part of the public records.

### **Section 916: Effective Date of Permits**

No permit issued pursuant to this section shall take effect until the time for appeal in Section 4465 of this title has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the Development Review Board is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days whichever comes first.

### **Section 917: Appeals**

An interested person, as defined in 24 V.S.A., Section 4464(b), may appeal a decision of the Development Review Board to the Environmental Court in accordance with the provisions of 24 V.S.A., Section 4471 and Section 399 of these regulations. .

### **Section 918: Variance**

1. Variances shall be granted by the Development Review Board only:
  - (a) in accordance with the provisions of 24 V.S.A., Section 446 9;
  - (b) upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. The Secretary of the Development Review Board shall notify the applicant that the issuance of a variance to construct a structure below the base flood level:

- (a) will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25 for \$100 of insurance coverage:
- (b) increase risks to life and property.

3. The Secretary of the Development Review Board shall:

- (a) maintain a record of all variance actions, including justification for their issuance, and report such variances issued to the Administrator upon request.

### **Section 919: Fees**

The Selectboard shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the Secretary of the Development Review Board upon application for a conditional use permit under these regulations.

### **Section 920: Warning of Disclaimer of Liability**

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

### **Section 921: Precedence of Regulations**

The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

### **Section 922: Annual Report to Federal Emergency Management Agency**

1. The Administrative Officer shall, to the extent possible, submit to the Administrator the information required by the FEMA annual report form with respect to the administration and enforcement of these flood hazard area bylaws.
2. A copy of the annual report shall be submitted to the state-coordinating agency.

### **Section 923: Definitions Specific to the Floodplain Area**

**Administrator:** The Federal Emergency Management Administrator Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater change of flooding in a given year. The area includes all A Zone designations on the FIRM, or, in the absence of the FIRM, on the FHBM. It does not include Zone B and C.

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

**FEMA:** Federal Emergency Management Agency

**FHBM:** Flood Hazard Boundary Map. An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FHBM is issued before the FEMA has conducted a flood study of the community.

**FIRM:** Flood Insurance Rate Map. An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM is issued after the FEMA has completed a flood study of the community.

**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.

**Flood proofed or Flood proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**New Construction:** Structures commenced on or after the effective date of this ordinance.

**State of Construction:** See FEMA definition in Section 1901.1 of the current National Flood Insurance program rules and regulations.

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

## ***Article X: Zoning Districts***

### **Section 1001: Residential 2 (R-2)**

#### **A. Objectives and Guidelines**

This district comprises areas with a majority of their soil capable with least modification; to adequately drain septic systems, and are generally located along existing year -round service road frontages. In order to protect the residential character of the area in this district uses should be limited to residential and agricultural uses.

#### **B. Permitted Uses**

By Right Uses:

1. One-or two-family dwellings
2. Exempt Uses (including agriculture and forestry)

3. Accessory uses
4. Home Occupations
5. Group or Residential Care Home
6. Daycare (<6 fulltime and 4 part-time)
7. Accessory apartments

Conditional Uses:

1. Park or recreation uses operated on a non-profit basis
2. Community facility
3. Nurseries and greenhouses
4. Public utility building and facilities
5. Agricultural sale and service facility
6. Residential health care facility
7. Planned Unit Development
8. Daycare (>6 fulltime and 4 part-time)
9. Other uses with impacts similar to those noted above that do not significantly change the character of the area as envisioned in the Panton Town Plan.

C. District Regulations

The provisions set forth in all prior articles of these regulations shall apply to this district when relevant. The permitted by right and conditional uses shall be subject to the specific standards of Section 1001A.

**Section 1001 A: Specific Regulations for R-2 District**

- Lot area minimum: 2 acres
- Lot frontage minimum: 200 feet
- Front yard minimum: 90 feet
- Rear yard minimum: 50 feet
- Side yard minimum (each side): 50 feet
- Building height maximum: 35 feet

**Section 1002: Residential 5 (R-5)**

A. Objectives and Guidelines

This district comprises areas suitable for residential use. Lots are sized for low density to allow flexibility in site design and modification. In order to minimize the number of accesses, 400-foot lot frontages are required. This district is intended to provide opportunities for residential roadside development, which is the primary permitted use. Other limited uses are subject to conditional use approval.

B. Permitted Uses

By Right Uses:

1. One-or two-family dwellings
2. Exempt Uses (including agriculture and forestry)
3. Accessory uses
4. Home Occupations
5. Group or Residential Care Home
6. Daycare (<6 fulltime and 4 part-time)
7. Accessory Apartments

Conditional Uses:

1. Park or recreation uses operated on a non-profit basis
2. Community facility
3. Nurseries and greenhouses
4. Planned Unit Development
5. Public utility building and facilities
6. Agricultural sale and service facility
7. Residential health care facility
8. Daycare (>6 fulltime and 4 part-time)
9. Other uses with impacts similar to those noted above that do not significantly change the character of the area as envisioned in the Panton Town Plan.

C. District Regulations

The provisions set forth in all prior articles of these regulations shall apply to this district when relevant. The permitted by right and conditional uses shall be subject to the specific standards of Section 1002 A.

**Section 1002 A: Specific Regulations for R-5 District**

- Lot area minimum: 5 acres
- Lot frontage minimum: 400 feet
- Front yard minimum: 90 feet
- Rear yard minimum: 50 feet
- Side yard minimum (each side): 50 feet
- Building height maximum: 35 feet

**Section 1003: Residential Agricultural 10 (RA -10)**

A. Objectives and Guidelines

This district comprises the majority of land in Panton and is oriented toward agricultural and residential uses.

B. Permitted Uses

By Right Uses:

1. One-and two-family dwellings
2. Exempt Uses (including agriculture and forestry)
3. Accessory uses
4. Home occupations
5. Nurseries and greenhouses
6. Group or Residential Care Home
7. Daycare (<6 fulltime and 4 part-time)
8. Accessory apartment

Conditional Uses:

1. Park or recreation uses operated on a non-profit basis

2. Agricultural sales and service facility
3. Campground
4. Community facility
5. Public utility building and facilities
6. Residential health care facility
7. Planned Unit Development
8. Daycare (>6 fulltime and 4 part-time)
9. Other uses with impacts similar to those noted above that do not significantly change the character of the area as envisioned in the Panton Town Plan.

C. District Regulations

The provisions set forth in all prior articles of these regulations shall apply to this district when relevant. The permitted by right and conditional uses shall be subject to the specific standards of Section 1003 A.

**Section 1003 A: Specific Regulations for RA-10 District**

- Lot area minimum: 10 acres
- Lot frontage minimum: 600 feet
- Front yard minimum: 90 feet
- Rear yard minimum: 50 feet
- Side yard minimum (each side): 50 feet
- Building height maximum: 35 feet

**Section 1004: Neighborhood Commercial District (NC -1)**

A. Objectives and Guidelines

This district is located near the junction of Jersey Street and Panton Road and is intended to provide an opportunity for the residential and commercial uses that shall be compatible with the village character of the district and the town's need for retail and service facilities.

B. Permitted Uses

By Right Uses:

1. One-and two-family dwellings
2. Exempt Uses (including agriculture and forestry)
3. Retail store
4. Restaurant
5. Business office
6. Personal service
7. Community facility
8. Group or Residential Care Home
9. Daycare (<6 fulltime and 4 part-time)
10. Accessory apartment
11. Home occupation

Conditional Uses:

1. Gasoline and motor vehicle service stations
2. Public outdoor recreation
3. Private club
4. Enclosed accessory use
5. Planned Unit Development
6. Multifamily Dwellings
7. Daycare (>6 fulltime and 4 part-time)
8. Other uses with impacts similar to those noted above that do not significantly change the character of the area as envisioned in the Panton Town Plan.

C. District Regulations

The provisions set forth in all prior articles of these regulations shall apply to this district when relevant. The permitted right and conditional uses shall be subject to the specific standards of Section 1004 A; the Development Review Board may waive setback requirements as part of a conditional use application.

**Section 1004 A: Specific Regulations for NC-1 District**

- Lot area minimum: 1 acres (1 unit/acre)
- Lot frontage minimum: 100 feet
- Front yard minimum: 75 feet
- Rear yard minimum: 30 feet
- Side yard minimum (each side): 15 feet
- Building height maximum: 35 feet