

TOWN OF CORNWALL ZONING REGULATIONS

ADOPTED MARCH 3, 1987

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ARTICLE I: ENACTMENT, INTENT, REPEAL OF FORMER ZONING BYLAWS, AND DEFINITIONS

Section 110: ENACTMENT

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, hereinafter referred to as the "Act," and in accordance with Sections 4401, 4403, and 4404 thereof, there are hereby established Zoning Regulations for the Town of Cornwall 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."

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 126: REPEAL OF FORMER ZONING BYLAWS

The Zoning Bylaws and Zoning Map of the Town of Cornwall enacted in 1972 and subsequently amended in 1973 and 1974 are hereby repealed as of the effective date of these bylaws.

Section 130: DEFINITIONS

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

Doubt as to the precise meaning of any word used in these regulations shall be clarified by the 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 or structure used for raising livestock; growing agricultural or forest products; storing agricultural equipment; temporary housing for seasonal labor, not to exceed four months; or, as an accessory use, selling agricultural products raised on the property.

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

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.

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.

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

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

COMMUNITY FACILITY: Any meeting hall, place of assembly, museum, art gallery, library, school, church, or other similar type of establishment which is not operated primarily for profit, excluding government facility.

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 4407(2) of the Act.

DRIVE-IN FACILITY: An establishment designed or operated to serve a patron while seated in a motor vehicle parked in an off-street parking space.

DWELLING UNIT: Building or part thereof used as living quarters for one family. The terms "dwelling," "one-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not include a tourist home or motor lodge.

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

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

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

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

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

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

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

FRONT YARD SETBACK: 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).

GASOLINE OR MOTOR VEHICLE SERVICE STATION: Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has commercial facilities for lubricating, washing, painting, repairing, or servicing motor vehicles.

GOVERNMENT FACILITY: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, without reference to the ownership of the building or the realty upon which it is situated.

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; contractor's yards; concrete, asphalt, or brick plants; quarries; bulk fuel storage; slaughter houses, rendering, hide tanning, or curing plants; diesel engine, truck, tractor, or heavy equipment storage, sales, or repair; manufacturing or processing of fertilizer, bone, rubber, ammonia, chlorine, petroleum products, gas, or explosives; and other similar uses.

HOME OCCUPATION: Accessory use conducted within a minor portion of a dwelling by the residents thereof, which is clearly secondary to the residential uses, is customary in residential areas, and does not change the character thereof.

JUNK YARD: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging, 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 division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; 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; electronics or high-tech manufacturing or assembly; machine shop; monument or stone works; sewing; printing; warehousing; wholesale trade; (or) research and testing laboratory; and other similar uses.

LOADING SPACE: Off-street space, which is at least twelve feet wide, forty feet long, and fourteen feet high, not including access driveway, and having direct access to a street, 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: That percentage of the lot area covered by the building area.

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.

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.

MOBILE 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.

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, two or more mobile homes.

MOTOR LODGE: A building or group of buildings used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals. Does not include tourist home.

MOTOR VEHICLE SALES FACILITY: A retail establishment for the display and sale of motor vehicles, including but not limited to

cars, trucks, vans, campers, boats, motorcycles, or snowmobiles. Includes an enclosed showroom and a parking lot.

NON-COMPLYING STRUCTURE: Structure not complying with the zoning regulations covering bulk, dimensions, height, area, yards, density, or off-street parking or loading requirements, where such structure complied with all applicable laws, ordinances, and regulations prior to enactment of these regulations as amended.

NON-CONFORMING USE: Use of land or structure which does not comply with all zoning regulations where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these regulations as amended.

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

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

PERSONAL SERVICE: Barber, beauty parlor, shoe repair, laundromat, dry cleaner, photographic studio, and other businesses providing similar personal services, except for medical services.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land to be developed as a single entity for a number of dwelling units, the plan for which does not conform to the zoning regulations established for the district in which it is proposed to be located. The permitted number of dwelling units shall not exceed the number which could be permitted if the land were subdivided into lots in conformance with the zoning regulations. Dwelling units may be clustered to take advantage of site locations best suited for development and to preserve open space values. See Section 4407(3) of the Act for a more complete description of PRDs.

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 4303(14) and 4407(12) of the Act for a more detailed description of PUDs.

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

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

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

RECREATION, INDOOR: Bowling alley, theater, pool hall, arcade, skating rink, gymnasium, swimming pool, or other similar places of indoor recreation.

RECREATION, OUTDOOR: Golf course, hunting preserve, outdoor amusement park, skating rink, park, beach, recreation stadium, swimming pool, skiing facility, playground, ballfield, 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.

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.

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, COMMERCIAL: A facility where horses are boarded or kept for hire and available to the general public.

STABLE, PRIVATE: A facility where horses are kept for private use.

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 a wall or fence on an operating farm.

TOURIST HOME: Building wherein more than four people are sheltered for profit on a temporary basis. Does not include motor lodge.

VARIANCE: A departure from the zoning bylaws which is granted or denied by the Board of Adjustment. The conditions specified in Section 4468 of the Act must exist in order for a variance to be granted.

VETERINARY CLINIC/ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals.

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.

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 "Zoning Map."

Conservation District	(CON)
Low Density Residential District	(LDR)
Medium Density Residential District	(MDR)
Neighborhood Commercial District	(NC)

Section 220: ZONING MAP
The location and boundaries of zoning districts are established as shown on the Zoning Map. The Zoning Map is hereby made a part of these regulations, and a part of all future amendments to these regulations.

Section 230: INTERPRETATION OF ZONING 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 240: APPLICATION OF REGULATIONS
The application of these regulations is subject to Sections 4405 and 4409 of the Act.

Except as hereinafter provided, no land development shall occur 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.

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

Section 310: ADMINISTRATIVE OFFICER

The Administrative Officer shall be appointed by the Planning Commission with approval of the legislative body 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

No land development may commence unless a Zoning Permit 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 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, plat 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 substantially 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.

Before a Zoning Permit is issued, the applicant must show that any proposed septic system conforms with Cornwall's Health Regulations.

Section 321: EXEMPTIONS

No zoning permit is required for the following:

1. Fences, hedges, or walls which do not interfere with corner visibility.
2. Carports, porches, terraces, decks, or steps which are not covered overhead, either temporarily or permanently, and which are at least 20 feet from all property lines.
3. Doghouses, sheds, treehouses, or similar structures having less than 64 square feet in floor area and less than 8 feet in height, and which are at least 5 feet from all property lines.
4. Any sign erected by the Town or State for directional information or traffic control purposes.
5. Accessory agricultural buildings less than 400 square feet in floor area, less than 12 feet high, and at least 75 feet from all property lines.

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 may 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 Subchapter 8 of the Act.

Section 341: CONDITIONAL USES

A zoning permit may be issued by the Administrative Officer for a use requiring conditional use approval only if the Board of Adjustment determines, after public notice and public hearing, that the proposed use conforms to the following general and specific standards, per Section 4407 (2) of the Act:

1. General Standards: The proposed use shall not adversely affect:
 - a) The capacity of existing or proposed community facilities;
 - b) the character of the area affected;
 - c) traffic on roads and highways in the vicinity;
 - d) bylaws then in effect; or
 - e) utilization of renewable energy resources.
2. Specific Standards: See ARTICLE V-X of these Bylaws.

3. The Board of Adjustment may attach such additional conditions as it deems reasonable and necessary to implement the purpose of the Act and these Bylaws.

Section 360: 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 application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except for Section 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 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 430: EFFECTIVE DATE

These regulations or amendments thereto shall take effect in accordance with the voting and other procedures contained in Section 4404 of the Act.

Section 440: SEVERABILITY

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

ARTICLE V: GENERAL REGULATIONS

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

Section 501: EXISTING SMALL LOTS

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

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

No and development may be permitted on lots that 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 20 feet in width.

Section 504: PROTECTION OF HOME OCCUPATIONS

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

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 508: 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, not-withstanding other yard requirements.

Section 509: ACCESSORY USES AND BUILDINGS

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

Section 510: 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 511: RESIDENTIAL BUILDINGS ON LOTS

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

Section 512: NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Any non-conforming use or non-complying structure may be continued indefinitely, but:

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

2. Shall not be re-established if such use has been discontinued for a period of at least 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. If a non-conforming use is not re-established within one year, the future use of the lot or structure shall be in conformance with the provisions of these regulations.

3. Shall not be restored or reconstructed for other than a conforming use after damage from any cause unless such non-conforming use is re-instated by the completion of construction within two years of such damage, and approval is obtained from

the Board of Adjustment; otherwise, the non-conforming use of such structure shall be deemed to have been discontinued, unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure.

4. Shall not be moved, extended, or enlarged unless the Board of Adjustment shall find that such movement, extension, or enlargement:

- (a) does not create a greater nuisance or detriment; and
- (b) is consistent with the objectives and intent of the Town Plan, and
- (c) is in conformity with the area, yard, coverage, height, and general regulations of the applicable district.

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

With regard to non-complying uses and non-complying structures, the Board of Adjustment may make findings, hold hearings, and attach conditions as deemed necessary.

Section 514: CONSTRUCTION APPROVED PRIOR TO ADOPTION OF OR AMENDMENT 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-complying or non-conforming by an amendment to these bylaws if the activities authorized by the zoning permit are completed while the permit is valid.

Section 515: ABANDONMENT OF STRUCTURES

Within one year after 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, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade and seeded to prevent erosion by the owner.

Section 516: TEMPORARY USES AND STRUCTURES

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year after approval by the Board of Adjustment 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 517: 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 518: SPECIAL PUBLIC USE EXCEPTIONS

Unless reasonable provision is made in these bylaws for the location of any of the following uses, the following uses may only be regulated with respect to size, height, bulk, yards, courts, 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 or community 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.

5. Public and private hospitals.

Section 520: 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 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.

Section 521: STORAGE OF FLAMMABLE LIQUIDS

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

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

Storage of explosives, where allowed, requires conditional use review and approval by the Board of Adjustment.

Section 522: GASOLINE OR MOTOR VEHICLE SERVICE STATIONS

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

1. A gasoline or 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 shall be at least two acres.
3. Lot frontage shall be at least 200 feet.
4. Lot depth shall be at least 200 feet.
5. Pumps, lubricating and other service devices shall be located at least fifty feet from the street 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. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
8. No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
9. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.
10. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

11. The storage of vehicles or equipment for more than 30 days is not permitted except in an area which is landscaped as required in Section 550.

Section 523: CAMPER

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 and no closer than six feet to any lot line. It shall not be used as living quarters for more than 30 days and shall not be hooked up to any water or sewage facilities.
- Invitees may also park campers in the same manner as required of any owner on his/her own property.
- Section 524: ROADSIDE AGRICULTURAL STANDS**
- Temporary roadside stands for the sale of agricultural products raised on the property may be erected any district provided that:
1. No stand shall be in place from January 15th to April 30th.
 2. No stand shall be closer than twenty feet to any lot line.
 3. Off-street parking space shall be provided for at least two motor vehicles.
 4. Access to or egress from any stand shall not create a traffic hazard.
 5. The requirements of Section 622 are met.

6. A Zoning Permit is issued by the Administrative Officer.

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

In accordance with Section 4407 (8) of the Act, the removal of soil, sand, gravel, or stone for sale, except when incidental to construction of a building on the same premises, is a conditional use. The following provisions shall apply:

1. Before approval of any new soil, sand, gravel, or stone operation, or extension thereof, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of 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 Administrative Officer.

4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water shall meet with the approval of the Administrative Officer.
5. No excavation, blasting, or stockpiling of materials shall be located within two hundred feet of any street or other property line.
6. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
7. All excavation slopes in excess of one to two 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 Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Section 527: SOLAR AND WIND ENERGY SYSTEMS

A solar energy system, whether as a part of a building or incidental to a building, is an accessory to the primary use of the lot. A wind energy conversion system is a conditional use, with the Board of Adjustment considering the following criteria in addition to the general standards specified in Section 4407(2) of the Act:

1. Climbing access to the tower shall be restricted;
2. For rotors 20 feet in diameter or less, a setback from all lot lines shall be 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet; and
3. For rotors larger than 20 feet in diameter, a setback from any lot line shall be 275 feet plus 6 feet for each foot of rotor diameter greater than 20 feet.

Section 528: PLANNED RESIDENTIAL DEVELOPMENT

In accordance with the provisions set forth in 4407(3) of the Act, and in the Low Density Residential (LDR), Medium Density Residential (MDR), and Neighborhood Commercial (NC), the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a site plan under the following procedures: (In a municipality with subdivision regulations in effect, the application and public hearing requirements of the subdivision regulations shall take precedence over the application and hearing requirements specified below.)





1. Purpose: The purpose of the planned residential development (PRD) 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

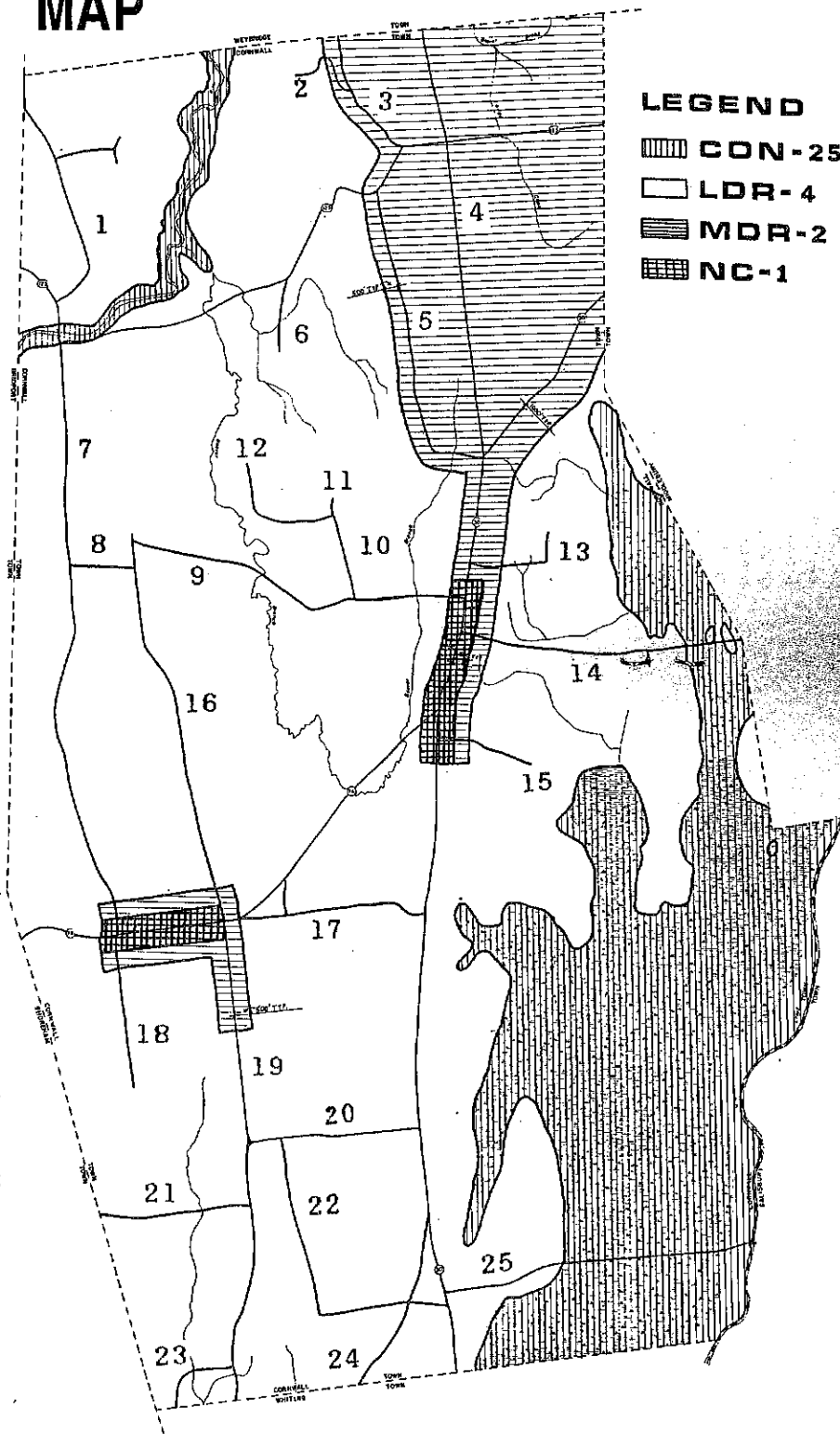
CORNWALL, VERMONT TOWN ZONING MAP

ROAD KEY

1. Mountain Road
2. Ledgemont Lane
3. Sampson Road
4. Cider Mill Road
5. Ridge Road
6. Hamlin Road
7. West Street
8. Cross Street
9. Sperry Road
10. Bourdeau Road
11. Abernathy Place
12. Tully Road
13. Robbins Road
14. Morse Road
15. Peet Road
16. North Bingham Street
17. Clark Road
18. Audets Road
19. South Bingham Street
20. Parkhill Road
21. Wooster Road
22. DeLong Road
23. Cutting Hill Road
24. Douglas Road
25. Swamp Road

LEGEND

-  CON-25
-  LDR-4
-  MDR-2
-  NC-1



shall be provided. Each parking space shall be at least nine feet wide by twenty-two feet long.

6. Each mobile home lot shall have an attachment for water supply. The water supply source must be approved by the Agency of Environmental Conservation or its successor or other appropriate State Agency.

7. Each mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Agency of Environmental Conservation regulations and all Town Regulations.

8. A buffer strip of land at least one hundred feet in width shall be maintained as a landscaped area abutting all mobile home property lines. No structures shall be permitted within this area.

9. Skirting is required about the base of a mobile home.

10. In mobile home parks, where units will be sited with the long axis perpendicular to the street, streets shall run in a north-south direction to the greatest possible extent. When topographic conditions make a north-south street orientation difficult or undesirable, lots shall be laid out so that units can be oriented to the south to the greatest extent possible.

Section 540: FRONT YARD SETBACK
The front yard setback shall be measured from the center line of the existing roadway.

Section 542: REDUCTION OF LOT AREA
No lot shall be so reduced in area that the area, yards, frontage, coverage, or other requirements of these regulations do not conform to the requirements herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 543: REQUIRED AREA OR YARDS

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

Section 544: PROJECTION IN YARDS

Every art 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 either permanently or temporarily by a roof, awning, or other similar covering may extend into a yard.

Section 545: CORNER LOT EXCEPTIONS

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

Section 546: BOUNDARY ADJUSTMENT

Any person subdividing land in order to transfer a lot to the owner of land adjacent to said lot for the purpose of adjusting a boundary is not required to meet the minimum lot size, width, depth, or frontage requirements specified for the district in which the lot is located.

Section 550: LANDSCAPING

(a) Where any non-residential district abuts any residential use, a strip of land at least twenty-five feet in width shall be maintained on the boundary as a landscaped area in those yards of the non-residential use which about the residential district.

(b) For commercial uses, the outdoor storage of trash, motor vehicles, or equipment shall be screened or hidden from public view and the view of persons in residential districts.

(c) Landscaping required by these regulations shall consist, at a minimum, of evergreen trees, shrubs, and protective ground cover. One evergreen tree at least ten feet in height shall be planted no nearer than five feet to any lot line for each three hundred square feet of required landscaped area and shall be located to minimize potential shading of south-facing surfaces of adjacent residences. One shrub shall be planted for each two hundred square feet of required landscaped area. Protective ground cover is required for the entire landscaped area.

Section 560: GRADING

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

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 if the general standards of Section 341 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 596: FREESTANDING DISHES AND ANTENNAS

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

ARTICLE VI: TRANSPORTATION, ACCESS, SAFETY, AND PARKING

Section 610: PARKING

(a) Non-residential parking lots shall be screened or hidden from public highway view and the view of persons in residential districts.

- (b) No parking lots shall be allowed in setback areas.
- (c) Commercial parking lots adjacent to residential uses shall be set back at least 50 feet.

Section 611: OFF-STREET PARKING SPACE REQUIREMENTS

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

1. Residential Uses: One-family and two-family dwelling units: one parking space for every unit. Multiple-family dwelling units: Four parking spaces for every three units.
2. Non-residential Uses: Parking area must be adequate for the particular use.

Section 620: ACCESS PERMIT

Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Board of Selectmen prior to the issuance of a zoning permit. The Selectmen may attach conditions to the access permit with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties. Specific standards may be set by the Board of Selectmen.

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. 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 permitted when located on the immediate property:

1. One professional or home occupation sign, not exceeding four square feet.
2. One temporary real estate sign, not exceeding six square feet.

3. Signs identifying any non-residential building or use permitted in residential districts, not exceeding a total of twenty square feet.
4. Directional or information sign, not exceeding four square feet.
5. Signs necessary for public safety or welfare.

Section 740: SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

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

1. All signs permitted under Section 730.
2. One business sign not larger than one square foot for each lineal foot of frontage occupied by the establishment, but not to exceed twenty square feet.
3. One directory sign not exceeding ten square feet.

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

Every wall sign shall:

1. Not exceed the highest point of the building's roof.
2. Not exceed twenty 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 ten feet above the surface of a public walkway area.
4. Not exceed sixteen square feet in area.

Every ground sign shall:

1. Not exceed twenty feet in height above the finished grade.
2. Be set back at least twenty feet from any street line, and at least ten feet from any other lot line.
3. Not exceed twenty 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.
4. Only the larger faced area of a double-faced sign shall be used.
5. Back-to-back signs may be counted as one sign.

Section 770: TRAFFIC, HAZARD, SAFETY, AND OBSTRUCTION

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

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window, or fire escape.
5. Withstand a wind pressure load of at least thirty pounds per square foot.

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 in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, 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 specific standards are set forth to implement this purpose. The burden of proof that the following standards are met shall be on the applicant.

Section 810: NOISE

No noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted.

Section 820: GLARE, LIGHTS, AND REFLECTION

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

Section 830: FIRE, EXPLOSIVE, AND SAFETY HAZARDS

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

ARTICLE IX: FLOOD HAZARD AREA REGULATIONS

Section 901: STATUTORY AUTHORIZATION

To effect the purposes of 10 V.S.A. Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Section 4405, 4407(a), 4410, or 4412, 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:

- (a) 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;

- (b) 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;

- (c) protecting individuals from buying lands that are unsuited for their intended 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.

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 Administrative Officer shall determine the boundaries of any designated area of special flood hazard by utilizing the base flood elevation data contained in the Flood Insurance Study or in the absence of such data, by obtaining, reviewing, and 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 Secretary of the Board of Adjustment within fifteen days of the decision or act.

Section 906: PERMITTED USES

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

- (a) Agricultural uses, such as general farming, pasture, orchard grazing, outdoor plant nurseries, truck farming, and forestry.

- (b) Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.

- (c) Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

Section 907: CONDITIONAL USES

All new construction, substantial improvement, 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 manufactured homes, within all lands to which these regulations apply.

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

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

Section 909: RECORDS

The Administrative Officer shall maintain a record of:

- (a) 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
- (b) the elevation, in relation to mean sea level, to which such structures have been floodproofed.

Section 910: CONDITIONAL USE REVIEW PROCEDURES

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 912(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) Plans in triplicate, 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 supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation.
- (b) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.
- (c) A profile showing the slope of the bottom of the channel or flow line of the stream.
- (d) Specifications for building construction and materials, 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 floodway 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 Secretary of 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., Section 4409(c)(2)(A).

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 912 of these regulations.

7. In accordance with 24 V.S.A., Section 4409(c)(2)(A), 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: CONSIDERATIONS BY THE BOARD OF ADJUSTMENT
In reviewing each application, the Board of Adjustment shall consider:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) the danger that materials may be swept onto other lands or downstream to the injury of others;
- (c) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding;
- (d) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (e) the importance of the services provided by the proposed facility to the community;
- (f) the necessity to the facility of a waterfront location;
- (g) the availability of alternative locations not subject to flooding for the proposed use;
- (h) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) the relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed;
- (j) the safety of access to the property in times of flood of ordinary and emergency vehicles;
- (k) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
- (l) the costs of providing governmental and public facilities and services during and after flooding;
- (m) such other factors as are relevant to the purposes of this ordinance.

Section 912: CONDITIONS ATTACHED TO CONDITIONAL USE APPROVAL

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 Floodway 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 manufactured 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 911, 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 zoning regulations.

Section 913: TIME FOR ACTING ON APPLICATION

1. The Board of Adjustment shall hold a properly warned hearing within 30 days of receiving an application, and shall act on such application in a manner described in Sections 911 and 912 within 30 days of the final hearing, subject to the limitations of Section 910(6) of these regulations.
2. A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

Section 914: 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 Administrative Officer, who shall forthwith issue a permit, and to the Town Clerk as a part of the public records.

Section 915: EFFECTIVE DATE

1. A permitted use permit shall take effect 15 days from the date of issuance.

2. Conditional use permits shall take effect upon adjudication by the Board of Adjustment.

Section 916: APPEALS

An interested person, as defined in 24 V.S.A., Section 4464(b), may appeal a decision of the Board of Adjustment to the Superior Court in accordance with the provisions of 24 V.S.A., Section 4471.

Section 917: VARIANCES

1. Variances shall be granted by the Board of Adjustment only:
 - (a) in accordance with the provisions of 24 V.S.A., Section 4468;

(b) upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2. The Secretary of the 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 Secretary of 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 918: FEES

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

Section 919: WARNING OF DISCLAIMER OF LIABILITY

These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of 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 thereunder.

Section 920: PRECEDENCE OF REGULATIONS

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

Section 921: ANNUAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY

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

Section 922: DEFINITIONS

Administrator: The Federal Emergency Management Administrator
Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater 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 FIRM. It does not include Zones B and C.

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

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

FEMA: Federal Emergency Management Agency

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

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

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

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.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to

be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Manufactured Home Park or Manufactured Home Subdivision: A parcel of land divided into two or more manufactured home lots for rent or sale.

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

Structure: An assembly of materials for occupancy or use, including but not limited to a building, manufactured home or trailer, billboard, sign, wall, or fence, except a wall or fence on an operating farm.

Start of Construction: See FEMA definition in Section 1908.1 of the current National Flood Insurance program rules and regulations.
Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before damage has occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE X: ZONING DISTRICT REGULATIONS

Section 1000: NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

A. Objectives and Guidelines

This district is mapped in the two locations which constitute Cornwall's primary village areas. Agricultural, residential, and commercial uses, which now exist in these two areas, are the primary permitted uses, with commercial activities requiring conditional use review in order to provide the Town greater control over future commercial development. A combination of factors, including location of roads, ability of soils to accommodate on-site sewage disposal, and the availability of fire protection and other services and facilities, logically suggests these two areas as appropriate for future commercial and residential development. Additionally, the restriction of commercial growth to these locations will discourage the possibility of commercial sprawl into agriculturally important areas of Town.

B. Permitted Uses

By Right Uses:

1. Agriculture
2. One-family or two-family dwelling
3. Multiple-family dwelling
4. Accessory use or building

Conditional Uses:

1. Tourist home
2. Clinic
3. Club
4. Community facility
5. Gasoline or motor vehicle service station

6. Government facility
7. Light manufacturing or industry
8. Motor lodge
9. Professional office
10. Personal service
11. Residential health care facility
12. Restaurant
13. Retail store
14. Veterinary clinic/animal hospital

C. Specific Regulations
Uses permitted in the NC 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.

Lot Area Minimum:	1 acre	
Lot Frontage Minimum:	200 feet	
Lot Depth Minimum:	200 feet	
Front Yard Setback Minimum:	75 feet	100 feet from lots fronting on Vermont Routes 30, 74 and 125

Rear Yard Minimum:	50 feet
Side Yard Minimum:	50 feet
Building Height Maximum:	35 feet
Minimum Acreage Required for Each Dwelling Unit:	1/2 acre
Lot Coverage Maximum:	10%

Section 1010: MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT

A. Objectives and Guidelines

This district is mapped in two locations, one area encompassing the most densely settled portion of West Cornwall, and the other area including the densely settled section of Route 30 known as Cornwall Village. These areas contain the Town's most concentrated existing residential development, where roads, ability of soils to accommodate on-site sewage disposal, and access to municipal services and facilities are best suited for existing and future residential development. Additionally, this district includes a large area in the northeast section of Town whose orientation is towards Middlebury, the proximity to which will minimize transportation costs and time for Cornwall residents travelling to work, or to commercial or service facilities located there. With a two-acre minimum lot size, this district should provide ample economic opportunities for building new homes requiring only modest expenditures for land.

B. Permitted Uses

By Right Uses:

1. Agriculture
2. One-family or two-family dwelling
3. Multiple-family dwelling
4. Private stable
5. Accessory use or building

Conditional Uses:

1. Tourist home
2. Clinic
3. Club
4. Community facility

5. Government facility
6. Kennel
7. Mobile home park
8. Personal service
9. Professional office
10. Commercial stable
11. Residential health care facility
12. Veterinary clinic/animal hospital
13. Wind energy conversion system

C. Specific Regulations
Uses permitted in the MDR District are subject to the following standards as well as other requirements which may be applicable (e.g., conditional use criteria) and which are located elsewhere in these bylaws.

Lot Area Minimum:	2 acres	
Lot Frontage Minimum:	250 feet	
Lot Depth Minimum:	250 feet	
Front Yard Setback Minimum:	100 feet	125 feet for lots fronting on Vermont Routes 30, 74 and 125

Rear Yard Minimum:	50 feet
Side Yard Minimum:	50 feet
Building Height Maximum:	35 feet
Minimum Acreage Required for Each Dwelling Unit:	2 acres
Lot Coverage Maximum:	5%

Section 1020: LOW DENSITY RESIDENTIAL (LDR) DISTRICT

A. Objectives and Guidelines

This district encompasses most of the western half of the Town, where agriculture is the primary existing land use. Consequently, the principal objective of this district is to preserve and encourage agriculture. With this district containing some scattered residential uses, many soils which are not suitable for on-site sewage disposal, and areas which are distant from available services and facilities, a minimum lot size of four acres is considered adequate for allowing a limited amount of new housing while preserving existing agricultural and scenic values.

B. Permitted Uses:

By Right Uses:

1. Agriculture
2. One-family or two-family dwelling
3. Multiple-family dwelling
4. Private stable
5. Accessory use or building

Conditional Uses:

1. Tourist home
2. Clinic
3. Kennel
4. Wind energy conversion system
5. Commercial stable
6. Professional office

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) and which are located elsewhere in these bylaws.

Lot Area Minimum: 4 acres
Lot Frontage Minimum: 400 feet
Lot Depth Minimum: 300 feet
Front Yard Setback Minimum: 125 feet

150 feet for lots
fronting on Vermont
Routes 30, 74 and 125

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 1030: CONSERVATION (CON) DISTRICT

A. Objectives and Guidelines

This district consists of land with severe physical limitations for development and having significant wildlife values. 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. 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 open space and conservation 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. Agriculture

Conditional Uses:

1. One-family or two-family dwelling
2. Tourist home
3. Kennel
4. Wind energy conversion system
5. Accessory use or building
6. Commercial stable

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: 125 feet

150 feet for lots
fronting on Vermont
Routes 30, 74 and 125

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%