

**ZONING  
REGULATIONS  
Of 1972**  
*For The Town Of*  
**Cornwall, Vermont**

*As Amended*

First Revision — JUNE 1974

## ARTICLE I: ENACTMENT, INTENT AND DEFINITIONS

In accordance with the Vermont Planning and Development Act hereinafter referred to as the "Act," 24 V.S.A., Chapter 91, Subchapter 6, Section 4401 and Section 4491 (c), there are hereby established Zoning Regulations for Cornwall, Vermont, which are set forth in the text and map that constitutes these regulations. These regulations shall be known and cited as the "Town of Cornwall Zoning Regulations."

### Section 110 ENACTMENT

#### Section 120 INTENT

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

#### Section 130 DEFINITIONS

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

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

**ACCESSORY 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 which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; dining and boarding stables; and as an accessory use the sale of agricultural products raised on the property.

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

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

**BOARDING HOUSE:** Building wherein more than four people are sheltered for profit.

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

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

ween exterior faces of walls.

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

**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.

**CAMP:** Land on which is located one or more cabins, trailers, shelters, houseboats or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes.

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

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

**CLUBHOUSE, MEMBERSHIP:** Includes, YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodation.

**COMMUNITY CENTER:** Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for profit.

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

**DORMITORY USE:** Includes fraternity, sorority, nurses' home, college dormitory.

**DUMP:** 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.

**DWELLING UNIT:** Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "dwelling group" shall not include a motel, hotel, boarding house, tourist home, or similar structure.

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

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

**DWELLING, MULTIPLE FAMILY:** Building used as living quarters by three or more families living independently of each other.

**FAMILY:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that no single housekeeping unit shall contain more than five members not related by blood or marriage.

**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.

**FLOOR AREA OR ROOM, HABITABLE:** Floor area of rooms in a dwelling unit used for bedrooms, living room, dining room and kitchen.

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

**HOME OCCUPATION:** Accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

**HOSPITAL:** Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis, treatment of human ailments.

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

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

**LOT:** Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, 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 street, or other means of access as many be determined by the Planning Commission to be adequate as a condition of the issuance of a building permit for a building on such land.

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

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

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

**LOT FRONTAGE:** Distance measured across the width of the lot at the street line. (Amended March 27, 1974)

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

**LOT WIDTH:** Width measured at right angles to its lot depth, at the

required building front line.

**MOBILE HOME:** Movable living unit with or without wheels, used for living quarters. A sectional prefabricated house shall not be considered a mobile home.

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

**MOTEL:** Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

**MOTOR VEHICLE SALES SHOWROOM:** Enclosed establishment for the display and sale of new and used motor vehicles, trailers, mobile homes and boats.

**NON-CONFORMING USE:** Use of land or structure which does not comply with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these Regulations.

**NON-COMPLYING STRUCTURE:** Structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to enactment of these Regulations.

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

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

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

**PERSONAL SERVICES:** Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

**PROFESSIONAL RESIDENCE-OFFICE:** Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the dwelling use for living purposes and does not change the residential character thereof, and where not more than one person outside the family is employed.

**PUBLIC ASSEMBLY USE:** Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

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

**RECREATION, COMMERCIAL OUTDOOR:** Includes golf driving range, golf pitch and putt course, par three golf course, outdoor amusement park, hunting preserve.

**RECREATION, INDOOR:** Includes indoor bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and similar places of indoor commercial recreation.

**RECREATION, PRIVATE OUTDOOR:** Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility.

**RECREATION, PUBLIC OUTDOOR:** Includes publicly owned and operated playground, playfield, park, open space, swimming pool.

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

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

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

**SANITARY LANDFILL:** An area in which refuse is accumulated and covered with soil as approved by the Vermont Department of Health.

**SCHOOL:** Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

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

**SIGNS:** 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.

**SIGN, ADVERTISING OR BILLBOARD:** Sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same lot.

**SIGN, BUSINESS:** Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate signs.

**STABLE, PRIVATE:** An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

**STABLE, PUBLIC:** A building in which any horses are kept for remuneration, hire or sale.

**STOR:** Part of a building which is between one floor level and the next higher floor, level, or if there is no floor above it then the ceiling above it.

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

**STREET FRONTAGE:** Lot line which abut a public street.

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

**STREET LINE:** Right of way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be thirty 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 a wall or fence on an operating farm.

**TRAILER:** Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

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

**WAREHOUSE:** Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

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

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

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

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

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

### Section 210: ESTABLISHMENT OF ZONING DISTRICTS

Cornwall is hereby divided into the following Zoning Districts as shown on the Town Zoning Map:

- "LDR" Low Density Residential District
- "MDR" Medium Density Residential District
- "NC" Neighborhood Commercial District

**"CON" Conservation District**  
**"PC" Public Conservation District**  
**Section 220 ZONING MAP**

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

**Section 220A AMENDMENTS**

1. A change in the boundaries of the Town Zoning Map as follows: "By extending the Neighborhood Commercial District on the west side of Vermont Route 30 northerly to the north line of the Thad Bronson property, with the depth of said District to remain unchanged, and by reducing the area of the Neighborhood Commercial District on the eastside of Vermont Route 30 in East Cornwell by making the southerly boundary of said District parallel to and 750 feet northerly from the northerly edge of Town Road No. 19 (Peet Road, so called) and by making the appropriate changes in the boundaries of the Zoning Map." (Amended March 6, 1973)

2. The following area is rezoned from Medium Density Residential (MDR) to Neighborhood Commercial (NC): "A parcel located at the southeasterly corner of the intersection of Route 74 and Town Road 22. Commencing at a point marked by the intersection of the center line of said highway; thence easterly, following the center line of Route 74, 440 feet, to a point; thence southerly, parallel with the center line of Town Road 22, 300 feet, to a point; thence westerly, at right angles, approximately 440 feet, to the center line of Town Road 22; thence northerly, in the center line of Town Road 22, to the point of beginning." (Amended March 27, 1974)

**Section 230 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

If uncertainty exists with respect to boundary of any Zoning District on the Zoning Map, the Planning Commission shall determine the location of such boundary.

**Section 240 APPLICATION OF REGULATIONS**

The application of these Regulations is subject to Sections 4405 and 4409 of the Act.

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

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

**Section 241 CONSTRUCTION APPROVED PRIOR TO ADOPTION OR AMENDMENT TO REGULATIONS**

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

**Section 250 NON-CONFORMING USES**

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.

2. Shall not be changed to another non-conforming use without approval by the Planning Commission, and then only to a use which, in the opinion of the Commission is of the same or of a more restricted nature.

3. Shall not be re-established if such use has been discontinued for a period of one year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

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

**Section 251 NON-COMPLYING BUILDINGS**

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

**ARTICLE III: ADMINISTRATION AND ENFORCEMENT**

**Section 310 ADMINISTRATIVE OFFICER**

The Administrative Officer is hereby appointed to administer the Zoning Regulations, as provided for in Section 4442 of the Act. Said Officer shall literally enforce the provisions of these Regulations, and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

**Section 320 ZONING PERMIT AND CERTIFICATE OF OCCUPANCY**

No land or building development may commence, nor shall any land or structure be used, extended in any way or be occupied, unless a Zoning Permit and, if required, Certificate of

Occupancy, shall have been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act. The fee for such zoning permit shall be as established by the Board of Selectmen with the intention of covering the operating costs of administering the ordinance.

The Administrative Officer shall not issue a Zoning Permit unless an application, fee, plot plan and any other approvals, required by this regulation have been properly submitted. The Administrative Officer shall within 30 days of submission of application, data and approvals, either issue or deny a Zoning Permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the Zoning Permit is approved, all activities authorized by its issuance 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.

No Certificate of Occupancy may be issued by the Administrative Officer unless the premises comply with requirements of the Zoning Permit and these regulations. (Amended March 27, 1974.)

**Section 330 PENALTIES**

Violations of these Regulations shall be regulated as prescribed in Sections 4444 and 4445 of the Act.

**Section 340 BOARD OF ADJUSTMENT**

There is hereby established a Board of Adjustment whose members shall not consist of the members of the Planning Commission. Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in Sub-Chapter 8 of the Act.

**Section 341 CONDITIONAL USES**

No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires Conditional Use approval in this Regulation until the Board of Adjustment grants such approval. In considering its action, the Board of Adjustment shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in Section 4407 (2) of the Act.

**Section 350 REFERRAL TO STATE AGENCY**

In accordance with Section 4409 (c) of the Act, no Zoning Permit for the development of land in certain locations shall be issued by the Administrative Officer without first submitting a report to the appropriate State Agency.

**ARTICLE IV: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE**

**Section 410 AMENDMENTS**

These Regulations may be amended according to the requirements and procedures established in Section 4403 and 4404 of the Act.

**Section 420. INTERPRETATION**

In their interpretation and ap-

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

Except for Section 4409 (b) of the Act and where, in these Regulations, specifically provided to the contrary, it is not intended by these Regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation permit, easement, or agreement, the provisions of these Regulations shall control.

#### Section 430 EFFECTIVE DATE

This Regulation shall take effect in accordance with the voting and other procedures contained in Section 4404 (c) of the Act.

#### Section 440 SEPARABILITY

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

### 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 500 MISCELLANEOUS REQUIREMENTS OF ACT

In accordance with Sections 4406 and 4409 of the Act, the following shall apply:

#### Section 501 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 1/8 acre in area with a minimum width or depth dimension of 40' (Amended March 27, 1974).

#### Section 502 REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS OR PUBLIC WATERS

No land development may be permitted on lots which do not have frontage either on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least twenty feet in width.

#### Section 503 PROTECTION OF HOME OCCUPATIONS

No regulations 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 areas and which does not change the character thereof.

#### Section 504 SPECIAL PUBLIC USE EXCEPTIONS

The following uses may only be regulated with respect to size, height, bulk, yards, setbacks, density of buildings, off-street parking and

loading facilities, and landscaping or screening requirements:

1. Public utility power generating plants and transmission lines.

2. State owned and operated institutions and facilities.

3. Public and private schools and other educational institutions certified by the Vermont Department of Education.

4. Churches, convents, and parish houses.

#### Section 505 CALCULATION OF REQUIRED LOT AREA

In calculating the required lot area, lot width, depth and yards, existing or proposed rights-of-way shown on the Zoning Map shall not be included.

#### Section 510 OTHER MISCELLANEOUS REQUIREMENTS

#### Section 511 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 less restricted part of such lot shall extend not more than thirty feet into the more restricted part.

#### Section 512 DWELLING ON LOTS

There shall be only one residential building on a lot unless otherwise approved.

#### Section 513 BUILDING COVERAGE, OPEN PORCHES, CARPORTS AND GARAGES

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

#### Section 514 REDUCTION OF LOT AREA

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

#### Section 515 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 516 YARDS ON CORNER LOTS

Any yard adjoining a street shall be considered a front yard for the purposes of these Regulations. Only one front yard is required to comply with the minimum depth requirement, all other front yards shall either equal the minimum, or be at least twenty-five feet in depth, whichever is less.

#### Section 517 PROJECTION IN YARDS

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

#### Section 518 VARIATION OF YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS

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

#### Section 519 WATER FRONT LOTS IN RESIDENTIAL DISTRICTS

Water front lots may have a one story boat house for the sole purpose of boat storage, and one end may extend into the water ten feet beyond the high water mark. Width of the boat house is not to exceed twelve feet; height not to exceed ten feet above the high water mark.

#### Section 521 LOCATION OF DRIVEWAYS

All driveways are to be located at least one hundred feet from a street line intersection for all uses except one- and two-family residential uses.

All driveways shall have installed tubing or culverts for the purpose of assisting the flow of surface water. A permit to construct such driveways shall first be obtained from the Administrative Officer after an on-site inspection of the area, and, if needed, the proposed location of tubing and-or culverts.

#### Section 522 ACCESS AND SAFETY

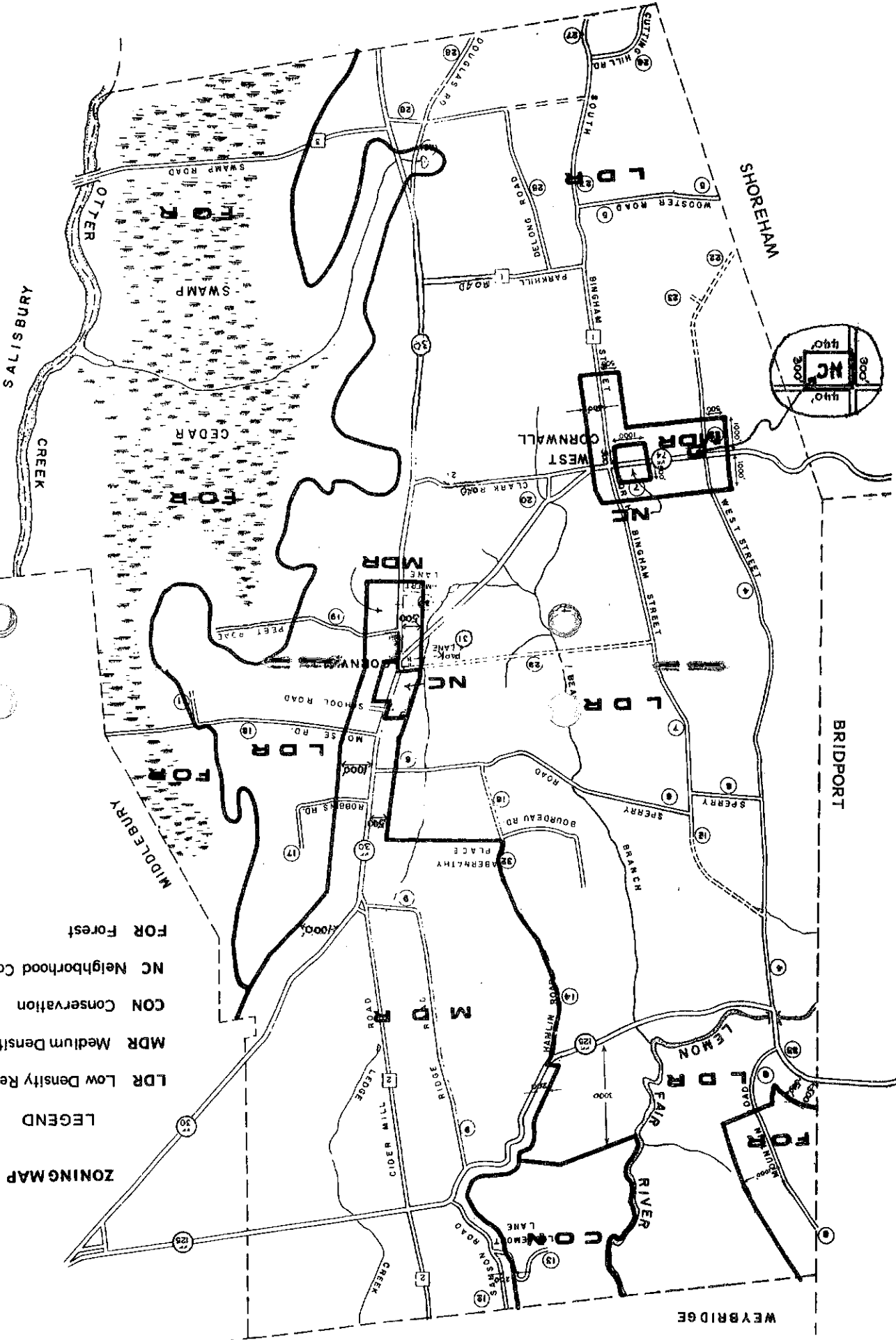
The Planning Commission may require changes or additions in relation to yards, driveway entrances and exits, signs, and landscaping and the location and height of buildings and enclosures to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

#### Section 523 TEMPORARY USES AND STRUCTURES

Temporary permits may be issued by the Administrative Officer 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 524 OBSTRUCTION OF VISION

In all districts on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.



**ZONING MAP**

**LEGEND**

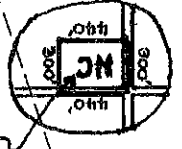
LDR Low Density Residential

MDR Medium Density Res.

CON Conservation

NC Neighborhood Commercial

FOR Forest



WEYBRIDGE

BRIDPORT

SHOREHAM

#### Section 525 HEIGHT EXCEPTIONS

Except within 2,000 feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers.

#### Section 526 HEIGHT EXCEPTIONS BY SPECIAL PERMIT

No radio or television tower, water or cooling tower, oil or gas holder, elevator bulkhead, chimney, or other structures in excess of thirty-five feet may be erected unless approved by the Planning Commission and after a public hearing.

#### Section 527 RADIO TOWERS AND HEIGHT RESTRICTIONS AROUND AIRPORTS

No radio towers for transmitting purposes shall be allowed in any district within 2,000 feet of an aircraft landing strip. Under no circumstances shall towers or other obstruction be built in excess of forty feet in height within 2,000 feet, or in excess of eighty feet in height within 3,000 feet of an aircraft land strip.

#### Section 528 PRIVATE SWIMMING POOL

A private swimming pool shall be installed and maintained in a manner sufficient to meet the standards established by the provisions of the State Health Code.

#### Section 529 PUBLIC UTILITY SUBSTATIONS

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

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

#### Section 530 SERVICE STATIONS

Service stations may be located in a NC district but not otherwise and shall comply with the following:

1. A gasoline station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library or religious institutions.
2. Lot size shall be at least 20,000 square feet.
3. Lot frontage shall be at least 150 feet.
4. Lot depth shall be at least 125 feet.
5. Pumps, lubricating and other service devices shall be located at least fifty feet from the front line and side and rear lot lines.
6. All fuel and oil shall be stored at least thirty-five feet from any property line.
7. No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
8. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.

9. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

10. Storage of vehicles or equipment for more than 30 days is not permitted except under provisions of Sec. 570.

#### Section 531 ROADSIDE AGRICULTURE STANDS

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

1. They meet provisions of Sections 521-524.
2. No stand shall be nearer the front or side lot lines than twenty feet.
3. Off-street parking space shall be provided for at least two motor vehicles.

#### Section 532 MULTIPLE-FAMILY DWELLING UNITS BELOW GRADE

The finished floor level of all habitable rooms in every multiple-family dwelling unit shall be not more than one foot below finished grade level measured at a point ten feet outside and at right angles to each window lighting each habitable room.

#### Section 540 WATER SUPPLY AND SEWAGE DISPOSAL

All structures and facilities designed for human use shall provide water supply and sewage disposal in accordance with provisions of the State Department of Health.

#### Section 545 OFF-STREET PARKING SPACE REQUIREMENTS

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

##### 1. Residential Uses:

One-family and two-family dwelling units; one parking space for every unit. Multiple-family dwelling units; four parking spaces for every three units. Professional residence-office; one parking space, plus one additional parking space for every three hundred square feet of office space.

##### 2. Non-residential Uses:

Parking area must be adequate for the particular use.

#### Section 550 SIGNS

Signs in all districts except NC which advertise accessory and incidental goods or services available on the premises shall be limited to a maximum of 3 feet in width and 1 foot in height.

Signs in NC districts shall comply with Chapter 14 of Title 10 and require a permit.

#### Section 561 PERFORMANCE STANDARDS

In accordance with Section 4407 (7) of the Act in all districts the following performance standards together with all applicable State standards must be met. The Planning Commission

shall decide whether proposed or existing uses meet the standards.

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

1. Emit noise in excess of 70 decibels.
2. Emit any smoke, in excess of Ringlemann Chart No. 2.
3. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
4. Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle.
5. Cause a fire, explosion or safety hazard.
6. Cause harmful wastes to be discharged into the sewer system, streams, or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.

#### Section 563 STORAGE OF FLAMMABLE LIQUIDS

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

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

"Storage of explosives shall be prohibited hereby, except upon the receipt of a Permit by the Administrative Officer of the Town of Cornwall."

#### Section 565 EXTRACTION OF SOIL, SAND OR GRAVEL

In accordance with Section 4407 (8) of the Act, in any district the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Commission and after a public hearing. In any district, the following provisions shall apply:

1. Before approval of any new or extension to a sand or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake recreation area or other usable open space.



2. The removal of all material shall be conducted 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 pit.

3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision, and to the satisfaction of the Administrative Officer.

4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Administrative Officer.

5. No excavation, blasting or stock piling 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 fifty percent shall be adequately fenced as determined by the Administrative Officer.

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.

10. The Planning Commission may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

#### Section 566 LANDFILL

Loam, rock, stone, gravel, sand, cinders, and soil may be used for landfill to grades approved by the Administrative Officer, after approval by the Planning Commission.

Section 567 SANITARY LANDFILL  
In any district, dumping of refuse and waste material is prohibited except in a sanitary landfill approved by the Planning Commission and after issuance of a Special Permit by the Board of Adjustment.

#### Section 570 SCREENED SERVICE AREA REQUIREMENTS

In any district all areas designated, used or intended to be used as service areas for any building or land use, other than one-family dwelling units, shall be screened from view with either a wall, a solid fence or a fence

and evergreens to a height of at least five feet above grade level, on all sides where the adjacent land is in a residential district or residential use.

#### Section 571 GRADING

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

#### Section 580 CAMPING TRAILERS

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, or motor home on any public or private property except in accordance with these regulations as follows:

1. In an approved trailer camp or mobile home park.

2. In an approved camping trailer sales lot.

3. The owner of a trailer may park it on his own property, in a rear or side yard, providing that the trailer is parked behind the front face of the principal building and not closer than six feet to any lot line.

4. A trailer may be used as living quarters for no longer than 30 days in any one year.

5. A property owner may not rent the use of a parked trailer or trailer lot without a trailer camp permit.

#### Section 581 TRAILER CAMP AND MOBILE HOME PARK PERMITS

1. No person shall construct or operate a trailer camp or mobile home park without first obtaining site plan approval from the Planning Commission and a permit from the Administrative Officer. Before such a permit may be issued, there must be a favorable recommendation by the Planning Commission.

2. Application for site approval shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing property lines and area of the park, a contour map, a layout of roads, walkways, trailer lots, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities.

3. The Planning Commission may accept the proposed plans, recommend changes, or reject the plans.

#### Section 582 TRAILER CAMP STANDARDS

The following regulations shall apply to all trailer camps:

1. The camp shall have area of not less than three acres.

2. The camp shall provide for individual trailers, access driveways, and parking.

3. Access driveways within the camp must be at least thirty feet wide and have an all-weather surface at least twenty feet wide.

4. The camp shall have provision for public toilets and sewage disposal.

5. No trailer lot or service

building shall be closer to a street line than fifty feet, nor closer to a property line than fifty feet.

6. A strip of land at least twenty-five feet wide shall be maintained as a landscaped area abutting all trailer camp property lines.

7. No trailer shall be parked closer than ten feet to its lot line.  
Section 583 MOBILE HOME PARK  
Mobile home parks are subject to the same regulations as trailer camps and also to the following:

1. Each lot shall be at least 4,500 square feet in area, and at least fifty feet wide. It shall have a prepared hard surface at least twenty feet wide.

2. Each lot shall provide for electrical distribution, water supply, and sewage disposal.

Section 590 FLOOD PLAIN AREAS  
In accordance with Section 4407 (9) of the Act within all areas designated by the State Department of Water Resources as subject to periodic flooding, the following Regulations shall apply:

1. No structure, building, or water or sewer facilities shall be erected or located in or within 100 feet of a designated flood plain until a development plan has been approved by the Planning Commission.

2. The owner shall submit to the Planning Commission a development plan, which shall show:

a. Existing and proposed contours at one foot intervals.  
b. Proposed elevations of the lowest floor level of all buildings, structures and facilities.

3. No zoning permit shall be issued for any building or structure located in or within 100 feet of a designated flood plain until:

a. The State Department of Health has given written approval of the water and sewage facilities.

b. The Planning Commission has approved the site development plan.

Section 591 PROHIBITED USES  
Notwithstanding the Zoning District Regulations, the following uses shall be prohibited in a designated flood plain area:

1. All residential, commercial, industrial and other buildings intended for human occupancy or employment, excluding recreational, agricultural and temporary uses.

2. All dumps, junk yards, excavation sites, and storage of flammable liquids.

3. Sewage and water facilities, except those approved by the State Department of Health.

#### Section 592 FLOOD PLAIN STANDARDS

Notwithstanding the Zoning District Regulations, the following flood plain standards shall apply to all buildings and structures in or



within 100 feet of a designated flood plain:

1. The main floor elevation shall be at least three feet above the flood plain water elevation established by the Department of Water Resources.

2. No structure shall be within five feet of the outer limits of the flood encroachment lines of any water course.

3. No structure shall cover more than ten percent of the lot area.

#### Section 593 WATERCOURSES

There shall be no interference with drainage in natural watercourses without a permit.

### ARTICLE VI: ZONING DISTRICT REGULATIONS

#### Section 600 DISTRICT OBJECTIVES AND GUIDELINES

The Cornwall Town Development Plan sets forth the goals (Sec. 111) as conserving Cedar Swamp, preserving agricultural land use, and providing for residential expansion. As a general principle, land most suitable for agriculture should be reserved for such use whereas less suitable land may be used for other purposes.

#### Section 601 LOW DENSITY RESIDENTIAL "LDR"

In Low Density Residential "LDR" Districts, the following uses are permitted:

1. Agricultural and forest uses.

2. One-family dwellings including mobile homes with a minimum width of 12 feet.

3. Two-family dwellings where directly related to farming operation.

4. Public outdoor recreation.

5. Professional residence—office.

6. Home occupation.

The following uses are permitted after issuance of a Conditional Use Permit:

1. Quarry
2. Wildlife Refuge
3. Cemetery.

The general standards designated in Section 4407 (2) of the Act shall act as the general standards and shall be required for any proposed conditional use under this Section. The permitted use and uses to be permitted after issuance of a Conditional Use Permit, shall be subject to the specific standards set forth in Section 601A.

#### Section 601A AREA, YARD, COVERAGE, HEIGHT AND GENERAL REGULATIONS

Lot Area Minimum: 2.5 acres  
Lot Frontage Minimum: 250 feet  
Front Yard Minimum: 50 feet  
Rear Yard Minimum: 50 feet  
Side Yard Minimum: 50 ft. ea. side.

#### Section 602 MEDIUM DENSITY RESIDENTIAL "MDR"

In Medium Density Residential "MDR" Districts the following uses are permitted:

1. Agricultural and forest uses.

2. One-family dwellings including mobile homes with a minimum width of 12 feet.

Two-family dwellings and multi-family dwellings.

4. Professional residence—office

5. School

6. Religious Institution

Public outdoor recreation

8. Enclosed accessory use

9. Home occupation

All permitted uses shall be subject to Section 602A and 602B.

#### Section 602A AREA, YARD, COVERAGE, PRIVATE WATER AND SEWER

	Residential Uses	Non-residential Uses
Lot Area Minimum:	1 acre per family	same
Lot Frontage Minimum:	150 feet	same
Lot Depth Minimum:	200 feet	same
Front Yard Minimum:	50 feet	same
Rear Yard Minimum:	30 feet	same
Side Yard Minimum:	30 ft. ea. side	same

#### Section 602B AREA, YARD, COVERAGE, PUBLIC WATER AND SEWER

	Residential uses	Non-residential uses
Lot Area minimum:	20,000 sq. ft.	same
Lot frontage minimum:	per family	same
Lot depth minimum:	100 feet	same
Front yard minimum:	150 feet	same
Rear yard minimum:	50 feet	same
Side yard minimum:	30 feet	same
	15 ft. ea. side	same

#### Section 603 NEIGHBORHOOD COMMERCIAL "NC"

In Neighborhood Commercial "NC" districts, the following uses are permitted:

1. Retail stores, service stations, automotive and farm machinery repair shops.

2. Schools

3. Religious Institutions

4. Parking

5. Enclosed accessory use

The following uses are permitted after issuance of a Conditional Use Permit by the Board of Adjustment:  
Other neighborhood business

related uses upon the finding by the Planning Commission that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the District to the adjoining land uses.

The general standards designated in Section 4407 (2) of the Act shall act as the general standards and shall be required for any proposed conditional use under this Section. The permitted use and uses to be permitted after issuance of a Conditional Use Permit, shall be subject to the specific standards set forth in Section 603A.

#### Section 603A AREA, YARD, COVERAGE, HEIGHT & GENERAL REGULATIONS

District Area Minimum: one acre  
District Width Minimum: 200 feet  
District Depth Minimum: 200 feet  
District Front Yard Minimum: 50 feet  
District Rear Yard Minimum: 20 feet, or 50 feet abutting Residential districts

District Side Yard Minimum: 20 feet, or 50 feet abutting Residential districts

#### General Regulations:

As set forth in Article V hereof. Site plan approval is required. Notwithstanding Section 545 on non-residential uses, all non-residential uses shall provide on-premise parking spaces to the number at least equal to one parking space for each one hundred fifty (150) square feet, or fraction thereof of floor area devoted to such use.

#### Section 604 CONSERVATION DISTRICT ("CON")

One-family dwellings shall be permitted upon a lot containing a minimum of five (5) acres and upon approval of the Division of Environmental Protection or Department of Health or other appropriate State Agency for on-site sewage

disposal and upon approval by the Town Health Officer for the on-site sewage disposal system to be installed and approval of the source for drinking water, etc. All other uses shall be prohibited in this District, except home occupation or accessory uses to the one-family residential dwelling.

**Section 605 FOREST DISTRICT ("FOR") (Public Conservation)**

This District should be strictly protected in the public interests and all efforts should be made to acquire it, by purchase or gift as soon as possible either by the State of Vermont or the Town of Cornwall, but until the lands in said District are owned publicly this area will be considered a Forest District (referred to in the Town Plan as a Public Conservation District.)

In the Forest District the following uses are permitted:

1. Commercial forestry and related uses.

The following uses are permitted after issuance of a Conditional Use Permit by the Board of Adjustment:

1. One-family dwelling or a camp on a 25 acre minimum lot
2. Agricultural uses
3. Wildlife refuge

The general standards designated in Section 4407 (2) of the Act shall act as the general standards and shall be required for any proposed conditional use under this Section. The permitted use and uses to be permitted after issuance of a Conditional Use Permit, shall be subject to the specific standards set forth in Section 605A.

**Section 605A, AREA, YARD, COVERAGE, HEIGHT & GENERAL REGULATIONS**

Lot area minimum:	25 acres
Lot depth minimum:	400 feet
Lot frontage minimum:	400 feet
Front Yard minimum:	400 feet
Rear Yard minimum:	200 feet
Side Yard minimum:	200 feet
General Regulations:	

As set forth in Article V hereof. Site plan approval is required. In Flood Plain Areas, the erection of permanent buildings or structures is prohibited.

**Section 606 HOME REQUIREMENTS**

All homes, including mobile homes, shall have a minimum of 500 square feet living space area, a minimum of 12 feet in width, and a frost-proof foundation.

**Section 607 RIVER CONSERVATION**

Whereas the Town Plan for the Town of Cornwall has designated the areas along the Lemon Fair River and Beaver Brook as Public Conservation and whereas said lands along said water ways are privately owned, the following Regulation shall apply to any development along said water ways:

No land development and no underground sewage disposal shall take place within one hundred feet (100') of the low water mark of the Lemon Fair River and Beaver Brook.