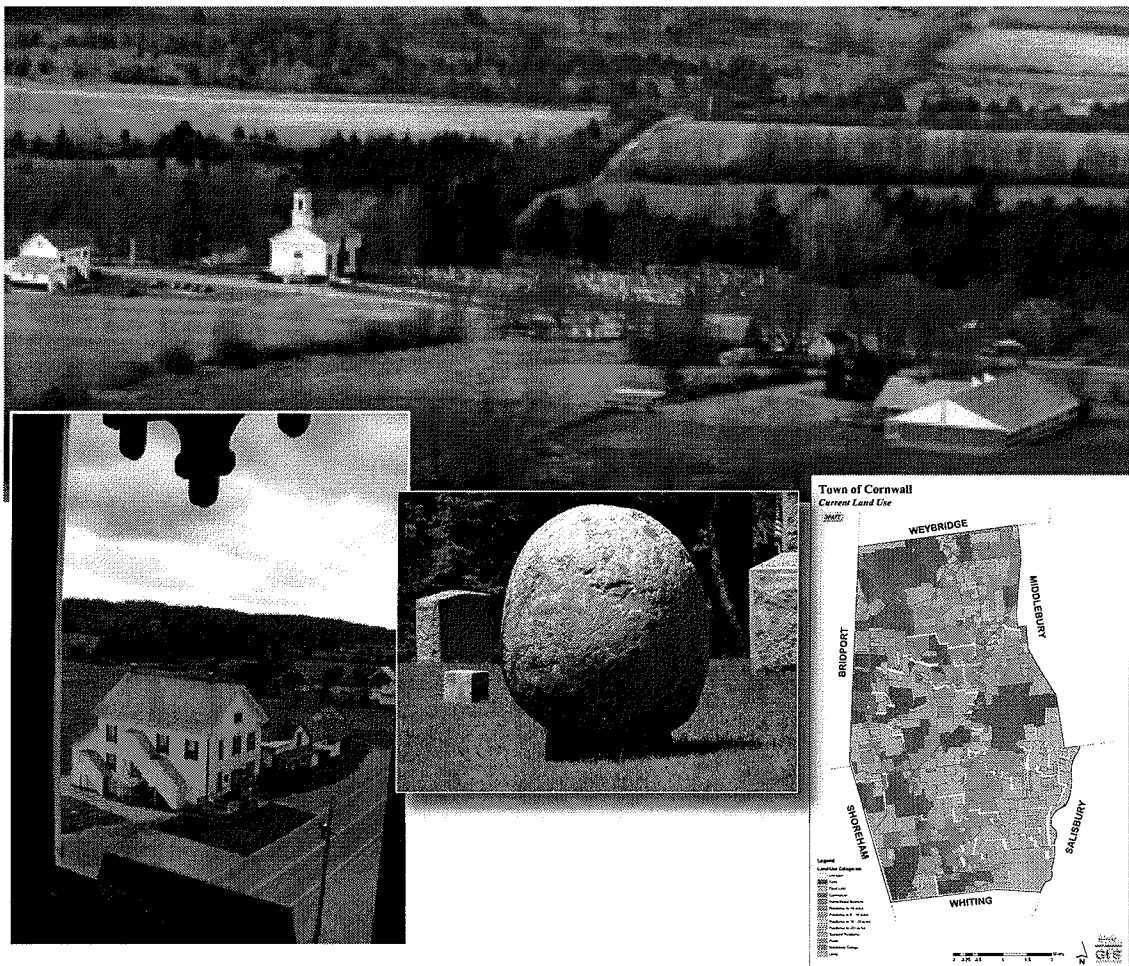




Town of Cornwall, Vermont
ZONING BYLAWS



Adopted February 5, 2008
& Effective: February 26, 2008

TOWN OF CORNWALL ZONING REGULATIONS

Adopted March 3, 1987; Amended April 5, 1988; Revised October 12, 1999; Amended November 21, 2006, Amended October 17, 2007, Amended February 5, 2008

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ARTICLE I: ENACTMENT, INTENT, AND INTERPRETATION

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", there are hereby established Zoning Regulations for the Town of Cornwall (the "Town") which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Cornwall Zoning Regulations" and referred to herein as "these Regulations".

Section 120: INTENT

It is the intent of these Regulations to provide for orderly community growth and to further the purposes established in 24 V.S.A. § 4302.

Section 130: AMENDMENTS

These Regulations may be amended according to the requirements and procedures established in 24 V.S.A. §§ 4441 and 4442.

Section 140: REPEAL OF FORMER BYLAWS

The Zoning Regulations and Zoning Map of the Town of Cornwall enacted March 3, 1987 and subsequently amended April 5, 1988 and October 12, 1999 currently in effect are hereby repealed as of the effective date of these Regulations and replaced in their entirety by these Regulations.

Section 150: INTERPRETATION

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

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

Section 160: EFFECTIVE DATE

These Regulations or amendments thereto shall take effect in accordance with the voting and other procedures contained in 24 V.S.A. § 4442.

Section 170: 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 II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

Section 200: ESTABLISHMENT OF ZONING DISTRICTS

Cornwall is hereby divided into the following zoning districts as shown on the Zoning Map drafted by Addison County Regional Planning Commission dated October 17, 2007 (the "Zoning Map").

- Cornwall Village (V1)
- West Cornwall Village (V2)
- Medium Density Residential District (MDR)
- Low Density Residential District (LDR)
- Conservation District (CON)

Section 210: ZONING MAP

The location and boundaries of zoning districts are established as shown on the Zoning Map recorded in the Cornwall 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 and a part of all future amendments to these Regulations.

Section 211: INTERPRETATION OF DISTRICT BOUNDARIES

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.

Section 220: ZONING DISTRICTS - GENERAL STANDARDS

This article describes the zoning districts within the Town of Cornwall. Each district description is divided into three sections. Section A discusses objectives and guidelines describing the intent for each district, specifically how each district relates back to the Cornwall Town Plan ("the Plan"). Section B describes the uses permitted in each district either as "by right uses", secured through a permit issued by the Town of Cornwall Zoning Administrator ("the Zoning Administrator"), or "conditional uses", which are subject to more intensive review by the appropriate municipal panel. Section C includes the specific regulations for acreage, setbacks and other physical design elements imposed in each district. The Zoning Map delineates the boundaries for each zoning district.

In addition to the uses permitted in each district, certain uses are allowed within each district and are exempt from these Regulations, either by design of the Town of Cornwall Planning Commission (the "Planning Commission"), like small sheds, or by state statute, like hunting, agricultural and silvicultural uses. Exempt uses are covered in Section 301 of these Regulations. Even though exempt, certain uses, like farm structures, may require that a permit application be filed with the Zoning Administrator to ensure that they qualify for an exemption. Also, other "governmental and community" uses, by statute, may only be regulated as to certain design or site planning elements. Those uses are addressed by Section 411 of these Regulations.

Section 230: CORNWALL VILLAGE (V1)

A. Objectives and Guidelines

This district constitutes Cornwall's primary village area and the historic center of Cornwall's public buildings. The Zoning Map depicts it in proximity to the junction of Route 30 and 74. This district supports existing residential uses and encourages future residential uses as PUDs or otherwise planned to extend and strengthen the existing settlement pattern of small village lots. Buildings should support existing architectural styles and scale and include a range of housing options. This district encourages new commercial activities appropriate in scale and character to a traditional New England village center. Re-establishing businesses in the village that provide gathering places for Cornwall residents, promoting community interaction and strengthening the residents sense of community constitute a priority. Large or franchise retail operations and architecture that are out of scale or character with the community will not be allowed. Strip commercial development along state highways in this area will be discouraged. Conditional use review will be used to control larger scale proposals. Site Plan review governing scale and impacts will be used to maintain the character of the village for smaller commercial proposals ensuring that they support the integrity of the existing buildings. This district encourages public uses. These Regulations support the adaptive reuse of historic buildings over new construction or demolition of significant buildings.

B. Permitted Uses

By Right Uses:

1. Exempt uses (See Section 301)
2. One-family or two-family dwelling
3. Multiple-family dwelling (< or = 4 units/structure or conversion of existing structure)
4. Home occupation
5. Accessory use or building
6. Accessory apartment
7. Daycare (< or = 6 fulltime, 4 part-time)
8. Group home
9. Bed and breakfast (5BR or less for rent)
10. Retail store (< or = 2,500 sq.ft.)
11. Professional office (< or = 2,500 sq. ft.)
12. Telecom antenna on existing structure

Conditional Uses:

1. Bed and breakfast/Inn (> 5 BR for rent)
2. Multiple-family dwelling (>4 units/structure)
3. Club
4. Motor vehicle service station (No gas)
5. Veterinary hospital (limited boarding)
6. Daycare (>6 fulltime 4 part-time)
7. Bank
8. Home based business
9. Professional office (>2,500 sq.ft.)
10. Personal services
11. Residential health care facility
12. Retail store (>2,500 sq. ft.)
13. Restaurant
14. Recreation, indoor
15. Other uses with impacts similar to those noted above that do not significantly change the character of the area

C. Specific Regulations

Uses permitted in the Village District are subject to the following specific standards and other requirements which may be applicable (e.g., conditional use criteria, site plan review or planned unit development review) and which are located elsewhere in these bylaws.

Lot Area Minimum:	½ acre	Building Height Maximum:	35 Feet
Lot Frontage Minimum:	100 feet	Minimum Acreage Required	
Lot Depth Minimum:	200 feet	for each Dwelling Unit:	½ Acre
Front Yard Setback Minimum:	35 feet	Lot Coverage Maximum:	25% on parcel less than 1 acre;
Rear Yard Minimum:	25 feet		15% on parcel less than 3 acres;
Side Yard Minimum:	15 feet		10% on parcels of 3 acres or greater

Section 240: WEST CORNWALL VILLAGE (V2)

A. Objectives and Guidelines

This district constitutes the second of Cornwall's village areas. It is depicted on the Zoning Map in proximity to the intersection of Route 74 and North and South Bingham Street. The West Cornwall Village is a historic hamlet of Cornwall and should continue to be an inviting, primarily residential neighborhood. Existing residential uses are supported. Future residential development is encouraged as PUDs or in a manner that will extend the existing settlement pattern on small lots. Building types should be compatible with the architectural character of West Cornwall and support a range of housing options. New commercial activities will generally require conditional use review in order to control potential impacts of future development. Site Plan review governing scale and character is key to maintaining the character of the village as a whole. Restrictions exist on outdoor storage of materials, goods or equipment, signage, lighting, parking, and traffic generation. Conversion of residential structures into low-intensity commercial uses such as office space may be appropriate under similar constraints. Public uses that cannot be accommodated in Cornwall Village (V1) may be appropriate in this area. The scale and character of public buildings need to be carefully considered. Adaptive reuse of historic buildings for public use is supported over new construction or demolition of significant buildings.

B. Permitted Uses

By Right Uses:

1. Exempt uses (See Section 301)
2. One-family or two-family dwelling
3. Multiple-family dwelling (< or = 4 units/structure or conversion of existing structure)
4. Home occupation
5. Accessory use or building
6. Accessory apartment
7. Daycare (< or = 6 fulltime, 4 part-time)
8. Group home
9. Bed and breakfast (5BR or less for rent)
10. Retail store (< or = 2,500 sq.ft.)
11. Professional office (< or = 2,500 sq. ft.)
12. Telecom antenna on existing structure

Conditional Uses:

1. Bed and breakfast/Inn (> 5 BR for rent)
2. Multiple-family dwelling (>4 units/structure)
3. Club
4. Motor vehicle service station (No gas)
5. Veterinary hospital (limited boarding)
6. Daycare (>6 fulltime 4 part-time)
7. Home based business
8. Professional office (>2,500 sq.ft.)
9. Personal services
10. Residential health care facility
11. Retail store (>2,500 sq. ft.)
12. Restaurant
13. Daycare (>6 fulltime 4 part-time)
14. Other uses with impacts similar to those noted above, which do not significantly change the character of the area

C. Specific Regulations

Uses permitted in West Cornwall Village are subject to the following specific standards as well as other requirements which may be applicable (e.g., conditional use criteria, site plan review or planned unit development review) and which are located elsewhere in these bylaws.

Lot Area Minimum:	1 acre	Rear Yard Minimum:	25 feet
Lot Frontage Minimum:	100 feet	Side Yard Minimum:	15 feet
Lot Depth Minimum:	200 feet	Building Height Maximum:	35 feet
Front Yard Setback Minimum:	35 feet	Minimum Acreage/Dwelling Unit:	½ acre
		Lot Coverage Max:	25% on parcel less than 1 acre; 15% on parcel less than 3 acres; 10% on parcels of 3 acres or greater

Section 250: MEDIUM DENSITY RESIDENTIAL (MDR)

A. Objectives and Guidelines

This district includes two land use planning areas from the Town Plan, the Route 30 North Area and the Cider Mill Ridge Road Area. The District is depicted on the Zoning Map adjacent to Route 30 in the northern portion of Cornwall in the vicinity of Cider Mill Road and in the area encompassing Cider Mill Road and Ridge Road. These areas contain residential development mixed with agricultural uses and should remain primarily residential and agricultural. Existing residential uses are supported. To maintain the town's rural character, this area should include agricultural land or open land for conservation and recreational purposes.

The District allows future residential development that will extend the existing settlement pattern, lot configuration and architectural character. New development should reinforce the existing land use pattern and the architectural style of existing historic homes along Route 30. New residential development elsewhere in the district should be encouraged to follow a more rural pattern with clusters of buildings separated by open land. Architectural styles similar to those typical of the town's historic farmsteads are encouraged. A range of housing options such as multi-family housing and accessory apartments are allowed. Use of PUDs and conservation subdivision principles should be encouraged and rural amenities, such as trails, should be incorporated into major subdivisions. Home-based business that will not negatively affect the quality of life for neighboring property owners will be allowed, but controlled through conditional use and site plan review. Conversion of single family residential structures into multifamily structures, office space or similar low-intensity commercial uses may be appropriate under similar constraints. Existing public uses within this district should continue to be supported and if needed expanded to the extent that they do not negatively impact the residential character of the area. Development of further public uses are discouraged in order to guide public uses into Cornwall Village.

B. Permitted Uses

By Right Uses:

1. Exempt uses (See Section 301)
2. One-family or two-family dwelling
3. Multiple-family dwelling
(≤ 4 units/structure or conversion of existing structure)
4. Home occupation
5. Accessory use or building
6. Accessory apartment
7. Daycare (≤ 6 fulltime, 4 part-time)
8. Group home
9. Telecom antenna on existing structure

Conditional Uses (permitted pursuant to Section 350 of these Regulations.):

1. Bed and breakfast (≤ 5 BR for rent)
2. Professional office
3. Multiple-family dwelling (> 4 units/structure)
4. Outdoor recreational facility
5. Daycare (> 6 fulltime 4 part-time)
6. Home based business
7. Veterinary clinic/animal hospital (limited boarding)
8. Nursery/store supporting local agriculture or forestry
9. Other uses with impacts similar to those noted above that do not significantly change the character of the area as envisioned in the Cornwall Town Plan.

C. Specific Regulations

Uses permitted in the MDR District are subject to the following standards and other applicable requirements (e.g., conditional use criteria, site plan review or planned unit development review) located elsewhere in these bylaws.

Lot Area Minimum:	2 acres	Rear Yard Minimum:	50 feet
Lot Frontage Minimum:	250 feet	Side Yard Minimum:	50 feet
Lot Depth Minimum:	250 feet	Building Height Maximum:	35 feet
Front Yard Setback Minimum:	100 feet	Minimum Acreage/Dwelling Unit:	2 acres
		Lot Coverage Max:	10%

Section 260: LOW DENSITY RESIDENTIAL (LDR)

A. Objectives and Guidelines

This district encompasses most of the western half of the Town, where agriculture continues as one of the primary existing land use. Consequently, one of the primary objectives of this district is to preserve and encourage agriculture.

Existing residential uses will be supported and future residential development will be encouraged to locate away from agriculturally viable land and environmentally sensitive areas. New residential development should be encouraged to follow a more rural pattern with clusters of buildings separated by open land. Architectural styles similar to those typical of the town’s historic farmsteads should be encouraged. Use of PUDs and conservation subdivision principles should be encouraged and rural amenities, such as trails, should be incorporated into major subdivisions.

Commercial uses within this area will continue to be primarily home-based businesses, including those that are based out of buildings on the property other than the residence. Agricultural-related businesses or adaptive reuse of agricultural buildings should be encouraged.

Public uses, with the exception of recreation, should not be encouraged in this district, in order to guide such uses into Cornwall Village (V1).

B. Permitted Uses:

By Right Uses:

- 1. Exempt uses (See Section 301)
- 2. One-family or two-family dwelling
- 3. Multiple-family dwelling (< or =4 units/structure or conversion of existing structure)
- 4. Home occupation
- 5. Accessory use or building
- 6. Accessory apartment
- 7. Daycare (< or = 6 fulltime, 4 part-time)
- 8. Group home
- 9. Telecom antenna on existing structure

Conditional Uses:

- 1. Bed and breakfast (< 5 rooms)
- 2. Home based business
- 3. Vet clinic/animal hosp (limited boarding)
- 4. Recreation, outdoor
- 5. Nursery /store supporting local agriculture or forestry
- 6. Adaptive reuse of existing structures for light manufacturing or industry (No kennel)
- 7. Professional office (<2,500 sq.ft.)
- 8. Residential health care facility
- 9. Telecom tower
- 10 Personal landing strip

C. Specific Regulations

Uses permitted in the LDR District are subject to the following specific standards as well as other requirements which may be applicable (e.g., conditional use criteria, site plan review or planned unit development review) and which are located elsewhere in the bylaws.

Lot Area Minimum:	4 acres
Lot Frontage Minimum:	300 feet
Lot Depth Minimum:	300 feet
Front Yard Setback Minimum:	100 feet
Rear Yard Minimum:	50 feet
Side Yard Minimum:	50 feet
Building Height Maximum:	35 feet
Minimum Acreage required for Each Dwelling Unit:	4 acres
Lot Coverage Maximum:	3%

Section 270: CONSERVATION (CON)

A. Objectives and Guidelines

This district consists of land with severe physical limitations for development and having significant wildlife value. A majority of the district is mapped on flood-prone land identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map dated 9/27/85, currently in effect in Cornwall. Such lands are located along the Lemon Fair River in the northwestern portion of Cornwall and in a major swamp area adjacent to Otter Creek in the eastern area of Town and are subject to the regulations of ARTICLE IX of this document. The purposes of this district are to protect significant wildlife and natural resource values; to restrict development opportunities due to limiting physical conditions; to prevent increases in flooding due to excess development; and to minimize losses due to floods. Consequently, only very limited uses are permitted by right, while structural improvements require conditional use approval, with a minimum lot size for all uses of 25 acres.

B. Permitted Uses:

By Right Uses:

1. Exempt uses (See Section 301)

Conditional Uses might include but are not limited to:

1. One-family or two-family dwelling
2. Bed and breakfast (<5 units)
3. Wind energy system
4. Accessory use or building
5. Accessory apartment
6. Daycare (< or = 6 Fulltime, 4 Part-time)
7. Home occupations
8. Group home
9. Outdoor recreation
10. Telecom tower or Antenna

C. Specific Regulations

Uses permitted in the CON District are subject to the following specific standards as well as other requirements which may be applicable (e.g., conditional use criteria) and which are located elsewhere in these bylaws. Uses proposed to be located in areas of special flood hazard, as defined on the current Flood Hazard Boundary Map for Cornwall, must also meet the flood regulations specified in Article IX of these bylaws.

Lot Area Minimum:	25 acres
Lot Frontage Minimum:	400 feet
Lot Depth Minimum:	400 feet
Front Yard Setback Minimum: (150 feet for lots fronting on Vt. Route 125)	125 feet
Rear Yard Minimum:	200 feet
Side Yard Minimum:	200 feet
Building Height Maximum:	35 feet
Minimum Acreage Required for Each Dwelling Unit:	25 acres
Lot Coverage Maximum	1%

Section 280: SUMMARY OF USES BY ZONING DISTRICT

	<i>VI</i>	<i>V2</i>	<i>MDR</i>	<i>LDR</i>	<i>CONS</i>
Residential Uses					
Accessory use (Existing building or new building <1,500 sq. ft.)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Home occupation	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
One-family dwelling	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Two-family dwelling	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Multiple-family dwelling (< or = to 4 units/structure or conversion of existing structure)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>NA</i>
Multiple-family dwelling (> 4 units/structure)	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>NA</i>
Accessory apartment	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Accessory building	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Public Uses:					
Community facility (24 V.S.A. § 4413, subject to site plan review)	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>
Daycare (< or = 6 fulltime and 4 part-time children; See definition)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Daycare (>6 fulltime and 4 part-time children; See definition)	<i>C</i>	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>
Recreation, indoor	<i>C</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Recreation, outdoor	<i>NA</i>	<i>NA</i>	<i>C</i>	<i>C</i>	<i>C</i>
School (24 V.S.A. § 4413, subject to onsite review)	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>
Group residential care home	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Business Uses:					
Bank	<i>P</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Clubs	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Enclosed manufacturing and light industry (W/in existing build)	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>C</i>	<i>NA</i>
Motor vehicle service station	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Home-based business	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>NA</i>
Nursery	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>C</i>	<i>NA</i>
Personal service	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Professional and business office (< or = 2,500 sq. ft.)	<i>P</i>	<i>P</i>	<i>C</i>	<i>C</i>	<i>NA</i>
Professional and business office (>2,500 sq. ft.)	<i>C</i>	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>
B&B (< 5 BR for rent)	<i>P</i>	<i>P</i>	<i>C</i>	<i>C</i>	<i>NA</i>
B&B (> or = 5 BR for rent)	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Restaurant	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Retail store (< or = 2,500 sq. ft.)	<i>P</i>	<i>P</i>	<i>C</i>	<i>NA</i>	<i>NA</i>
Retail store (>2,500 sq. ft.)	<i>C</i>	<i>C</i>	<i>C</i>	<i>NA</i>	<i>NA</i>
Veterinary Clinic	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>NA</i>
Other Uses:					
Agricultural uses	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>
Forest uses	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>	<i>E</i>
Telecom tower	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>C</i>	<i>C</i>
Telecom antenna (Mounted on existing structure)	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>
Contractors yard	<i>NA</i>	<i>NA</i>	<i>C</i>	<i>C</i>	<i>NA</i>
Sand, soil, gravel stone extraction	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>C</i>	<i>C</i>
Windmill (Windmills regulated by 30 V.S.A. § 248 are exempt)	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>

P= Permitted by right

C= Permitted as a conditional use

E= Exempt either by statute or pursuant to these Regulations. Exempt uses may still need to file an application.

NA=Not Allowed

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

No zoning permit is required for the following:

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 these Regulations, unless they provide an approval of lesser setbacks by the Secretary of the Agency of Agriculture, Food and Markets. The notification to the municipality 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. Fences, hedges, or walls which do not interfere with corner visibility.
5. Doghouses, sheds, tree houses, or similar structures having less than 144 square feet in floor area and less than 8 feet in height, and which are at least 5 feet from all property lines.
6. Telecommunication dishes or antennae attached to an existing structure for personal use by a single individual or family.
7. Any sign erected by the Town or State for directional information or traffic control purposes or exempt per Section 730 of these Regulations. Garage sales, yard sales, auctions or similar events provided that they extend for a period of less than four consecutive days, nor more than ten days in a calendar year, and are managed in a way not to cause traffic or parking problems or create other nuisances for neighbors.
8. Temporary roadside stands for the sale of agricultural products provided that:
 - a. No stand shall be closer to any lot line than twenty feet;
 - b. Off-street parking spaces shall be provided for at least two motor vehicles;
 - c. Access to or egress from any stand shall not create a traffic hazard;
 - d. The stand otherwise meets the definition of an agricultural structure noted above.
9. Renovations to the interior of a building that do not alter or change its use.

10. Infrastructure integral to a permitted building or structure and located primarily underground, such as drainage, wells and water systems.
12. Certain government and community facilities, as described in Section 411 of these Regulations are exempt from the district regulations prescribing where they may be located, but shall be regulated by site plan review with respect to all aspects of the property within the parcel chosen to the maximum extent allowable under these Regulations.

SECTION 310: ZONING ADMINISTRATOR

The Zoning Administrator shall be nominated by the Planning Commission and approved by the legislative body to administer the Zoning Regulations, as provided for in 24 V.S.A. § 4448. Said officer shall literally enforce the provisions of these Regulations and in so doing shall inspect land 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, building development (See definition of building) or change of uses may commence without a zoning permit issued by the Zoning Administrator, as provided for in 24 V.S.A. § 4449.

Section 321: FEES

The Town of Cornwall Selectboard (the "Selectboard") shall establish all fees to be charged with respect to the administration of these Regulations, including those portions of these Regulations addressing subdivisions and floodplains, with the intention of covering the costs of administering the same.

The appropriate municipal panel of the Town may require an applicant for approval of any proposed development to bear the costs incurred by the Town for any professional reviews and inspections which are reasonably required by the Town in connection with such application, or in connection with the ongoing development, including, but not limited to, fees and disbursements charged to the Town for engineering, legal or hydrological services rendered on behalf of the Town in connection with the development .

This regulation stems from the authority granted under 24 V.S.A. § 4440(d).

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 Zoning Administrator. The Zoning Administrator shall not issue a Zoning Permit unless a complete application is filed with the Zoning Administrator. The application shall include the following information:

1. A permit fee.
2. A completed Zoning Application identifying the applicant, the owner(s), the location of the parcel to be improved, the parcel identification number, the book and page number of the deed and a description of the improvements and uses proposed. The application shall also include a drawing identifying the location of the parcel and accurately depicting the improvement proposed in relationship to the lot lines and other structures on the parcel. Any sheet of the drawing shall be not more than 24" wide x 36" long drawn to scale, with the scale clearly identified and large enough to depict the details clearly. An arrow should depict north. The drawing shall depict the shape, design, size and height of the proposed structure, plus the location of all infrastructure proposed to serve the structure, including driveways, parking areas, utilities, drainage and other proposed improvements.
3. Written approval by the Selectboard or their designated agent, regarding access plans to any Town road including the location of driveways, culverts, and, if required, drainage along Town roads.
4. Other Town or State permits necessary prior to construction of any proposed structure, including but not limited to State of Vermont Water Supply and Wastewater Permits or Stormwater Permits.

Section 323: ACTION BY THE ZA ON AN APPLICATION

Within 30 days after submission of a complete application, the Zoning Administrator shall act with regard to the application for a permit presented and either pass it to the appropriate municipal panel for its review, or, if authorized, conduct a review of the project. If the Zoning Permit is approved, the Zoning Administrator shall issue a permit with appropriate conditions, if any. If the application is denied, the Zoning Administrator 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 Zoning Administrator has the authority to review, for a period of greater than 30 days shall result in a permit's 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

No Permit issued pursuant to this section shall take effect until the 15 day time for appeal authorized in 24 V.S.A. § 4465 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 appropriate municipal panel 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

Each Permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. The Zoning Administrator 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 COMPLIANCE

Upon completion of any work or change in use requiring a permit under these Regulations and prior to its occupancy, the permittee shall request a Certificate of Compliance from the Zoning Administrator. Within seven days after notification that a building, structure, premises or part thereof is staked and about to have its footings poured and again when the building or structure is completed or ready for occupancy or use, the Zoning Administrator shall make inspection of it. Upon determining that the structure conforms to the provisions of these Regulations the Zoning Administrator shall issue a Certificate of Compliance.

Section 327: PENALTIES

Violations of these Regulations shall be regulated as prescribed in 24 V.S.A. § 4451 and § 4452 of the Act, as they may be amended from time to time. Penalties may include fines up to the amount listed in the statute at the time of the offense (Currently up to \$100 per day, per offense, doubled in the event of default), injunctive action or any other remedy the town may lawfully seek under the statute.

Section 328: ADMINISTRATIVE REVIEW BY ZA OF SPECIFIED STRUCTURES

In addition to granting “by right” permits pursuant to Section 323 above, these Regulations also grant the Zoning Administrator the ability to conduct an administrative review, as authorized pursuant to 24 V.S.A. § 4464 (c), and grant permits which include conditions “waiving” setback requirements for temporary structures or additions or renovations to pre-existing non-conforming structures located along Routes 30, 74 and 125 in all districts.

Applicants for these administrative waivers shall be responsible for providing the Zoning Administrator with a complete zoning application and a supplemental letter or plan containing information necessary for the Zoning Administrator to make a decision. The Zoning Administrator may require an accurate drawing of the property showing existing features, including structure locations, driveways, easements, traffic circulation, parking and loading spaces and pedestrian walks, and landscaping plans and other information pertinent to the issue.

The Zoning Administrator may grant a permit including an administrative waiver reducing front yard setback requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a temporary structure or a use permitted within the district in question as by right use (as opposed to a conditional use); and
2. The waiver requested is in conformance with the Town Plan and the goals set forth in Section 4302 of the Act; and
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; and
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; or

5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.

The Zoning Administrator shall make a decision on the request for waiver by applying the facts presented in the application to the criteria, listed above, and incorporating all into a decision.

In approving a project the Zoning Administrator 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 Regulations 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. The decision of the Zoning Administrator regarding the permit, or the waiver, is appealable to the Board of Adjustment pursuant to criteria and procedure outlined in Sections 360-365.

SECTION 330: APPROPRIATE MUNICIPAL PANEL

Two bodies shall constitute appropriate municipal panels in Cornwall, the Planning Commission and the Zoning Board of Adjustment. Each 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 either appropriate municipal panel shall be established as provided by the Act and as set forth in these Regulations.

Section 331: PLANNING COMMISSION

The Town of Cornwall Planning Commission consists of seven members elected by the voters. The Planning Commission has the following functions:

1. Prepare and update the Cornwall 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. § 4442.
3. Resolve any uncertainties regarding district boundaries on the Official Zoning Map.
4. Nominate the Zoning Administrator with approval of the Selectboard to administer these Regulations, as provided for in 24 V.S.A. § 4448(a).
5. Serve as the appropriate municipal panel for the purpose of hearing and granting or denying approval of subdivision applications pursuant to the Subdivision Regulations, including any variance or waivers requested pursuant to the PUD process.
6. 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.
7. Serve as the appropriate municipal panel for the purpose of hearing and granting or conditioning approval of site plan applications pursuant to Subsections 390-395 of these Regulations, unless that review is included as a portion of a conditional use application.
8. Review requests for rights of way, or other changes requested to plats of record.

Section 332: BOARD OF ADJUSTMENT

The Town of Cornwall Board of Adjustment will consist of members appointed by the Selectboard. Any member of the Board of Adjustment may be removed for just cause by the Selectboard upon written charges and after a public hearing.

The Board of Adjustment has the following functions:

1. Hear and grant or deny appeals of actions of the Zoning Administrator.
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 (The Board of Adjustment shall also conduct a Site Plan approval as part of this review.)
5. Hear and grant or deny approval for activities in the floodplain.
6. Hear and grant or deny requests for Waivers.
7. Any other form of land use request for which it is the appropriate 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

The applicant shall submit its application for review by delivering eight (8) copies of those materials required by the appropriate section of these Regulations governing the type of action requested: to the Town Clerk's office at least 25 days prior to the regular meeting of the appropriate municipal panel,

Conditional Use: See Section 350

Appeal: See Section 360

Variance: See Section 370

Waivers: See Section 380

Site Plan and Other: See Section 390

Subdivision: See Subdivision Regulations

1. **Notice procedures:** All development review applications or appeals before the appropriate municipal panel 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 Zoning Administrator, 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 Zoning Administrator or clerk or chair of the appropriate municipal panel 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 Zoning Administrator or clerk or chair of the appropriate municipal panel shall post notices two places within town. The Zoning Administrator or clerk or chair of the appropriate municipal panel 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 applicant 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 applicant 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 applicant need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered. If the applicant fails to reasonably demonstrate that they sent notice to the adjoiners and any other interested party, the appropriate municipal panel 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 Zoning Administrator or clerk or Chair of the Planning Commission shall post notices two places within Town. The Zoning Administrator or clerk or Chair of the Planning Commission 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 applicant 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 applicant 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 applicant 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 appropriate municipal panel 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 appropriate municipal panel. The appropriate municipal panel 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 appropriate municipal panel 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.

3. **Decisions.** The appropriate municipal panel 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 Zoning Administrator and the Town Clerk who shall record the decision as a public record. If the appropriate municipal panel fails to make a decision within 45 days, on the 46th day the appropriate municipal panel 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

Section 351: GENERAL STRUCTURE

The Zoning Administrator 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 Board of Adjustment grants such approval. Uses requiring conditional use approval are listed Article II in the sub-sections governing each zoning district. The Board of Adjustment 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) 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 Board of Adjustment, if the Board of Adjustment 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 Zoning Administrator, by filing an application in the Town Clerk's office, at least 25 days prior to the regular meeting of the Board of Adjustment, six (6) copies of an application or 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 Board of Adjustment 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 Board of Adjustment 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.

2. Map, 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, including depicting distances from structures to property lines.
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 as requested by the Board of Adjustment.

Section 354: PUBLIC NOTICE AND REVIEW PROCEDURE

The Board of Adjustment shall give public notice of hearing as specified in Section 340(1)(a) of these Regulations. The Board of Adjustment 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 Board of Adjustment 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 Town 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 Board of Adjustment, 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. Traffic roads and highways in the vicinity, the estimated traffic generated by a conditional use shall not, in combination with other uses, exceed the road capacity, and the Board of Adjustment 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. Bylaws then in effect. A conditional use must comply with regulations in effect at the time of submission of the application.
5. Renewable Energy Resources. Utilization of 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.

In addition to any conditions stemming from its review of the general criteria listed in Section 355, the Board of Adjustment may make such additional requirements as it deems necessary with respect to the specific standards in Sections 390- 395 regarding site plan review and Articles IV-X of these Regulations or as it deems reasonable and necessary to implement the purpose of the Act and these Regulations.

Section 357: DECISION

Upon the close of the hearing, the Board of Adjustment shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in Section 340(3) of these Regulations.

Section 358: PERFORMANCE BONDS

The Board of Adjustment may require the applicant to furnish the Town with a performance bond worth up to the value of the cost of the work/improvement to benefit the municipality. The bond shall assure the proper development of the improvements benefiting the municipality according to the conditions specified by the Board of Adjustment and restrictions set forth in these Regulations. The Board of Adjustment 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).

SECTION 360: APPEALS TO THE BOARD OF ADJUSTMENT

Appeals of any decision of the Zoning Administrator shall be made to the Board of Adjustment. The Board of Adjustment 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 zoning administrator must be filed within 15 days of such act or decision.

Section 362: INTERESTED PERSONS

Only an "interested person" as defined in Section 1000 of these Regulations and by 24 V.S.A. § 4465(b) may appeal the decision or action of the Zoning Administrator under these Regulations.

Section 363: NOTICE OF APPEAL

The appellant shall file a notice of appeal in the Town Clerk's office with the Secretary or Chair of the Board of Adjustment 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 Board of Adjustment shall review all appeals pursuant to the procedure established in Section 340(2) of these Regulations.

Section 365: DECISIONS

Upon the close of the hearing, the Board of Adjustment shall issue its decision pursuant to the procedure outlined in Section 340(3) of these Regulations.

SECTION 370: VARIANCES

Requests for variances shall be made to the Board of Adjustment pursuant to the procedure outlined below.

Section 371: APPLICATION

The applicant shall submit to the Zoning Administrator, by filing an application in the Town Clerk's office at least 25 days prior to the meeting of the Board of Adjustment, six (6) copies of an application or 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 Board of Adjustment 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 Board of Adjustment 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.
2. A scaled map, 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 Board of Adjustment.

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 Board of Adjustment 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 Board of Adjustment shall review all variance requests to determine if they 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 conditions 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 applicant;
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 Town Plan and these Regulations.

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

Section 375: CONDITIONS

In approving a project the Board of Adjustment 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 these Regulations and from the Town 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

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 the information required to the Zoning Administrator by filing six (6) 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 Board of Adjustment. Information will include that which is necessary for the Board of Adjustment 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 Board of Adjustment 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.
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 Board of Adjustment.

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 Board of Adjustment 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 Zoning Board of Adjustment 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 Board of Adjustment shall make its decision on the request for waiver by applying the facts presented in the application and at the hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the Board of Adjustment shall issue its decision pursuant to the procedure outlined in Section 340(3) of these Regulations.

Section 385: CONDITIONS

In approving a project seeking a waiver the Board of Adjustment 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 these Regulations and from the Town 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: SITE PLAN REVIEW AND OTHER APPLICATIONS

Section 391: GENERAL CONDITIONS

Any site plan review or other applications or uses that require approval of an appropriate municipal panel, but are not specifically listed in Sections 331 or 332 of these Regulations shall be reviewed under the procedure immediately below. Site plan approval by the Planning Commission shall be required for proposed commercial uses allowed “by right” within any given district, except home occupations. Unlike conditional use approval, site plan approval assumes that the use proposed is appropriate for the district in which it is located. As such, site plan review focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area. Site plan review cannot be used to deny a project in the same way that conditional use or subdivision criteria would. However, the appropriate municipal panel may place conditions on any approval it gives to implement the objectives of the municipal plan as contemplated in the criteria below.

Commercial development subject to subdivision or conditional use review should, at the discretion of the appropriate municipal panel, also be subject to the site plan review criteria as part of the subdivision or conditional use review. The appropriate municipal panel conducting those reviews will proceed under the criteria and procedure required for each of them, but should also include the criteria noted below in their review of the project and may impose appropriate conditions within any permit it chooses to grant under those reviews.

Section 392: APPLICATION FOR SITE PLAN OR OTHER APPROVALS

The owner shall submit eight (8) sets of plan maps and supporting data to the Planning Commission, by delivering the application to the Zoning Administrator 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.
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.
6. A description of the hours of operation.
7. A description of signs, lighting and steps taken to mitigate against noise created by the proposed use.

Section 393: PUBLIC NOTICE AND REVIEW

Public notice of hearing shall be given as specified in Section 340(1)(b) of these Regulations if conducted independently or under Section 340(1)(a) if conducted as a portion of a conditional use or subdivision review. The Planning Commission 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 may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking for vehicles and pedestrians, landscaping and screening, exterior lighting, signs, hours of operation, design criteria for the exterior of the building proposed and protecting the utilization of renewable energy resources as defined by the criteria below. The Planning Commission shall review the site plan map and supporting data, taking into consideration the following objectives:

1. Applicant shall demonstrate that the circulation between the site and the street network is adequate to accommodate the traffic proposed. Parking and loading facilities should conform to the standards contained in Article VI, Sections 610-622 of these Regulations. Within the Cornwall Village (V1) District and West Cornwall Village (V2) District, parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Commission due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
2. Within the Cornwall Village (V1) District and West Cornwall Village (V2) District, safe pedestrian connections to on-site parking areas, and to existing or planned pedestrian facilities located on adjacent properties and/or along public roads, shall be provided. Access points at property edges shall be coordinated with existing and planned development to provide pedestrian connections between uses.
3. Applicant shall demonstrate that they have incorporated landscaping features (trees, shrubs, fences, walls, gardens, open space or other features) into a design to reduce any impacts their use of the property might have on neighboring properties and that will enhance the appeal of the use proposed. Within the Cornwall Village (V1) District and West Cornwall Village (V2) District, parcels that front upon Route 30, Route 74, North Bingham Road and South Bingham Road shall incorporate street trees along the highway frontage to establish a canopy and provide traffic calming.
4. The outdoor storage of trash shall be screened or hidden from public view.
5. Building design. The applicant should demonstrate how the structure they are proposing fits within and adds to the character of the area in which it is proposed.
 - a. Historic structures should be renovated and reused, including any significant architectural features such structures may exhibit. Renovations and re-use may include adaptive renovations,

- but the burden shall be on the applicant to demonstrate why any significant features (windows, roofing, cornices, doors, siding) are being concealed or eliminated.
- b. New construction should be compatible in design, scale, mass, height and architectural features of the significant historic buildings within the immediate area. Buildings need not be replicas of 19th century architecture, but should complement the features of neighboring architecture.
 - c. Within the Cornwall Village (V1) and West Cornwall Village (V2) District, buildings, and associated site design, shall reinforce, rather than destabilize, a defined streetscape by being located as close to the road as practical; with buildings oriented to front upon the road; and, where the placement of a building along the front setback is not practical due to preexisting site conditions, the site plan should incorporate landscaping features, such as low walls and planting materials, along the setback line to create a transition between the public right-of-way and the site. The mass of new buildings shall not distract from historic buildings of civic or cultural significance within the Village.
 - d. Applicants should demonstrate that they incorporated reasonable energy conservation measures for commercial structures into the structures proposed.
6. Applicant shall demonstrate that they comply with all stormwater requirements of the State of Vermont and have adequately addressed drainage on the site so as not to create ponding on or off the site and that they have not rerouted the flow of storm or surface water so as to cause ponding or flooding problems for neighboring properties.
 7. Exterior lighting should conform to the standards contained in Section 820 of these Regulations.
 8. Noise should be regulated in accordance with Section 810 of these Regulations.
 9. Signs should conform to the standards contained in Sections 710-780 of these Regulations.
 10. Hours of operation should be limited to standards for similar enterprises and are generally encouraged to not begin earlier than 7:00 a.m. and end by 9:00 p.m. The burden will be on the applicant to demonstrate why longer hours are necessary.

Section 395: DECISIONS

Upon the close of the hearing, the appropriate municipal panel shall issue its decision pursuant to the procedure outlined in Section 340(3) of these Regulations. In approving a project with conditions, the appropriate municipal panel may require specific modifications to the design, scale, layout and/or design or configuration of the project.

SECTION 399: APPEALS TO THE ENVIRONMENTAL COURT

An "interested person" who has participated in a proceeding before the appropriate municipal panel (the Zoning Board of Adjustment 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 appropriate municipal panel 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. §§ 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: REQUIRED REGULATIONS

Section 400: REQUIRED REGULATIONS

The uses permitted within each district as noted in Article II shall also be subject to such additions, modifications, or exceptions as provided by the following regulations.

Section 401: PROMOTE AND PROTECT AFFORDABLE HOUSING

Except as provided in 24 V.S.A. § 4414(1)(E) and (F), nothing in these Regulations will treat mobile homes, modular housing or other forms of prefabricated housing differently from any other one-family dwelling type. Nothing in these Regulations will be construed to prevent the establishment of mobile home parks pursuant to 10 V.S.A. Chapter 153. Nothing in these Regulations will have the effect of excluding from Cornwall affordable housing to meet the needs of the low and moderate income citizens as determined by studies described in 24 V.S.A. § 4382(c).

Section 402: MOBILE, MANUFACTURED OR PREFABRICATED HOMES

Mobile, manufactured or prefabricated homes shall be considered the same as conventional homes except in a mobile home park.

Section 403: 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 of these Regulations on the same terms and conditions as Cornwall may allow any other type of housing in a specific area as governed by Cornwall's Regulations.

Section 404: ACCESSORY DWELLING UNIT

An accessory dwelling unit that is located within or appurtenant to an owner-occupied one-family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a one-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 accessory unit does not exceed the greater of 30 percent of the total habitable floor area of the single-family dwelling or 1,000 sq. ft.
4. Applicable setback, coverage, and parking requirements specified in these Regulations are met.

Section 405: 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.

Any pre-existing small lots that were or came into contiguous ownership as of May 27, 1998 or thereafter and were deemed automatically merged, may be re-subdivided along the pre-existing lines by action of the appropriate municipal panel applying the procedures and criteria necessary to secure a conditional use permit.

Section 406: REQUIRED FRONTAGE

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 50 feet in width.

Section 407: HOME BASED BUSINESSES

Cornwall desires to provide residents with reasonable economic opportunity by encouraging local enterprises of suitable size and scale for their location. Home based businesses as a category are designed to allow Cornwall residents' flexibility above the statutory floor set by home occupations, while protecting the rights of neighboring property owners from substantial undue impacts through the conditional use review process.

1. Home Based Businesses are subject to the following:
 - a. A member or members of the family residing in the principal building shall operate the business with no more than two additional, non-resident full time equivalent employees.
 - b. The business shall be operated within the principal building or an existing accessory building. The adaptive re-use of existing agricultural buildings is encouraged.
 - c. Any exterior storage of material shall be in keeping with the character of the residential neighborhood. The Zoning Board of Adjustment may prohibit or require screening for the outdoor storage of materials.
2. Parking. A person using a dwelling for a Home Based Business shall provide, in addition to the parking spaces required for the dwelling, two off-street parking spaces on the same lot or on a lot adjacent thereto under the same ownership or under a permanent easement and otherwise meet the parking requirements in Sections 610 and 611 of these Regulations.
3. The above regulations are intended to expand upon the minimum statutory requirements for home occupations and shall not be construed to infringe upon the right of any person to use "a minor portion of their dwelling for an occupation which is customary in residential areas and does not have an undue adverse impact on the character of the residential area" as provided in 24 V.S.A. § 4412(4).
4. Retail operations are allowed as a portion of the Home Based Business but should be secondary to the Home Based Businesses' primary function.
5. Limited personal services are allowed as home based businesses.
6. The following heavy industrial activities, and all others not meeting the conditions noted above, will not constitute home-based businesses:
 - a. Smelters or blast furnaces;

- b. Slaughterhouses, rendering plants, hide tanning or curing plants;
- c. Manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia and/or chlorine;
- d. Manufacture or refining of petroleum, gas, or explosives;
- e. Bulk storage of wholesale fuel oil, butane, propane or gasoline;
- f. Junkyards, machinery wrecking yards; and
- g. Unenclosed manufacturing or processing of goods.

Section 407A: PROTECTION OF HOME OCCUPATIONS

Home occupations are permitted, by right, in all districts in which single-family residences are allowed. No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential or rural areas and which does not have an undue adverse impact on the character of the residential area.

As 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 Zoning Administrator so that a determination can be made as to whether the proposed use is, in fact, a home occupation as defined by these bylaws.

Section 408: CHILDCARE HOME

Various types of “family childcare homes or facilities” are defined in Section 1000 of these Regulations. As per the definition, family childcare homes serving 6 or fewer children shall be considered to constitute a permitted single-family residential use and shall be allowed in all districts on the same basis as a single-family residential use. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but will require site plan approval. A family childcare facility serving more than six full-time and four part-time children shall be reviewed as per the uses allowed in Article II in the district in which it is located.

Section 409: HEIGHT OF CERTAIN STRUCTURES

No structure shall exceed the maximum district height requirements except for specified exempt structures listed below or those as allowed hereunder:

- 1. Farm structures in accordance with Section 301;
- 2. Church steeples, spires and belfries;
- 3. Water towers;
- 4. Utility structures regulated by the Vermont Public Service Board;
- 5. Utilities not regulated by the Vermont Public Service Board, including wind generation towers and equipment reviewed under Section 572;
- 6. Telecommunication towers reviewed under Section 573
- 7. The following accessory uses provided they do not exceed the district maximum height by more than 10 feet:
 - a. HAMM radio antennas;
 - b. Flag poles;
 - c. Chimneys and weathervanes

Section 410: NON-CONFORMITIES

The following provisions shall apply to all buildings 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 buildings 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 Board of Adjustment, 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 Board does not enlarge the nature of the non-conformance.
2. Shall not be changed to another non-conforming use without approval by the Board of Adjustment, 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 without approval by the Board of Adjustment, unless after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 350-358 it changes to a use, which, in the opinion of the Board, is of the same or of a more restricted nature. 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.
5. 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 411: 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 these 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. The uses noted above shall be subject to review by the Planning Commission pursuant to the applicable procedure and criteria governing Site Plan Review under Article III of these Regulations and any other portion of these Regulations that pertain to aspects of the project that may be regulated.

ARTICLE V: GENERAL REGULATIONS

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

Section 501: INTERIOR LOTS

Any lot which does not have frontage on either a public road or public waters shall have a minimum yard requirement for all yards which is equal to the front yard minimum specified for lots in that district.

Section 502: ACCESSORY USES AND BUILDINGS

Accessory uses and buildings may be located on a lot provided front, side, and rear yard setbacks and lot coverages are adhered to for the district involved.

Section 503: LOTS IN TWO ZONING DISTRICTS

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the part of the lot falling into the less restricted zoning district may extend up to thirty feet into the part of the lot in the more restricted zoning district.

Section 504: RESIDENTIAL BUILDINGS ON LOTS

There shall be no more than one primary residential building on a lot except for Planned Unit Developments, as authorized by Section 530, and accessory apartments, as regulated in Section 404 hereof.

Section 505: CONSTRUCTION APPROVED PRIOR TO REGULATIONS

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-conforming by a zoning amendment if the activities authorized by the Permit are completed while the Permit is valid.

Section 506: ABANDONMENT OF STRUCTURES

Within one year after work on an excavation for a building has begun or within six months after a permanent or temporary structure has been destroyed, demolished, or abandoned, the owner shall remove all structural materials from the site and shall cover over or fill to the normal grade and seed any excavation to prevent erosion.

Section 507: TEMPORARY USES AND STRUCTURES

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for non-conforming uses 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 508: DWELLING UNITS BELOW GRADE

The lowest dwelling unit in every two-family or multiple-family structure shall have ingress to and egress from any finished floor level of that unit.

Section 509: PERSONAL LANDING AREAS

Personal landing areas (PLA) are limited to Low Density Residential Zones (LDR), to the landowner's personal aircraft and occasional use by others.

All personal landing areas are conditional uses and as such are subject to review by the Zoning Board of Adjustment. Upon receiving an application for a conditional use permit for a personal landing area, the Board of Adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant a plan, drawn to scale, showing the dimensions, contours, and elevation of the lot; the size, height, and location on the site of existing and proposed structures; the location of the proposed runway; the location and elevations of streets and rights of way; existing and proposed landscaping and all other physical features; takeoff and landing patterns; and the location of adjacent and nearby structures and property lines. The Board of Adjustment shall also obtain from the applicant, prior to the hearing, a statement of proposed frequency of flights, proposed hours of operation, and type of aircraft proposed to be operated at the PLA.

In reviewing each application, the Board of Adjustment shall consider the impact of the proposed PLA upon the surrounding community, with special attention to surrounding residents' needs for peace, safety and privacy. As a condition of approval, the Board of Adjustment shall specifically require that all regulations of the Vermont Agency of Transportation, the District Environmental Commission, the Federal Aviation Agency, and any other agencies pertaining to the licensing, safety, and insurance of aircraft and personal landing areas and their operation shall apply. Any permits from said agencies and regulations of said agencies shall be filed annually with Town officials. The landowner shall assume full responsibility for all air and ground operations at a personal landing area.

Section 520: PUBLIC UTILITY SUBSTATIONS

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

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 at least twenty-five feet wide shall be maintained in front, rear, and side yards. The landscaping shall be configured to provide the maximum screening of the facility from adjacent roads and properties and shall be designed to liberally use copses of mixed

native species of trees.

3. Transformers shall be the best available to reduce noise by the maximum level possible;
4. Lighting shall be minimized and shall comply with Section 820 of these Regulations.
5. Maintenance and construction, except for emergency repairs, shall take place Monday – Friday between the hours of 7:00 a.m. and 7:00 p.m.

Section 521: STORAGE OF FLAMMABLE LIQUIDS

All storage for flammable liquids shall comply with applicable State and Federal regulations. Storage of explosives, where allowed, requires conditional use review and approval by the Board of Adjustment.

Section 522: MOTOR VEHICLE SERVICE STATIONS

Motor vehicle service stations shall comply with the following:

1. A motor vehicle service station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library, or religious institution.
2. Lot size, frontage and depth shall conform to acreage requirements of the district.
3. Service devices shall be located at least fifty feet from the street line and side and rear lot lines.
4. All hazardous material storage shall conform to applicable State and Federal regulations.
5. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
6. Signs will conform to the sign requirements.
7. The storage of vehicles or equipment is not permitted except in an area which is landscaped as required in Section 550.

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 it on his/her own property in the rear or side yards, providing that it is parked behind the face of the principal building, if possible, and no closer than six feet to any lot line. It shall not be used as living quarters for more than 90 days per year and shall not be hooked up to any sewage facility. Invitees may also park campers in the same manner as required of any owner on his/her own property.

Section 525: FILLING OF LAND

In any district a Zoning Permit, including conditional use approval by the Board of Adjustment, is required for the deposition of rock, concrete, stone, gravel, sand, cinders, stumps, and soil used for disposal purposes. A Permit may be issued 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, GRAVEL, OR STONE

The removal of soil, sand, gravel, or stone for sale, except when incidental to construction of a building or other improvements on the same premises, is a conditional use in the districts in which it is allowed. The following provisions shall apply:

1. Before approval of any new soil, sand, gravel, or stone operation, or extension thereof, a performance bond may 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 the plan.
2. The removal of all material shall be conducted so as 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 pits.
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 so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.
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 Zoning Administrator.
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 in excess of one to two shall be adequately fenced as determined by the Zoning Administrator.
8. Extension of an existing non-conforming operation shall not be permitted.
9. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.

The Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Section 530: PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in Section 4417 of the Act, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a subdivision 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 of open land, to provide a mixture and variety of housing types at different densities, to aid and encourage development of affordable housing and to allow the development of existing lots which because of physical, topographic, or geological conditions could not be developed.

2. Application Procedure: A plan shall be submitted to the Planning Commission 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 these Regulations. Copies of any appropriate agreements for the ownership or management of common or protected open space or restrictive covenants shall be included.
3. Public Hearing: The Planning Commission shall hold all public hearings on PUDs in conjunction with the hearing it holds under the Subdivision Regulations pursuant to Sections 240-249 of the Subdivision Regulations.
4. General Standards for Review: The following general standards shall be met in order for the Planning Commission to approve the application:
 - a. The PUD is consistent with the Cornwall Town Plan,
 - b. Generally, the overall density of projects will not exceed the number of dwelling units that 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. However, the Planning Commission may approve density bonuses increasing the overall density of a project provided the Commission determines that the project meets the purpose of PUDs set forth in subsection 1 hereof, and in accordance with the following:
 - i. Within the Cornwall Village (V1) or West Cornwall Village (V2) District, the Commission may approve a density bonus in accordance with subsection 6(j).
 - ii. Within the Medium Density Residential (MDR) District, the Commission may approve a density of up to one dwelling unit per one (1) acre, provided the development meets the definition of an Affordable Housing Development.
 - iii. Within the Low Density Residential (LDR) District, the Commission may approve a density of up to one dwelling unit per two (2) acres, provided the development meets the definition of an Affordable Housing Development and the PUD is designed so that a minimum of 70% of the predevelopment parcel is designated open space in accordance with subsection 7.
 - c. The uses proposed for the project may be of varied types, including one-family, two-family, or multiple-family construction or commercial uses appropriate for the district in which the proposed project lies.
 - 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, Class II wetlands, and unique natural and man-made features. Buildings, building envelopes, roadways, sewage disposal sites, and sewer and water lines will be located to minimize impacts on significant natural resources designated in the Town Plan and those protected under State law.
 - e. The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
 - f. Where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientations.
 - g. Any modification of these 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 Standards for Review: The following specific standards shall be met in order for the Planning Commission to approve the application:

- a. District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Planning Commission.
 - 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 from the lot line, and screening may be required. The Planning Commission may waive this criterion in the event the PUD is located within the Village Districts and the adjacent land is (1) located within the Village Districts and (2) is configured so that an extension of the village development pattern and street and path network onto the adjacent parcel(s) would reinforce the purpose of the district.
 - c. Shared Utilities. The applicant shall coordinate the PUD design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the PUD. Such plan shall be integrated with a systematic program for distribution of service to the area around the subdivision. Common rights-of-way shall be utilized whenever possible, and the Commission may require underground utilities where economically reasonable and necessary to preserve views and open spaces. The Commission may establish the location of the placement of the utilities in relation to the road. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements at least twenty (20) feet in width shall be provided with satisfactory access to the street.
 - d. Roadway and Pedestrian Circulation. The applicant shall demonstrate they have provided for adequate roadway and pedestrian circulation.
 - e. Street/Pedestrian Network. The subdivision will promote and contribute to a logical street and pedestrian network. Such a network should be designed to include logical connections with existing or planned roads and/or recreational or walking trails.
 - f. Lot Layout. Lot layout shall reinforce the existing pattern of buildings described in the Town Plan. In the Village Districts, they should continue and add to the village character, lining public streets, ways and spaces, and shall enable building sites and setbacks to be consistent with current village patterns. In rural areas they should be clustered to blend new development into the historic, agricultural landscape and maintain important natural, scenic and cultural resources as open space.
6. Village Neighborhood Standards: In addition to the standards set forth in subsections 4 and 5, PUDs located within the Cornwall Village (V1) and West Cornwall Village (V2) Districts shall meet the following standards. In the event that one of the standards under this subsection is in conflict with a standard under subsection 4 or 5, the standards set forth below shall apply.
- a. Lot & Road Configuration: Roads shall be designed to establish an interconnected network of streets of a scale designed to slow traffic and ensure pedestrian and vehicular safety. The use of traffic calming devices, including on-street parking and street trees, is strongly encouraged. Lots, buildings and streets shall be configured to create a compact, pedestrian scale neighborhood with well-defined streetscapes characterized by consistent building setbacks, sidewalks and street trees.
 - b. Access. Roads or driveway shall be designed with a minimum of two connections to public (State or Town) roads or, where two connections is not practical, a right-of-way shall be created to provide future connection to one or more adjacent parcels. Such right-of-way shall be located to provide the best practical opportunity for extending the street network and integrating future development within the PUD.

- c. **Parking:** Parking shall be designed to incorporate and maximize the use of parallel or angled on-street parking and shared parking areas. Parking areas, with the exception of on-street parking and driveways serving single-family dwellings, shall be located to the side or rear of buildings and shall be screened from view of adjacent roads and properties.
 - d. **Landscaping:** Landscaping shall be designed to emphasize the screening of parking areas and the establishment and the reinforcement of a roadside tree canopy along roads and driveways.
 - e. **Pedestrian Circulation:** Provision shall be made for year-round pedestrian circulation within the site and for pedestrian access to adjacent properties. Pedestrian circulation should include a network of pathways and sidewalks connecting existing land uses in and adjacent to the project, and as needed to provide direct pedestrian access from adjacent sidewalks and parking areas to building entrances.
 - f. **Front Yards:** Use of the area between structures and the street line shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways.
 - g. **Building Orientation:** Buildings shall front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade shall include one or more pedestrian-scaled entry-ways.
 - h. **Garages & Accessory Structures:** Garages and other accessory structures shall not be the dominant feature viewed from the street. Front-loading (entrance facing street) garages shall be set back from the front building line a minimum of six feet from the front façade of the dwelling and shall not comprise more than 40% of the total front facade. Side-loading garages (entered from the side yard) visible from the street must have some architectural treatment facing the street, such as a window or door.
 - i. **Mix of Building Styles:** In any PUD with four (4) or more single-family or two-family dwellings, buildings should reflect a diversity of floor plans, garage orientation, building facades, color and rooflines to better integrate the development into the surrounding area and avoid a homogeneous or monolithic appearance.
 - j. **Density Bonus:** PUDs that meet the definition of Affordable Housing Development located within the Cornwall Village (V1) or West Cornwall Village (V2) Districts, and designed in accordance with this Section, may have a total maximum residential density of four (4) dwelling units per one (1) acre, exclusive of any portion of a parcel necessary to provide the minimum lot area for a non-residential use.
7. **Open Space:** If the PUD results in lands available for parks, recreation, open space, or other community purposes, the Planning Commission 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. Restrictions on common spaces to implement or protect intended purposes may include:
- a. **Protection of Resources:** Setbacks from specific resources;
 - b. **Shape and Size of Open Space:** The location, shape, size and character of the open space land is suitable for its intended use.
 - c. **Relation to Adjoining Open Space:** Open space land shall be located so as to conform with and extend existing and potential common open space land on adjacent parcels.

- d. **Additional Protection Measures:** Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through designation of building envelopes and clearing limits.
- e. **Town as a Party for Protection:** The Commission may require that the Town be a party to any legal mechanisms for the protection of open space.
- f. **Community Agreements:** When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the Commission. A prospectus shall be submitted by the developer describing this organization, its financing and membership, which must meet the requirements of the Commission. Approval will be contingent on the Commission's receipt and acceptance of final drafts of documents to be executed that will form such organization.
- g. **Open/Conserved Space Management Plan:** In addition to demonstrating that an organization exists to operate and maintain common areas or areas set aside for open space, recreation or the preservation of natural resources, the Planning Commission may require that the applicant provide a management plan describing how the resources preserved will be maintained.
- h. **Village Open Space:** Within the Cornwall Village (V1) and West Cornwall Village (V2) Districts, open space or common areas should serve as a central organizing feature within the PUD, such as a green, park or playground; or should be designed to maintain a contrasting edge between the village and surrounding countryside by protecting agricultural land adjacent to the district boundaries.

Section 540: FRONT YARD SETBACK

The front yard setback shall be measured from the center line of the existing roadway.

Section 541: 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.

Section 542: 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 open space for any other building.

Section 543: 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. 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 Board of Adjustment to project into the required yard if conformance with yard requirements will cause undue expense or unusual difficulties. Any carport, porch, terrace, deck, or steps not covered overhead by a roof, awning, or other similar covering may extend into a yard.

Section 544: SETBACKS FROM RIVERS AND STREAMS

Development of non-exempt structures shall meet the following setback requirements from the top of the bank of rivers and streams:

1. 100 feet from the Lemon Fair River;
2. 50 feet from brooks and streams that flow year-round;
3. 25 feet from seasonal streams and brooks.

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 a non-residential district abuts a residential district, a strip of land at least [twenty-five] 25 feet in width shall be maintained on the boundary as a landscaped area.
2. Whenever reasonably possible, existing natural trees and shrubs shall be preserved. New plantings shall be of a type recommended for the proposed site. Deciduous trees shall be at least 2 1/2 inches in diameter and evergreens at least four feet high at the time of planting.

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 45 degrees

Section 570: HEIGHT RESTRICTIONS

1. Through the conditional use review procedure, the Board of Adjustment may permit a structure to exceed the applicable building height maximum of 35 feet if the general standards of Sections 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.
2. Barns and farm silos are exempted from height restrictions.

Section 571: FREESTANDING DISHES AND ANTENNAS

The installation of freestanding dishes and antennas (Not exempt pursuant to Section 301) 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 Zoning Board of Adjustment if the following criteria are met:

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

Section 572: SOLAR AND WIND ENERGY SYSTEMS

Cornwall encourages the use of alternative energy generation systems as accessory uses to residential or commercial structures and intends that these Regulations be interpreted to support their use. Solar

energy systems, whether as apart of a building or incidental to a building, are an accessory use in all districts. A wind energy conversion system not exempt from these Regulations also constitutes an accessory use in all districts, provided that it can meet the following conditions:

1. Climbing access to the tower must be restricted;
2. The tower must be set back from all lot lines a distance equal to one and one half times the height of the tower;
3. Towers shall not be greater than 200 feet or otherwise require lighting at night;
4. The tower should be sited to maximize power production while also protecting neighbors and public views.

Section 573: TELECOMMUNICATIONS FACILITIES

The purpose of this provision is to preserve the character and appearance of the Town of Cornwall and to regulate the location of commercial wireless telecommunications services. Small-scale devices for personal use (satellite dishes, antennas, etc.) are exempt from this regulation. Commercial structures shall comply with the following provisions:

4. The use of existing structures to locate wireless telecommunications antennas is encouraged and will be subject to only Site Plan Review by the Planning Commission.
 - a. Wherever possible, communications antennas must be mounted on existing structures, such as silos or water towers, and camouflaged to blend with their existing surroundings.
 - b. Siting of structures and antennas must be accomplished in a manner designed to limit the visual impact on Cornwall's countryside and ridgelines.
 - c. Structures and antennas must be camouflaged to blend in with their surroundings to the greatest extent possible.
 - d. The Planning Commission will conduct its review pursuant to the site plan criteria contained in these Regulations. Applications submitted must meet the requirements for site plan review. Additionally, at the discretion of the Planning Commission and pursuant to 24 V.S.A. § 4440, the Planning Commission is authorized to hire qualified professionals, to be paid by the applicant, to determine an application's compliance with these Regulations.
2. A new telecommunications tower will be allowed as a conditional use in the Low Density Residential District and Conservation District only.
 - a. It will be allowed only after the applicant has demonstrated that no existing structure is suitable for their proposed use within a 30-mile radius of the proposed site and the applicant has agreed to allow co-location on the new structure.
 - b. Pursuant to 24 V.S.A. § 4440, the Zoning Board of Adjustment is authorized to hire qualified professions, to be paid by the applicant, to determine an application's compliance with these Regulations.

All telecommunications structures and antennae must be maintained in accordance with the requirements of permits granted. Abandoned or unused structures or antennae must be removed from the property within 180 days of cessation of their use and the Zoning Board of Adjustment may require a bond or other guarantee be posted with the Town to cover such removal.

ARTICLE VI: TRANSPORTATION, ACCESS, SAFETY, AND PARKING

Section 610: PARKING

1. Non-residential parking lots shall be screened or hidden from public highway view and the view of persons in residential districts.
2. No parking lots shall be allowed in setback areas.
3. Commercial parking lots adjacent to residential uses shall be at least 50 feet from the lot line.

Section 611: OFF-STREET PARKING

To ensure the safe and continuous flow of traffic and emergency vehicles, all structures and land uses shall be provided with off-street parking spaces sufficient to meet the reasonable parking needs of employees, customers, visitors or other persons making use of the premises.

1. For every structure or use hereinafter erected, altered or extended, there shall be a minimum of parking spaces as set forth below:
 - a. Commercial/Retail: One (1) parking space for every 150 sq. Ft. or fraction thereof of floor area.
 - b. Business or Professional Offices: One (1) parking space for every 250 sq. ft. of gross floor area.
 - c. Bed and Breakfast Lodgings: Two (2) parking spaces plus one (1) for each room for hire.
 - d. Schools or Child Care Facilities: Three (3) spaces for every ten (10) children enrolled.
 - e. Storage, Industrial and Warehouses: One (1) parking space for every 1,000 square feet of floor space or fraction thereof devoted to such use.
2. General Dimensions and Layout
 - a. Parking space (See definition in Section 1000)
 - b. Parking areas shall be designed to prevent vehicles from having to back out into a public way.
 - c. Accessible spaces shall be provided in accordance with ADA requirements and shall count toward meeting the number of spaces required by these Regulations.
3. Parking Waivers

The actual number of parking spaces required may be reduced by the Planning Commission or Zoning Board of Adjustment, depending which board has authority over the application in question.

Section 620: ACCESS PERMIT

1. Land development shall not be permitted on lots which do not have frontage on a public road or access to such a road by permanent easement or right-of-way without prior approval by the Road Commissioner and the Planning Commission. Such an access shall be at least 20 feet in width as required by 24 V.S.A § 4412(3). The Road Commissioner shall determine if any culvert is needed as well as its length and diameter.
2. Any new right-of-way created hereafter shall be at least 50 feet in width.
3. Any construction of or modification to a driveway intersecting with a public road shall be approved by the Road Commissioner prior to the issuance of a Zoning Permit. The Commissioner may require conditions with respect to the location, design, construction, and landscaping of such driveways to ensure safety and to provide access by emergency vehicles.
4. To permit fire and ambulance access, a driveway with a width of less than 12 feet at its narrowest point shall not be constructed. To provide room for snow, drainage or landscaping, a driveway shall be set back at least five feet from the lot or right-of-way lines.
5. Driveways serving more than one property shall only be permitted when the interests of each owner are protected by a written agreement or deed providing for private joint maintenance of the common

driveway. Driveways serving more than three properties shall be subject to approval by the Road Commissioner in accordance with Town Standards.

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 the intersection of the two roads intersecting, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street. The twenty-five feet is to be measured along the center line of the roads intersecting.

ARTICLE VII: SIGNS

Section 710: GENERAL

A Zoning Permit shall be required for the placement of all signs except as provided in section 730. All signs should be applied for in conjunction with the main Permit application. No signs or billboards 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.

Section 720: OFF-PREMISE 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 exempt from permitting requirements when located on the immediate property:

1. One professional, home occupation or home based business sign, not exceeding six squarefeet.
2. One temporary real estate sign, not exceeding six square feet.
3. Directional or informational sign, not exceeding four square feet.
4. Signs necessary for public safety or welfare.

Section 740: PERMITTED SIGNS

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 20 square feet.
3. One directory sign not exceeding ten square feet.

Section 750: WALL, PROJECTING, GROUND, AND ROOF SIGNS

Wall, projecting and ground signs shall meet the requirements of Section 740.

Every wall sign shall:

1. Not exceed the highest point of the building's roof or 20 square feet.

Every projecting sign shall:

1. Not extend beyond the street line.
2. Not extend more than four feet from the building wall.
3. Not be less than 10 feet above the surface of a public walkway area.
4. Not exceed 16 square feet in area.

Every ground sign shall:

1. Not exceed 20 feet in height above the finished grade.
2. Be set back at least 20 feet from any street line, and at least 10 feet from any other lot line.
3. Not exceed 20 square feet.

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 area 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.

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: ILLUMINATED AND FLASHING SIGNS

1. Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.
2. Flashing, oscillating, or revolving signs shall not be permitted, unless necessary for public safety or welfare.

ARTICLE VIII: PERFORMANCE STANDARDS

No land or building shall be used or occupied in any manner so as to create dangerous, noxious, or otherwise objectionable conditions in such a manner or in such amount as to affect adversely the reasonable use of the surrounding area of adjoining properties. The following 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 violates the Town noise ordinance in effect at the time of the application, if any, or which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted.

Section 820: GLARE, LIGHTS, AND REFLECTION

Applicants shall protect dark skies at night and ridgelines by minimizing exterior lighting or obtrusive glare by implementing the following measures:

1. Limiting the amount of exterior night lighting;
2. Installing, constructing and maintaining all outdoor lighting and illuminated signs to minimize the intrusion of light across property lines, eliminate upward illumination and reduce glare and to maximize the effectiveness of site lighting by limiting light to a target area within a building envelope;
3. Installing any pole lights to be smaller than the building whose area they illuminate or not greater than 15 feet, whichever is less;
4. Requiring internal illuminated or externally lit commercial signs to be fully cut off or shielded or lit from the top down;
5. Requiring all building lighting for security or aesthetics to be cut off or shielded and targeted;
6. Prohibiting wall pack lights.
7. Requiring all outdoor lighting fixtures, including display fixtures, to be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be minimized;
8. Limiting wattage;
9. Encouraging motion detectors to limit use;
10. Using non-reflective material for roofs or siding;
11. Limiting excessive windows;
12. These Regulations shall not apply to solar or other energy generating structures.

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 increased burden on municipal facilities.

Section 840: FREEDOM TO FARM

The Cornwall Town Plan and these Regulations specifically support farming and agricultural activity. Agricultural activities are exempt from these Regulations. Additionally, agricultural activities conducted on farmland consistent with good agricultural practices are presumed to be reasonable and are presumed not to constitute a nuisance under these Regulations. The burden shall be on the complainer to demonstrate that the activity has a substantial adverse effect on the public.

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, Sections 4410, 4411 and 4424, there are hereby established zoning regulations for areas of special flood hazard in the Town of Cornwall.

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 purposes because of flood hazard.

Section 903: LANDS TO WHICH THESE REGULATIONS APPLY

These Regulations shall apply to all lands in the Town of Cornwall identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated 9/27/85, and any revisions thereto; a copy of these maps are located at the Town Clerk's office.

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 Floodway 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 Zoning Administrator 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 reasonably utilizing 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 Board of Adjustment within fifteen days of the decision or action.

Section 906: PERMITTED USES

Upon issuance of a Permit by the Zoning Administrator, 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-carrying capacity of the regulatory floodway or channel or increase offsite 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, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.
3. Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

Section 907: CONDITIONAL USES IN FLOOD HAZARD AREAS

All new construction, substantial improvements, and development uses prescribed by the Town of Cornwall 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 Board of Adjustment 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/modular/prefabricated homes, within all lands to which these Regulations apply.

All Zoning Permit applications shall be submitted to the Zoning Administrator on forms furnished by the Zoning Administrator. The Zoning Administrator 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 Zoning Administrator shall refer all applicants to the Secretary of the Board of Adjustment.

Section 909: RECORDS

The Zoning Administrator 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 to mean sea level, to which such structures have been floodproofed.

Section 910: CONDITIONAL USE REVIEW APPLICATION

The applicant shall submit to the Zoning Administrator, by filing an application in the Town Clerk's office, at least 25 days prior to the regular meeting of the Board of Adjustment, six (6) 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 Board of Adjustment 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 Board of Adjustment 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 floodproofing is proposed in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement will be floodproofed;
 - d. certification from a registered Professional Engineer or Architect that the designed and proposed method of construction of buildings to be floodproofed are in accordance with accepted standards of practice for meeting the floodproofing criteria of Section 914(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 Board of Adjustment shall require such of the following information as it deems necessary for determining the suitability of the particular site for the proposed use:
 - a. Six plans, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill, or storage of materials; the location and elevations of streets, water supplies, and sanitary facilities; and the relation of the above to the location of the channel, flood way, 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, floodproofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of materials, water supply, and sanitary facilities.
3. In unnumbered A zones, the Board of Adjustment shall obtain, review, and reasonably utilize any base flood elevation and flood way data available from a Federal, State, or other source as criteria for approval of all land development under Section 912.
4. The Board of Adjustment shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of an alteration or relocation of a watercourse and shall submit copies of such notifications to the FEMA Administrator.
5. The Board of Adjustment 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. § 4424(d).
6. In reviewing each application, the Board of Adjustment shall consider the evaluation of the Vermont Department of Water Resources and shall determine that the proposed use will conform to the development standards of Section 914 of these Regulations.
7. In accordance with 24 V.S.A. § 4424(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 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 Board of Adjustment shall give public notice of hearing as specified in Section 340(1) (a) of these Regulations. The Board of Adjustment 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 BY THE BOARD OF ADJUSTMENT

In reviewing each application, the Board of Adjustment shall consider:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments;
2. 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 of the facility on a waterfront location;
7. The availability of alternative locations for the proposed use not subject to flooding;
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 flood waters 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 Board of Adjustment shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in Section 340(3) of these Regulations.

Section 914: CONDITIONS ATTACHED TO APPROVAL

1. As a condition of approval, the Board of Adjustment 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 Cornwall has been granted an exception by the Administrator for the allowance of basements floodproofed below the base flood level;
 - b. All new construction or substantial improvement of non-residential structures have the lowest floor, including basement, elevated to or above the base level elevation, or be floodproofed 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 floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;
 - d. Structures shall be (1) designed (or modified) and adequately anchored to prevent flotation,

- collapse, or lateral movement of the structure during the occurrence of the base flood, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damage, and (4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. Development within the flood way is prohibited unless a registered Professional Engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood;
 - f. On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding;
 - g. New and replacement mobile modular/prefabricated homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation,
 - h. All necessary permits be obtained from those governmental agencies from which approval is required by Federal or State law;
 - i. All land development be reasonably safe from flooding and that:
 - 1) 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
 - 2) Adequate drainage be provided within subdivisions to reduce exposure to flood hazards.
2. Upon consideration of those factors in Section 912, and the purposes of these Regulations, the Board of Adjustment 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 Regulations.

Section 915: ISSUANCE AND TRANSMISSION OF PERMITS

Upon granting a Permit, the Board of Adjustment 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 Zoning Administrator, 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 24 V.S.A. § 4465 has passed, or in the event that a notice of appeal is properly filed, no such Permit shall 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. § 4465(b), may appeal a decision of the Board of Adjustment to the Environmental Court in accordance with the provisions of 24 V.S.A. § 4471 and Section 399 of these Regulations.

Section 918: VARIANCES

1. Variances shall be granted by the Board of Adjustment only:
 - a. in accordance with the provisions of 24 V.S.A. § 4469;
 - b. upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory flood way, 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 Board of Adjustment 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 Board of Adjustment shall:
 - a. maintain a record of all variance actions, including justification for their issuance, and
 - b. report such variances issued to the Administrator upon request.

Section 919: FEES

The Board of Selectmen may establish additional fees as may be necessary for the filing of notices and the processing of hearings and action thereon under this Article of these Regulations. All such fees shall be paid to the Board of Adjustment upon application for a conditional use permit under this Article of these Regulations.

Section 920: WARNING OF DISCLAIMER OF LIABILITY

These Regulations do not imply that land outside the areas of special flood hazard of 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 Cornwall or any Town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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 Zoning Administrator 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.

ARTICLE X: DEFINITIONS

Section 1000: 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 Board of Adjustment.

ACT: Chapter 117 of Title 24 of the Vermont Statutes Annotated

ADMINISTRATOR: The Federal Emergency Management Administrator

AGRICULTURAL PRACTICES: These Regulations shall not regulate accepted agricultural practices, as those practices are defined by the Secretary of the Agency of Agriculture Food and Markets.

ACCESS PERMIT: See Section 620.

ACCESSORY APARTMENT: An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied one-family dwelling, that is clearly subordinate to a one-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- The property has sufficient wastewater capacity.
- The unit does not exceed the greater of 30 percent of the total habitable floor area of the one-family dwelling or 1,000 sq. ft.
- Applicable setback and coverage requirements specified in the bylaws are met. 24 V.S.A. § 4412(1)(E).

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

AGRICULTURAL USE: Land or structure used for raising livestock; growing agricultural or forest products; storing equipment; temporary housing for seasonal labor, not to exceed four months; or, as an accessory use, selling agricultural products of which more than 51% are raised on the property.

ALTERATION: Structural change, rearrangement, change of location, or addition to a building.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance 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 Zones B and C.

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

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BED AND BREAKFAST: Building wherein up to or more than 5 bedrooms are let for shelter for profit on a temporary basis.

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 not included as floor area of a building 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 at the front 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 waters 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.

BY RIGHT USE: A use which is permitted by obtaining a permit from the Zoning Administrator.

CAMPER: Any motorized or unmotorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes a camper body mounted on a truck, and excludes mobile homes.

CAMPGROUND: Any tract or parcel of land occupied, for no more than a four-month continuous period of time, by four or more campers, tents, or tent sites for vacation or recreational purposes.

CHURCH OR PLACE 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.

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

COMMUNITY FACILITY: Include all facilities listed as special public uses and exempt from certain portions of these Regulations pursuant 24 V.S.A. § 4413 implemented in Section 411 of these Regulations. As such, they include: State or community owned and operated facilities, schools, churches and other places of worship, hospitals and solid and hazardous waste management facilities,

CONDITIONAL USE: Use which may be permitted only by approval of the Board of Adjustment 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(3) of the Act.

DAYCARE: See Family Childcare Home Facility.

DEVELOPMENT: See Land Development.

DRAWINGS: A relatively informal depiction of information in a visual format, where unless specifically required, scale is not represented to be accurate.

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 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. Multiple-family dwelling structures with less than or equal to four units per structure are generally considered permitted uses in districts allowing multiple-family dwellings. Multiple-family dwellings with greater than four units per structure are generally considered conditional uses in districts allowing multiple-family dwellings. Existing Structures, as defined herein, (generally consisting of either large dwellings or agricultural structures that are converted to multiple-family dwellings, without changing the footprint of the existing structure) are generally considered permitted uses within districts that allow multiple-family dwellings.

EXISTING STRUCTURE: An existing structure shall be a structure substantially intact as of January 1, 2007. Abandoned existing agricultural structures are encouraged to be reused in agriculture or other operations associated with a Home Based Business.

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

FAMILY CHILDCARE HOME OR FACILITY (“Daycare”): A “family child care home or facility” as used in these Regulations means a home or facility where the owner or operator is to be licensed or registered by the State for childcare. A family childcare home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but requires site plan approval based on local zoning requirements. A family childcare facility serving more than six full-time and four part-time children shall be reviewed as a conditional use in the districts in which it is allowed as listed in Article II.

FARM STRUCTURES: Farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo.

FARMING: Farming is defined in 10 V.S.A. § 6001(22).

FEMA: Federal Emergency Management Agency

FENCE: Structure or vegetation used primarily for enclosure or screening.

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.

FINAL SUBDIVISION PLAT: The final survey plat rendered by a licensed surveyor and meeting all the requirements of 27 V.S.A. § 1403 for recording. Applicant’s plan of subdivision presented to the Planning Commission in this form, if approved, may be filed for record with the Town Clerk.

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

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.

FLOODPROOFED OR FLOODPROOFING: 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.

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: 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 mean water line).

GROUP RESIDENTIAL CARE HOME ("Group Home"): Any residential facility operating under a license or registration granted or recognized by a State agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. Group homes shall be considered permitted uses in all districts on the same basis as single family homes, except that no such group home shall be permitted if it locates within 1,000 feet of another existing or permitted group home.

HEAVY MANUFACTURING OR INDUSTRY: The processing, assembly, distribution, or packaging of natural or man-made products where such activity results in substantial off-site impacts or all such activity and storage of raw or finished products is not enclosed inside a building or screened from the abutting properties and public rights-of-way. Such uses include but are not limited to the following: paper, pulp, or lumber mills; truck terminals; concrete, asphalt, or brick plants; quarries; bulk fuel storage; slaughterhouses, rendering, hide tanning, or curing plants; manufacturing or processing of fertilizer, bone, rubber, ammonia, chlorine, petroleum products, gas, or explosives; and other similar uses.

HOME BASED BUSINESS: Home based businesses constitute businesses operated on the premises of the owner that allow for an expansion of the business beyond the strict confines of a home

occupation. Home based businesses may be allowed in designated zoning districts as conditional uses subject to review under Sections 350-358 hereof.

HOME OCCUPATION: The use of an accessory building or minor portion of a dwelling for an occupation that is customary in residential or rural areas and that does not unreasonably change the character thereof.

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 these Regulations, 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. An "interested person" who has participated in a proceeding before the appropriate municipal panel (the Zoning Board of Adjustment 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. Please see 24 V.S.A. § 4465 for a more complete definition.

JUNK YARD: Land or building used for the collection, storage or sale of waste paper, rags, scrap metal, or discarded material; or for collecting, wrecking, dismantling, storage, salvaging, or sale of machinery parts or unregistered vehicles.

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

LAND DEVELOPMENT: The subdivision of land, construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, 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.

LIGHT MANUFACTURING OR INDUSTRY: The processing, assembly, distribution, or packaging of natural or man-made products where such activity results in no substantial off-site impacts and all such activity and storage of raw or finished products is enclosed in a building, or is screened from the abutting properties and public rights-of-way. Such uses include but are not limited to the following: blacksmith's shop or foundry; cabinetry or woodworking shop; contractor's yards; diesel engine, truck, tractor, or heavy equipment storage, sales, or repair; electronics or high-tech manufacturing or assembly; machine shop; monument or stone works; sewing; printing; warehousing; wholesale trade; research and testing laboratory; and other similar uses.

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

LOT: For the purposes of land development, land and premises, 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. This 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: Lot coverage shall include all impervious surfaces constructed on a lot including buildings, accessory structures and driveways.

LOT DEPTH: Mean horizontal distance from the street line to the rear lot line measured at right angles to the building front 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 water line" shall replace "street line" in this definition.

LOT WIDTH: Width measured at right angles to the lot depth, at the proposed or existing building front line.

MAP: A document depicting information in a visual format. Maps are more formal than drawings and should depict information in an accurate scale, but are not guaranteed to the same precision as formally surveyed plats.

MIXED USE: Mixed uses of commercial and residential structures or developments are encouraged generally and especially in the village districts.

MOBILE/MODULAR/PREFABRICATED 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 or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, 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 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.

MOTOR VEHICLE SERVICE STATION: Any lot or area of land, including the building or buildings, which has commercial facilities for lubricating, washing, painting, repairing, or servicing motor vehicles. Motor Vehicle Service Stations do not include the retail sale of gasoline or fuels.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this ordinance.

NONCONFORMING LOT OR PARCEL: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel

improperly authorized as a result of error by the Zoning Administrator as per 24 V.S.A. § 4303(13).

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

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

PARKING SPACE: A space off the public road which is at least 20 feet long and nine feet wide with a sufficient ground surface to permit year round use.

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

PERSONAL LANDING AREA (PLA): Land maintained or improved for the purpose of allowing the owner's small private plane to land and take off and occasional use by others.

PERSONAL SERVICE: Barber, beauty parlor, 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 and layout, and more efficient use of land. See Sections 4417 of the Act for a more detailed description of PUDs.

PLANS: Plans are generally equivalent to maps. They visually depict accurately scaled information, generally providing more detail than overall maps. Plans may consist of many maps or sheets of visually depicted data.

PLAT: A formal survey document of record describing a plot of land.

PROFESSIONAL OFFICE: Professional office including architect, accountant, dentist, doctor or other members of the medical professions for the diagnosis and out-patient treatment of human ailments, lawyer, engineer, psychologist, realtor or other similar occupations.

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, swimming pool, or other similar places of indoor recreation.

RECREATION, OUTDOOR: Low-impact dispersed outdoor commercial recreation including: a golf course or practice facility, outdoor educational facility, hunting preserve, skating rink, park, beach, swimming pool, cross country skiing facility, playground, ball field, or other similar places of outdoor recreation.

RESIDENTIAL HEALTH CARE FACILITY: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, convalescent home, and hospice.

RESIDENTIAL USE: One-family dwelling, two-family dwelling or multiple-family dwelling.

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 produce, products, goods, equipment, or commodities; excluding any drive-in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant, or junk yard. Retail stores may serve food and beverage for on premises consumption so long as less than 30% of the usable floor space of the store is devoted to that use.

SANITARY LANDFILL: Land used for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

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 use.

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.

SITE PLAN: The plan for the development of a lot, including any proposed change in use. Site plans shall be drawn in accordance with the requirements of these Regulations.

SITE PLAN REVIEW: Site Plan Review by the Planning Commission shall be required for proposed commercial uses allowed "by right" within any given district, except home occupations, and which are not subject to subdivision or conditional use review. Unlike conditional use approval, site plan approval assumes that the use proposed is appropriate for the district in which it is located. As such, site plan review focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area. Site plan review cannot be used to deny a project in the same way that conditional use or subdivision criteria would. However, the appropriate municipal panel may

place conditions on any approval it gives to implement the objectives of the municipal plan as contemplated in the site plan review criteria contained in Section 394.

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, to the extent that they cannot be used jointly with a conventional energy system. Passive solar energy systems, those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

STABLE, PRIVATE: A facility where less than 4 horses are kept for private use. Private stables constitute accessory uses.

START OF CONSTRUCTION: See FEMA definition in Section 1909.1 of the current National Flood Insurance program rules and regulations.

STREET: Public way for vehicular traffic which affords the principal means of access to abutting properties.

STREET LINE: Right-of-way line of a street as dedicated by a deed or other proper instrument of record. Where the width of the street is not established, the street line shall be considered to be twenty-five feet from the center line of the street.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, except walls, fencing or other structures exempt pursuant to Section 301 of these 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 to a similar condition, 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 of Historic Places or a State Inventory of Historic Places.

SUGAR HOUSE: Any structure used for the production of maple products.

TELECOM ANTENNA: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

TELECOM TOWER: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

VARIANCE: A departure from the zoning bylaws which is granted or denied by the Board of Adjustment. The conditions specified in 24 V.S.A. § 4469 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 domestic animals. The boarding of animals shall be limited to a very limited number of animals and solely to those animals whose overnight care is medically necessary for their treatment

WAREHOUSE: A structure or part thereof for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage, and bulk sales outlet.

WIND ENERGY CONVERSION SYSTEM: A device that converts wind energy to mechanical or electrical energy.

YARD: Space on a lot not occupied by a building or structure.

YARD, REAR: Yard between the rear lot line and the building rear line.

YARD, SIDE: Yard between a side lot line and a building side line.

Town of Cornwall - Zoning Districts

