

# **DORSET LAND USE AND DEVELOPMENT REGULATIONS**

Adopted by the Selectboard on August 22, 2023

Effective on September 12, 2023



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## **1 GENERAL**

### **100 LEGAL FRAMEWORK**

#### **1001 TITLE**

1001.A These are the Town of Dorset's Land Use and Development Regulations and constitute the town's zoning, subdivision and flood hazard regulations.

#### **1002 AUTHORITY**

1002.A The Town of Dorset adopted these regulations under the authority of *Vermont Municipal and Regional Planning and Development Act*, 24 VSA Chapter 117, and 10 VSA Chapter 32.

#### **1003 PURPOSE**

1003.A These regulations implement the goals and policies of the *Dorset Town Plan* and the *Vermont Municipal and Regional Planning and Development Act* as most recently amended. They are intended to:

- (1) Protect Dorset's historic, rural and scenic character and cultural heritage;
- (2) Protect environmental quality and important natural resources including wetlands, shorelands, floodplains, riparian buffers, priority forest blocks, significant wildlife habitat and primary agricultural soils;
- (3) Provide for orderly and coordinated development;
- (4) Facilitate the adequate and efficient provision of public services and facilities;
- (5) Ensure that land use and development will not adversely impact public health, safety and welfare;
- (6) Ensure that land use and development will not adversely impact the reasonable use and enjoyment of adjoining property;
- (7) Ensure that there will be safe and adequate vehicular, pedestrian and emergency access to and within development sites;
- (8) Ensure that development sites, structures and infrastructure are built and maintained in a safe and adequate condition; and
- (9) Establish sound development and engineering standards that result in well-constructed projects that minimize their environmental and climate impacts, contribute positively to community character, and do not burden future landowners or the town with unreasonable costs to maintain or repair.

**1004 APPLICABILITY**

1004.A Unless specifically exempted in Subchapter 110, all land development within the Town of Dorset requires a zoning permit or subdivision approval issued in accordance with these regulations. Land development means:

- (1) The division of a parcel into two or more parcels, or any other change in the location of lot lines;
- (2) The construction, reconstruction, demolition, structural alteration, conversion, relocation or enlargement of any structure;
- (3) Mining, excavating or filling land; or
- (4) Any change in, or extension of, the use of land or a structure.

**1005 RELATIONSHIP WITH OTHER LAWS OR REGULATIONS**

1005.A If any provision of these regulations is more restrictive than any other law, regulation, rule or code, the provision of these regulations will apply and take precedence.

1005.B If any provision of another law, or regulation, rule or code is more restrictive than these regulations, the provision of these regulations will be superseded and the more restrictive provision will apply.

1005.C No provision of these regulations will be interpreted to prevent the Town of Dorset from acting to prevent or eliminate threats to public health, safety and welfare under the authority granted to the municipality by the State of Vermont.

**1006 EFFECTIVE DATE**

1006.A These regulations and any subsequent amendments will take effect 21 days after their adoption by the Dorset Selectboard in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

1006.B The Town of Dorset first adopted zoning bylaws on March 6, 1973 and subdivision regulations on December 21, 1987.

**1007 AMENDMENT OR REPEAL**

1007.A The Town of Dorset may amend or repeal these regulations, in whole or part, at any time in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

**1008 SEVERABILITY**

1008.A If a court of competent jurisdiction invalidates any provisions of these regulations, that decision will not affect the validity, application or enforcement of the remaining provisions of these regulations.

**1009            DISCLAIMER OF LIABILITY**

1009.A        These regulations do not create any liability on the part of the Town of Dorset, its officials, agents, employees, or representatives for alleged damages that result from reliance on these regulations or any lawful administrative action or decision taken under these regulations.

## 110 Exemptions and Limitations

### 1101 GENERAL EXEMPTIONS

- 1101.A **Interpretation.** The standards of these regulations, including but not limited to setbacks and other dimensional requirements of the applicable zoning district, do not apply to land development exempted by this section unless specifically stated.
- 1101.B **Overlay Districts.** The exemptions listed below may not apply within overlay districts. If development will be occurring in an overlay district, see Subchapter 220 to determine whether a permit is needed.
- 1101.C **Exempt Land Use and Development Activities.** Landowners do not need to obtain a zoning permit for:
- (1) **Emergency repair and stabilization** of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the damaged structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure. See Section 1208.
  - (2) **Normal maintenance and repair** (see definition in Subsection 5003.N) of:
    - (a) An existing structure.
    - (b) Sidewalks and walkways, including replacement or reconstruction within the same footprint as the original.
    - (c) Essential services (see definition in Subsection 5003.E) including replacement or reconstruction within the same footprint as the original.
  - (3) **Demolition** of a fence or an accessory structure with a footprint of 200 square feet or less.
  - (4) **Interior alterations** that do not increase the area occupied by a non-residential use;
  - (5) **Well and septic system** installation, maintenance, repair and replacement (a state Wastewater System and Potable Water Supply Permit may be required, contact the state permit specialist at the Regional Office of the Vermont Department of Environmental Conservation);
  - (6) **Landscaping, grading and excavating** for noncommercial purposes that does not affect existing drainage patterns on adjacent lots or public rights-of-way and that does not result in more than 100 cubic yards of material being removed from or fill brought onto lot within any calendar year (also see Section 3012).
  - (7) **Pre-development site work** consisting of the minimum amount of land clearing and improvement necessary to access undeveloped land for the purposes of completing the site design and engineering work (such as land surveying and soil testing) needed to submit an application for land development under these regulations.

- (8) **Pond construction or modification** that will:
- (a) Have a surface area of not more than 10,000 square feet or 10% of the lot area, whichever is less;
  - (b) Have a maximum depth of not more than 10 feet;
  - (c) Meet applicable setback requirements for the zoning district;
  - (d) Not involve damming or otherwise altering a natural water course or body;
  - (e) Not affect existing drainage patterns on adjacent lots or public rights-of-way; and
  - (f) Not be located within a wetland, wetland buffer, riparian buffer, or flood hazard area.
- (9) **Fences or walls** (see [Section 3011](#) and for agricultural fences see [Section 1103](#)) on single- or two-unit residential property to be:
- (a) Replaced or reconstructed that are in the same location and are not higher than the original.
  - (b) Constructed that:
    - (i) Are not more than 4 feet tall, if functioning as a retaining wall, or otherwise not more than 6 feet tall;
    - (ii) Do not extend into or obstruct a public right-of-way;
    - (iii) Do not interfere with sight distance for vehicular traffic;
    - (iv) Do not affect existing drainage patterns on adjacent lots or public rights-of-way;
    - (v) Do not pose a safety hazard;
    - (vi) Are not designed to inflict physical harm; and
    - (vii) Are installed so that any support posts are to the inside and the “finished” or “good” side faces out (fences may be built to and along the edge of the property line).
  - (c) Temporarily installed as a snow fence or deer fence that is in place for not more than 6 months in any calendar year.
- (10) **Fuel tanks** (above or below ground) on single- or two-unit residential property that:
- (a) Hold not more than 1,000 gallons of fuel for on-site use;
  - (b) Meet applicable setback requirements for the zoning district; and
  - (c) Are sited, installed and secured in accordance with state and federal regulations.
- (11) **Mechanical equipment** on single- or two-unit residential property (such as ground-mounted HVAC systems or back-up generators) that:

- (a) Have a footprint or are placed on a pad that does not exceed 200 square feet;
  - (b) Meet applicable setback and lot coverage requirements for the zoning district; and
  - (c) Are sited, installed and secured in accordance with state and federal requirements.
- (12) **Swimming pools** on single- or two-unit residential property that:
  - (a) Do not exceed a horizontal width of 20 feet in any dimension or a depth of 5 feet;
  - (b) Meet applicable setback and lot coverage requirements for the zoning district; and
  - (c) Are installed and secured to prevent unauthorized access.
- (13) **Unroofed patios or decks** on single- or two-unit residential property that:
  - (a) Have a footprint that does not exceed 200 square feet; and
  - (b) Meet applicable setback and lot coverage requirements for the zoning district.
- (14) **Accessibility structures** such as ramps, entry stairs or walkways on single- or two-unit residential property that do not:
  - (a) Exceed 6 feet in width;
  - (b) Extend into or obstruct a public right-of-way;
  - (c) Interfere with corner visibility or sight distance for vehicular traffic; or
  - (d) Affect existing drainage patterns on adjacent lots or public rights-of-way.
- (15) **Accessory structures** on single- or two-unit residential property that:
  - (a) Have a footprint that does not exceed 200 square feet;
  - (b) Are not more than 15 feet tall;
  - (c) Meet applicable setback and lot coverage requirements for the zoning district (also see Subsection 3003.B); and
  - (d) Are not used as a dwelling or lodging unit.
- (16) **Outdoor light fixtures** on single- or two-unit residential property that:
  - (a) Have an initial output that does not exceed 2,000 lumens; and
  - (b) Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.
- (17) **Holiday light displays** that are illuminated for not more than 45 consecutive days and 90 days total in any calendar year.
- (18) **Solar energy devices** that (also see Section 1102):

- (a) Will be installed on and project not more than 10 feet above the surface of a roof with a slope greater than 5%; or
  - (b) Will be installed on a roof with a slope of 5% or less.
- (19) **Antennas** (including television antennas, radio antennas, satellite dishes or similar devices used to provide on-site communication including business dispatch or to provide public safety dispatch) that:
  - (a) Are not more than 15 square feet in area, if a dish antenna;
  - (b) Do not extend more than 12 feet above the roofline, if attached to a building;
  - (c) Do not extend more than 50 feet above the ground, if freestanding;
  - (d) Meet applicable setback requirements for the zoning district;
  - (e) Do not interfere with public safety communications; and
  - (f) Are installed in a location that minimizes visibility from public vantage points and adjoining property to the greatest extent feasible while allowing for reasonable function.
- (20) **Telecommunications equipment** and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet (also [see Section 1102](#)).
- (21) **Electrical or communications distribution poles** (also [see Section 1102](#)) being:
  - (a) Replaced with new poles (including an increase in pole height); and
  - (b) Repaired or upgraded with new or replacement cable or wire.
- (22) **Transit shelters** that have a footprint of not more than 200 square feet and that are not more than 15 feet tall.
- (23) **Public art** that does not:
  - (a) Function as a commercial sign;
  - (b) Extend into or obstruct a public right-of-way unless otherwise approved by the town or state, as applicable;
  - (c) Interfere with corner visibility or sight distance for vehicular traffic;
  - (d) Affect existing drainage patterns on adjacent lots or public rights-of-way; and
  - (e) Pose a safety hazard.
- (24) **Home occupations** that (for home occupations or businesses that do not qualify for this exemption [see Section 3204](#) or [Section 3205](#) as applicable):
  - (a) Are located within a dwelling unit;
  - (b) Occupy not more than 25% of the habitable floor area of that dwelling;
  - (c) Are carried out by one or more residents of that dwelling;
  - (d) Do not have any non-resident employees working from that dwelling;

- (e) Do not generate regular customer or client traffic; and
- (f) Do not have a sign.
- (25) **Special events** (includes garage sales, yard sales, tent sales, auctions, festivals, mobile food service or similar activities) that do not occur on a lot for longer than 4 consecutive days and for more than 16 days in any calendar year.
- (26) **Sales of used personal or business goods** such as vehicles or equipment owned by the landowner or tenant that do not occur on the lot for more than 30 days in any calendar year (calculated cumulatively if goods are offered for sale at more than one time during the year) and that are limited to not more than 3 items at any given time if displayed outside.
- (27) **Hunting, fishing, trapping or shooting** in accordance with state regulations, but not including any permanent structures associated with such use.
- (28) **Noncommercial recreational trails and activities** but not including any permanent structures associated with such use.
- (29) **Work within public road rights-of-way** that is subject to approval from the town or state as applicable.
- (30) **Rail carrier transportation structures and uses** that are subject to federal laws and regulations.
- (31) **Development on land owned by the Federal government.**

## 1102 DEVELOPMENT WITH A CERTIFICATE OF PUBLIC GOOD

1102.A In accordance with state statute, landowners do not need to obtain a zoning permit for development associated with utility, energy or telecommunications infrastructure that receives a Certificate of Public Good from the Public Utilities Commission.

## 1103 FARMING AND FORESTRY

1103.A **Farming and Forestry Practices.** In accordance with state statute, landowners do not need to obtain a zoning permit to conduct required agricultural practices or accepted silvicultural practices as defined by the State of Vermont Agency of Agriculture or Department of Forests, Parks and Recreation, respectively. The Zoning Administrator may require a landowner to provide a written determination from the applicable state agency as to whether the subject land use activity is a required agricultural or accepted silvicultural practice.

1103.B **Farm Structures.** In accordance with state statute, landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:

- (1) Landowners must submit a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.



- (2) The Zoning Administrator may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure.
- (3) Farm structures, other than walls or fences used for farming purposes must meet the setback requirements for the district unless the applicant provides the Zoning Administrator with a written waiver from the Vermont Agency of Agriculture, Food and Markets.
- (4) Farm structures are not required to meet bulk or height requirements for the zoning district.
- (5) Walls or fences used for farming purposes must form a continuous barrier intended to keep livestock in and/or keep wildlife out.
- (6) Upon finding that the proposed development qualifies as an exempt farm structure, the Zoning Administrator will issue a letter stating that the landowner may build and use the structure for agricultural purposes in accordance with the state's required agricultural practices without a zoning permit, but that a zoning permit is required before the structure may be used for any other purpose.

#### **1104 GOVERNMENT AND COMMUNITY FACILITIES**

- 1104.A In accordance with state statute, the provisions of this section apply to the following non-federal government and community facilities:
- (1) Institutions or facilities owned and operated by the town, county or state;
  - (2) Public and private schools or other educational institutions certified by the state;
  - (3) Places of worship or religious institutions owned and operated by a 501(c)(3) (tax-exempt) organization;
  - (4) Public and private hospitals certified by the state;
  - (5) Waste management facilities certified by the state; and
  - (6) Emergency shelters without any limitation on daily or seasonal hours of operation.
- 1104.B The government and community facilities listed above are allowed in any zoning district as a conditional use and may be allowed as a permitted use in specified zoning districts (see [Section 2109](#)).
- 1104.C Landowners must obtain a zoning permit and site plan or conditional use approval as applicable for development associated with a government or community facility unless otherwise exempted under these regulations.
- 1104.D Development associated with a government or community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the government or community facility.

**1105 GROUP HOMES**

- 1105.A In accordance with state statute, landowners do not need to obtain a zoning permit to use a lawful single-unit dwelling as a group home that will:
- (1) House not more than 8 people who have a handicap or disability (see [Section 3208](#) for larger facilities);
  - (2) Be located not closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and
  - (3) Be operated under state licensing or registration.
- 1105.B Landowners must obtain a zoning permit for home construction or other associated development to the same extent as required for other single-unit dwellings in the zoning district.

## 120 Prior Applications, Approvals and Uses

### 1201 PRIOR APPLICATIONS

1201.A The Zoning Administrator, Planning Commission and Zoning Board of Adjustment will review applications based on the regulations in effect at the time the Zoning Administrator determined that the filed application was complete.

### 1202 PRIOR PERMITS AND APPROVALS

1202.A **Zoning Permits Issued Prior to Amendment or Adoption of these Regulations.** If the Zoning Administrator lawfully issued a zoning permit before the Town of Dorset adopted or amended these regulations, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.B **Prior Zoning Permits for Phased Projects.** If an applicant received approval for a phased project before the Town of Dorset adopted or amended these regulations, the Zoning Administrator will issue permits for the development as approved irrespective of any change in the regulations. However, if such an applicant does not substantially complete the phased project as a whole within the timeframe specified in the approval, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.C **Prior Development Approvals.** If an applicant does not obtain a zoning permit for proposed development (other than a subdivision) that the Planning Commission or Zoning Board of Adjustment approved within 12 months of receiving that development approval, the approval will expire and the applicant will need to apply for a new approval under the regulations in effect at the time of the new application. See Section 4203, which allows the applicant to request a delay in effect for a zoning permit and/or development approval.

1202.D **Lawfully Recorded Subdivision Plats.** If an applicant lawfully recorded an approved subdivision plat in the Dorset Land Records, that plat will remain valid and will not expire irrespective of any change in these regulations. For the purposes of administering these regulations, the boundaries of lot shown on a lawfully recorded subdivision plat will be as established on the plat and will supersede any property description included in a deed or other document filed in the Dorset Land Records, and the lot boundaries shown on the Dorset Property Tax Maps.

### 1203 CHANGE IN OWNERSHIP

1203.A Zoning permits, development approvals and lawfully filed subdivision plats remain valid irrespective of any change in ownership of the property.

**1204 CHANGE OF USE**

- 1204.A **Change from One Use Definition to Another.** A landowner must obtain a zoning permit, and any development approvals as applicable, for a change of use if the two uses do not fall under the same definition in [Section 2108](#) (e.g., a personal service use such as a barber shop to a restaurant use such as a coffee shop).
- 1204.B **Change within a Use Definition.** A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same definition in [Section 2109](#) (e.g., a retail sales use such as a bookstore to a retail sales use such as a home furnishings store). Other building modifications or site development associated with the change of use may require a permit or approval (e.g., new or modified signage, outdoor lighting, parking, etc.).

**1205 EXPANSION OF USE**

- 1205.A **Nonresidential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a non-residential use to occupy additional space in a building or on a lot.
- 1205.B **Residential Uses.** A landowner will not need to obtain a zoning permit to expand a residential use to occupy existing space in the building. Creation of an accessory dwelling unit will require a zoning permit (see [Section 3202](#)).

**1206 DISCONTINUED USES**

- 1206.A **Nonresidential Uses.** A landowner must obtain a new zoning permit, and any development approvals as applicable, to resume a lawful nonresidential use that has been discontinued for more than 12 months except if the:
- (1) Use is nonconforming, see [Section 1302](#);
  - (2) Landowner has had to discontinue a nonresidential use as result of damage to the structure in which it was housed, the owner may re-establish the use once the structure has been repaired or rebuilt in accordance with [Section 1208](#); or
  - (3) Landowner demonstrates that the property or business is being actively marketed for sale or lease, the Zoning Administrator may extend the period of discontinuance for a conforming use to 24 months.
- 1206.B **Residential Uses.** A landowner will not need to obtain a zoning permit to resume residential use of a lawful vacant dwelling unit. If the use is nonconforming, see [Section 1302](#).

**1207 ABANDONED DEVELOPMENT**

- 1207.A If the development authorized by a zoning permit is abandoned without being completed, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the expiration of the zoning permit.

**1208 DAMAGED OR DESTROYED STRUCTURES**

- 1208.A **Stabilize and Secure.** A landowner must act promptly to stabilize and secure a structure damaged or destroyed by any cause as necessary to protect public health and safety, and to maintain it in that condition until such time as it is reconstructed or demolished.
- 1208.B **Reconstruction or Demolition.** Within 12 months of a structure being damaged or destroyed by any cause, a landowner must obtain a zoning permit for either reconstruction or demolition of the structure. The landowner will not have to pay the associated application fee if a complete application is filed within 12 months of the structure being damaged or destroyed. See [Section 3007](#) for guidance on demolition.
- 1208.C **Extension of Period to Act.** The Zoning Administrator may extend the deadline to obtain a zoning permit to not more than 24 months in the case of a declared disaster or upon the landowner demonstrating that the deadline cannot be met due to factors beyond their control (e.g., legal or insurance processes).
- 1208.D **Failure to Act.** The failure to obtain a zoning permit for reconstruction or demolition, or to stabilize or secure a damaged or destroyed structure as required under this section will be considered a violation of these regulations subject to enforcement under [Chapter 460](#).
- 1208.E **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed, a landowner may rebuild and use the structure in accordance with [Section 1301](#) provided that:
- (1) The structure as reconstructed is not more nonconforming than the original structure; and
  - (2) The landowner submits a complete application for a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

## 130 Nonconformities

### 1301 NONCONFORMING STRUCTURES

1301.A **General.** A nonconforming structure that lawfully existed when the Town of Dorset adopted or amended these regulations may continue to exist unchanged indefinitely.

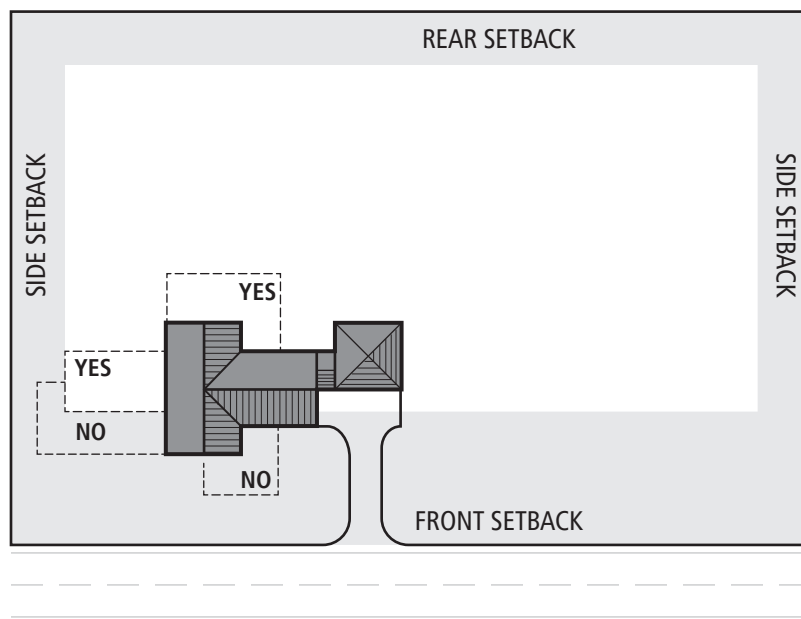
1301.B **Use.** A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.

1301.C **Maintenance and Repair.** A landowner may undertake normal maintenance and repair of a nonconforming structure without a zoning permit in accordance with [Section 1101](#).

1301.D **Additions.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure provided that the proposed development:

- (1) Will not result in any nonconforming expansion of the building footprint or an increase in height of any nonconforming portion of the building (see [Figure 1-01](#));
- (2) Will not convert a nonconforming porch, deck, entryway or similar unenclosed feature to enclosed and/or conditioned building space;
- (3) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and
- (4) Would not otherwise require a development approval from the Planning Commission or Zoning Board of Adjustment.

Figure 1-01. **Additions to Nonconforming Structures**



- 1301.E **Code or Accessibility Improvements.** The Zoning Administrator may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure, including further encroachments beyond the existing nonconforming building line or height, to the minimum extent necessary to comply with state or federal building code, energy code or accessibility requirements.
- 1301.F **Damaged or Destroyed Structures.** A landowner may obtain a zoning permit to reconstruct a nonconforming structure that has been damaged or destroyed by any cause in accordance with [Section 1208](#) and provided that the reconstruction does not change the exterior dimensions of the structure in a manner that would result in the reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height.
- 1301.G **Waiver or Variance.** A landowner may obtain a waiver or variance in accordance with [Section 4404](#) or [Section 4405](#) that would authorize further encroachments beyond the existing nonconforming building line or height.
- 1302 NONCONFORMING USES**
- 1302.A **General.** A nonconforming use that lawfully existed when the Town of Dorset adopted or amended these regulations may continue to exist in its current location, configuration and intensity indefinitely.
- 1302.B **Relocation.** A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.
- 1302.C **Resumption.** A landowner must not resume a nonconforming use that was abandoned, discontinued or replaced with another use for more than 12 months. If a nonconforming use is located in a structure that is damaged or destroyed by any cause, the landowner may resume the use once the structure is reconstructed in accordance with [Section 1208](#).
- 1302.D **Minor Expansion.** The Zoning Administrator may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to:
- (1) Fully occupy space within the associated structure as that structure existed as of September 12, 2023; or
  - (2) Occupy up to 25% more floor area than when the use became nonconforming in another structure or in a lawful addition to the existing structure.
- 1302.E **Major Expansion.** The Planning Commission may approve a greater extension or expansion of a nonconforming use as a conditional use upon the applicant demonstrating the proposed extension or expansion will not result in greater adverse impacts on the character of the area.
- 1302.F **Change of Use.** The Planning Commission may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in

nature, have fewer off-site impacts and will be more compatible with the character of the area than the existing nonconforming use.

### 1303 NONCONFORMING LOTS

1303.A **General.** A nonconforming lot may continue to exist unchanged indefinitely.

1303.B **Merger.** If a nonconforming lot comes into common ownership with one or more contiguous lots, the Town of Dorset will not deem the lot merged with the contiguous lot(s) for the purposes of these regulations (a landowner may choose to merge contiguous lots in accordance with [Section 4307](#)).

1303.C **Lot Size.** In accordance with statute, a landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of these provided that the lot:

- (1) Is legally subdivided and able to be conveyed separate from any other lot;
- (2) Existed as of the effective date of these regulations;
- (3) Is at least 1/8 acre (5,445 square feet) in area; and
- (4) Is not less than 40 feet wide or deep.

1303.D **Lot Frontage.** A landowner with a lot that does not meet the minimum lot frontage for the zoning district:

- (1) May develop that lot in accordance with all other applicable provisions of these regulations provided that:
  - (a) The lot has access to a maintained public or private road by lot frontage, permanent easement or right-of-way at least 20 feet in width; and
  - (b) Access to the proposed development will conform to the requirements of [Section 3002](#).
- (2) May only subdivide the lot if:
  - (a) The lot has access to a maintained public or private road by lot frontage, permanent easement or right-of-way at least 50 feet in width;
  - (b) The lots will be served by a shared driveway; and
  - (c) Access to the subdivided lots will conform to the requirements of [Section 3002](#).

### 1304 CREATION OF A NONCONFORMITY

1304.A The Town of Dorset prohibits any development that would create a nonconformity except for:

- (1) A public project that requires the transfer or taking of land (e.g., road widening); or
- (2) Development that receives a waiver or variance under [Section 4404](#) or [Section 4405](#).



## **2 ZONING DISTRICTS**

### **200 General Provisions**

#### **2001 ESTABLISHMENT OF BASE ZONING DISTRICTS**

2001.A These regulations establish the following base zoning districts as shown on the Official Zoning Maps and described in Subchapter 210:

- (1) Village Business (VB) District;
- (2) Village Mixed Use (VMU) District;
- (3) Village Residential (VR) District;
- (4) General Business (GB) District;
- (5) Rural Mixed Use (RMU) District;
- (6) Rural Residential (RR) District; and
- (7) Rural Resource Protection (RRP) District.

#### **2002 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS**

2002.A These regulations establish the following overlay zoning districts as shown on the Official Zoning Maps and described in Subchapter 220:

- (1) Flood Hazard Overlay (FHO) District;
- (2) Source Water Protection (SWO) Overlay District; and
- (3) Design Review Overlay (DRO) District.

#### **2003 OFFICIAL ZONING MAPS**

2003.A The Town of Dorset incorporates the maps delineating the boundaries of the base and overlay zoning districts by reference into these regulations and adopts them as part of these regulations.

2003.B The Official Zoning Maps are available at the town office in paper and electronic form. The Zoning Administrator, Planning Commission and Zoning Board of Adjustment must use the Official Zoning Maps for all measurements and interpretations of the district boundaries. The small-scale, unofficial versions of the maps included in these regulations and any maps provided online are for convenience only.

2003.C If a specific distance or measurement is not specified on the Official Zoning Maps, the Zoning Administrator will interpret the boundaries:

- (1) Following, parallel to or extending from roads, railroad lines, power lines or rights-of-way to follow, parallel or extend from the centerlines of such roads, railroad lines, power lines or rights-of-way;

- (2) Following or extending from lot lines or municipal boundaries to follow or extend from such lines or boundaries;
- (3) Following or parallel to rivers, streams or other drainageways to follow or parallel the centerlines of such rivers, streams or drainageways; and
- (4) Following contour (elevation) lines to follow the specified contour line prior to any site grading and as identified based on a current survey stamped by a Vermont-licensed surveyor or the most recent lidar data published by the State of Vermont.

2003.D The Zoning Administrator will interpret any of the features listed in Subsection C above to be located where they exist on the ground or as shown on a professionally-prepared survey at the time of the interpretation if they vary from their depiction on the Official Zoning Maps except that:

- (1) A boundary line adjustment, lot merger, subdivision or other change to the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line; and
- (2) The reclassification or discontinuance of a road will not change the location of any zoning district boundary indicated as following that road.

## **2004 LOTS DIVIDED BY A ZONING DISTRICT**

2004.A When a lot includes land in two or more zoning districts, proposed development on the portion of the lot in one zoning district may only extend across the district boundary if it conforms to the standards of the adjoining district(s). If creating a lot with land in more than one zoning district, see Subsection 2008.B.

## **2005 LOTS DIVIDED BY A MUNICIPAL BOUNDARY**

2005.A When a lot includes land in two or more municipalities, proposed development may only extend into the portion of the lot in Dorset if it conforms to the standards of the applicable district. However, the standards of the applicable district can be met by including considering the entire lot including portions of the lot not located in Dorset (ex., lot size, frontage and access requirements can be met from land in the adjoining town).

## **2006 MULTIPLE USES OR BUILDINGS ON A LOT**

2006.A **Multiple and Mixed Uses.** A landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district.

2006.B **Accessory Uses.** A landowner may establish accessory uses on a lot in accordance with Section 3004.

2006.C **Principal Buildings.** A landowner may locate more than one principal building on a lot in accordance with the standards below:

- (1) The total amount of development on the lot must not exceed the maximum lot coverage allowed in the applicable zoning district;
- (2) Each principal building must meet the dimensional standards of the applicable zoning district;
- (3) The distance between new principal buildings or between a new principal building and an existing principal building must not be less than twice the side setback required in the applicable zoning district;
- (4) There must not be more than two buildings wholly or partially used as a dwelling unit (inclusive of accessory dwellings) on any lot unless approved as part of a planned unit development; and
- (5) Approval of multiple principal buildings on a lot will not constitute a right to convey them separately unless:
  - (a) The subject lot will be lawfully subdivided in accordance with the provisions of these regulations; or
  - (b) The building will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.

2006.D **Accessory Structures.** Landowners may locate accessory structures on a lot in accordance with Section 3003.

## 2007 USE STANDARDS

2007.A **Permitted Uses.** The Zoning Administrator may issue a zoning permit for a permitted use in accordance with Subchapter 420.

2007.B **Conditional Uses.** The Zoning Administrator may issue a zoning permit for a conditional use in accordance with Subchapter 420 only after the applicant obtains a conditional use approval from the Planning Commission under Section 4305.

2007.C **Site Plan Approval.** Uses other than farming, forestry, single- and two-unit dwellings, and related accessory uses will also require site plan approval from the Zoning Administrator or Planning Commission as applicable under Section 4304.

2007.D **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district is prohibited in that zoning district unless the applicant demonstrates to the Zoning Administrator that the unlisted use:

- (1) Is a pre-existing nonconformity and the proposed development conforms with the requirements of Subchapter 130;
- (2) Is materially similar to a use that is permitted or conditional in the same zoning district in accordance with Subsection 2007.E; or
- (3) Is required to be allowed in a zoning district by state or federal law.

2007.E **Materially Similar Uses.** The Zoning Administrator may make a written determination that a proposed use, which is not listed on the use table as permitted or conditional in any zoning district, is materially similar to a use listed as permitted or conditional in the applicable zoning district and that therefore the unlisted use should be allowed to the same extent and subject to the same standards as that listed permitted or conditional use. To determine that a use is materially similar, the Zoning Administrator must find that the proposed use has:

- (1) Similar off-site impacts such as traffic, noise and lighting as the listed use; and
- (2) Similar functional characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as the listed use.

2007.F **Duplexes.** A two-unit dwelling (duplex) is allowed on any lot where a single-unit dwelling is allowed subject to the same permitting process and dimensional standards as a single-unit dwelling under these regulations. Any existing single-unit dwelling may be converted to a two-unit dwelling provided that there is at least one off-street parking space for each unit.

## 2008 DIMENSIONAL STANDARDS

2008.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district unless:

- (1) A subject lot or structure is a nonconformity and the proposed development is in conformance with the requirements of [Chapter 130](#);
- (2) The applicant receives a waiver ([Section 4404](#)) or variance ([Section 4405](#)); or
- (3) The proposed development will be approved as a planned unit development (see [Section 4306](#)).

2008.B **Lot Size.** Lot size will be regulated as follows:

- (1) Lot size will be measured as the total area within the property boundaries excluding any land within a road right-of-way;
- (2) Any lot created under these regulations must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development;
- (3) A waiver ([Section 4404](#)) or variance ([Section 4405](#)) will not be granted to allow the creation of a lot that does not meet the minimum lot size requirement for the applicable zoning district;
- (4) An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of:
  - (a) Land being acquired for a public purpose (ex. road widening); or
  - (b) A lot line adjustment approved in accordance with [Section 4307](#);

- (5) A pre-existing developed lot that does not meet the minimum lot size requirement for the applicable district may be used and further developed as allowed in the applicable zoning district;
- (6) A pre-existing undeveloped lot that does not meet the minimum lot size for the applicable district may be developed in accordance Section 1303;
- (7) A lot created under these regulations that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district that the portion of the lot the development envelope is located in. If the development envelope(s) will be located in more than one zoning district, the lot must meet the largest minimum lot size requirement.

2008.C **Lot Frontage.** All lots must front on a maintained public or private road as specified in the applicable zoning district as follows:

- (1) **Measurement.** Lot frontage will be measured along the edge of the right-of-way. If the edge of the right-of-way is a curved line, the measurement will be taken along an imaginary straight line drawn between the points where the side lot lines meet the edge of the right-of-way.
- (2) **New Lots.** All new lots created under these regulations must have the minimum frontage on a maintained public road (state highway, or Class 1, 2 or 3 town highway) or a private road unless the Planning Commission approves:
  - (a) A lot with less frontage as part of a planned unit development;
  - (b) Approves a waiver (Section 4404) to reduce the frontage requirement to not less than 30 feet for irregularly shaped lots when necessary to accommodate topography, streams or other site features;
  - (c) Approves a waiver (Section 4404) to reduce or eliminate the frontage requirement for lots accessed by a shared driveway with a permanent easement or right-of-way (also see Section 3007.D); or
  - (d) Approves a waiver (Section 4404) to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.
- (3) **Corner Lots.** Lots that front on more than one road must have the minimum frontage on any road from which the lot will be accessed.
- (4) **Pre-Existing Lots.** The Zoning Administrator, Planning Commission and Zoning Board of Adjustment must not issue a permit or approval for development on an existing lot without the minimum required frontage on a maintained public road or private road unless the lot has access to such a road over a permanent easement or right-of-way not less than 30 feet wide.

- 2008.D **Lot Coverage.** The total footprint of impervious surface on a lot must not exceed the maximum lot coverage established for the applicable zoning district. Impervious surface will include all the surfaces on the lot that do not permit water to infiltrate into the ground below (ex. buildings, driveways, parking areas, walkways, other hard-surfaced areas, retaining walls, patios, decks, pools, etc.). Any compacted surface material (gravel, stone dust, soil, etc.) and areas of ledge or stone outcroppings will be considered impervious. Pervious paving will be included in the calculation of impervious surface unless otherwise approved and conditioned upon the applicant submitting and implementing an appropriate maintenance plan for the paving material.
- 2008.E **Setbacks.** Development must meet setback requirements for the applicable zoning district as follows:
- (1) **Corner and Through Lots.** Lots with frontage on more than one road must meet front setback requirements on each road, and must meet side setback requirements on the remaining sides.
  - (2) **Interior Lots.** Lots with no frontage must meet the greatest setback (front, side or rear) for the applicable district on all sides.
  - (3) **Lots in Common Ownership.** Side and rear setback requirements will apply irrespective of whether the same property owner owns the adjoining lot.
  - (4) **Front Setbacks.** Front setback requirements will be measured horizontally from the edge of the road right-of-way to the closest point of the structure. If the location of the edge of the road right-of-way is uncertain, it will be assumed to be 25 feet from the centerline of the road. If the road is known to have a right-of-way width other than 3 rods (50 feet), the front setback will be assumed to be one-half the known right-of-way width from the centerline of the road.
  - (5) **Side and Rear Setbacks.** Side and rear setbacks will be measured horizontally along a line that runs perpendicular to the property line to the closest point of the structure.
  - (6) **Waiver or Variance.** A landowner may obtain a waiver ([Section 4404](#)) or variance ([Section 4405](#)) to reduce setback requirements.
- 2008.F **Height.** Structures must meet height requirements for the applicable zoning district as follows:
- (1) **Exemptions.** Height limits do not apply to:
    - (a) Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
    - (b) Mechanical or utilitarian features such as skylights, parapet walls, cornices, chimneys, ventilators, bulkheads or equipment typically located on a roof, provided that such features are limited to the height necessary for their proper functioning.

- (2) **Measurement.** Height will be measured:
  - (a) From the average finished grade at ground level to the midpoint between the eaves and the ridgeline for structures with a primary roof pitch of 5:12 or steeper; or
  - (b) From the average finished grade at ground level to the highest portion of the structure excluding the architectural features listed in Paragraph (1) above.
- (3) **Accessory Structures.** Accessory structures must not exceed a height of 24 feet unless otherwise specified in these regulations. Height limits do apply to flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.
- (4) **Waiver or Variance.** A landowner may obtain a waiver (Section 4404) or variance (Section 4405) to height requirements for:
  - (a) Commercial or industrial structures upon the applicant demonstrating that the additional height:
    - (i) Is the minimum necessary to accommodate the proposed activity; and
    - (ii) Will not pose a risk to public safety including, but not limited to, consideration of setbacks; and
  - (b) Tree houses or other structures that are not built at ground level and that are not used as a dwelling unit or for lodging upon the applicant demonstrating that the:
    - (i) Additional height will not pose a risk to public safety including, but not limited to, consideration of setbacks; and
    - (ii) Structure will not be visible from public vantage points beyond the property line.

2008.G **Footprint.** Building footprint will be measured as the area enclosed by the building's outer walls at ground level.

2008.H **Residential Density.** The number of dwelling units on a lot (exclusive of accessory dwellings) must not exceed the maximum density as specified in the applicable district. Maximum density will be calculated based on total lot area.



## 210 Base Zoning Districts

### 2101 VILLAGE BUSINESS (VB) DISTRICT

2101.A **Purpose.** The purpose of the Village Business District is to retain and reinforce the built form, settlement pattern, function, walkability and character of the mixed-use cores of the historic village centers – Dorset, South Dorset and East Dorset. The Village Business districts feature two- and three-story buildings oriented to and set close to the street. They accommodate a mix of businesses, residences, civic buildings and public gathering spaces. They have a pedestrian orientation and scale.

2101.B **Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see [Subchapter 130](#)).

#### Lots

(1)	Minimum lot size	10,000 square feet	(see <a href="#">Subsection 2008.B</a> )
(2)	Minimum lot frontage	75 feet	(see <a href="#">Subsection 2008.C</a> )
(3)	Maximum lot coverage	60%	(see <a href="#">Subsection 2008.D</a> )

#### Setbacks

(4)	Minimum front setback	5 feet from ROW	(see <a href="#">Subsection 2008.E</a> )
(5)	Minimum side and rear setback	10 feet	(see <a href="#">Subsection 2008.E</a> )

#### Structures

(6)	Maximum height	35 feet	(see <a href="#">Subsection 2008.F</a> )
(7)	Maximum footprint	3,000 square feet	(see <a href="#">Subsection 2008.G</a> )

#### Residential Density

(8)	Minimum lot area per dwelling unit	5,000 square feet	(see <a href="#">Subsection 2008.H</a> )
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2101.C **Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

#### Residential and Lodging

- (1) Single-unit dwelling
- (2) Two-unit dwelling
- (3) Multi-unit dwelling
- (4) Rooming and boarding house
- (5) Accessory dwelling
- (6) Home occupation
- (7) Home business
- (8) Family childcare home
- (9) Bed-and-breakfast
- (10) Group home
- (11) Care home
- (12) Lodging facility

#### Commercial

- (13) Retail sales
- (14) Professional, business or financial service
- (15) Personal service
- (16) Restaurant
- (17) Bar
- (18) Catering or commercial kitchen

#### Industrial

- (19) Publishing, printing or sign manufacturing
- (20) Media recording or broadcasting studio
- (21) Communication antenna

#### Art, Entertainment and Recreation

- (22) Theater
- (23) Artist gallery or studio
- (24) Museum or library



- (25) Indoor recreation
- (26) Park or nature reserve

**Civic and Community**

- (27) Government facility
- (28) Education institution
- (29) Outpatient care service
- (30) Childcare facility

- (31) Religious institution
- (32) Funeral service
- (33) Social club

**Natural Resource Based**

- (34) Farming or forestry
- (35) On-farm business

2101.D **Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Commercial**

- (1) Open air market
- (2) Repair service
- (3) Fueling station

**Industrial**

- (4) Food or beverage manufacturing
- (5) Research and development
- (6) Wholesale trade

**Civic and Community**

- (7) Specialty school

2101.E **District Standards**

- (1) Drive-through service is prohibited in this district.

**2102 VILLAGE MIXED USE (VMU) DISTRICT**

**2102.A Purpose.** The purpose of the Village Mixed Use District is to retain and reinforce the built form, settlement pattern, scale, walkability and character of the historic village centers – Dorset, South Dorset and East Dorset. The Village Mixed-Use districts feature primarily two-story buildings on small lots with shallow front yards. Historic homes predominate but many of these buildings have been adapted over time to accommodate small businesses and apartments.

**2102.B Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see [Subchapter 130](#)).

**Lots**

(1)	Minimum lot size	20,000 square feet	(see <a href="#">Subsection 2008.B</a> )
(2)	Minimum lot frontage	90 feet	(see <a href="#">Subsection 2008.C</a> )
(3)	Maximum lot coverage	60%	(see <a href="#">Subsection 2008.D</a> )

**Setbacks**

(4)	Minimum front setback	10 feet from ROW	(see <a href="#">Subsection 2008.E</a> )
(5)	Minimum side and rear setback	15 feet	(see <a href="#">Subsection 2008.E</a> )

**Structures**

(6)	Maximum height	35 feet	(see <a href="#">Subsection 2008.F</a> )
(7)	Maximum footprint	3,000 square feet	(see <a href="#">Subsection 2008.G</a> )

**Residential Density**

(8)	Minimum lot area per dwelling unit	5,000 square feet	(see <a href="#">Subsection 2008.H</a> )
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**2102.C Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Single-unit dwelling
- (2) Two-unit dwelling
- (3) Multi-unit dwelling
- (4) Rooming and boarding house
- (5) Accessory dwelling
- (6) Home occupation
- (7) Home business
- (8) Family childcare home
- (9) Bed-and-breakfast
- (10) Group home
- (11) Care home
- (12) Lodging facility

**Commercial**

- (13) Retail sales
- (14) Professional, business or financial service
- (15) Personal service

- (16) Restaurant
- (17) Catering or commercial kitchen

**Industrial**

- (18) Media recording or broadcasting studio
- (19) Communication antenna

**Art, Entertainment and Recreation**

- (20) Artist gallery or studio
- (21) Museum or library
- (22) Park or nature reserve

**Civic and Community**

- (23) Government facility
- (24) Education institution
- (25) Childcare facility
- (26) Religious institution

**Natural Resource Based**

- (27) Farming or forestry
- (28) On-farm business

- 2102.D **Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see Subchapter 130). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Commercial**

- (1) Bar

**Industrial**

- (2) Food or beverage manufacturing  
(3) Publishing, printing or sign manufacturing  
(4) Research and development  
(5) Wholesale trade

**Art, Entertainment and Recreation**

- (6) Theater  
(7) Indoor recreation

**Civic and Community**

- (8) Specialty school  
(9) Outpatient care service  
(10) Funeral service  
(11) Social club

2102.E **District Standards**

- (1) Drive-through service is prohibited in this district.

**2103 VILLAGE RESIDENTIAL (VR) DISTRICT**

**2103.A Purpose.** The purpose of the Village Residential District is to retain and extend the built form and settlement pattern of the village centers – Dorset, South Dorset and East Dorset. The Village Residential districts feature primarily single-unit dwellings on small lots but diversity in lot size and frontage, and building placement and form contributes to neighborhood character. These districts also include land in proximity to the village centers that is currently undeveloped or developed at low densities that may be suitable for infill housing. The intent is to foster pleasant, walkable residential neighborhoods with a mix of housing types.

**2103.B Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see [Subchapter 130](#)).

**Lots**

(1)	Minimum lot size	20,000 square feet	(see <a href="#">Subsection 2008.B</a> )
(2)	Minimum lot frontage	90 feet	(see <a href="#">Subsection 2008.C</a> )
(3)	Maximum lot coverage	50%	(see <a href="#">Subsection 2008.D</a> )

**Setbacks**

(4)	Minimum front setback	20 feet from ROW	(see <a href="#">Subsection 2008.E</a> )
(5)	Minimum side and rear setback	15 feet	(see <a href="#">Subsection 2008.E</a> )

**Structures**

(6)	Maximum height	35 feet	(see <a href="#">Subsection 2008.F</a> )
(7)	Maximum footprint	3,000 square feet	(see <a href="#">Subsection 2008.G</a> )

**Residential Density**

(8)	Minimum lot area per dwelling unit	10,000 square feet	(see <a href="#">Subsection 2008.H</a> )
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**2103.C Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Single-unit dwelling
- (2) Two-unit dwelling
- (3) Multi-unit dwelling
- (4) Rooming and boarding house
- (5) Accessory dwelling
- (6) Home occupation
- (7) Family childcare home
- (8) Bed-and-breakfast
- (9) Group home

**Industrial**

- (10) Communication antenna

**Art, Entertainment and Recreation**

- (11) Park or nature reserve

**Civic and Community**

- (12) Government facility
- (13) Education institution
- (14) Religious institution

**Natural Resource Based**

- (15) Farming or forestry
- (16) On-farm business

2103.D **Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see Subchapter [130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Home business
- (2) Care home
- (3) Lodging facility

**Art, Entertainment and Recreation**

- (4) Museum or library

2103.E **District Standards**

[reserved for future use]

**2104 GENERAL BUSINESS (GB) DISTRICT**

2104.A **Purpose.** The purpose of the General Business District is to provide suitable locations for light industrial and commercial businesses that due to their size, site needs, function and impacts are not appropriate within village areas or near residential areas. It is the intent of this district to promote economic development in Dorset, and to maintain and enhance the character of these areas so they will be an attractive location for businesses to locate and expand.

2104.B **Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see [Subchapter 130](#)).

**Lots**

(1)	Minimum lot size	2 acres	(see <a href="#">Subsection 2008.B</a> )
(2)	Minimum lot frontage	180 feet	(see <a href="#">Subsection 2008.C</a> )
(3)	Maximum lot coverage	60%	(see <a href="#">Subsection 2008.D</a> )

**Setbacks**

(4)	Minimum front setback	40 feet from ROW	(see <a href="#">Subsection 2008.E</a> )
(5)	Minimum side and rear setback within the district	20 feet	(see <a href="#">Subsection 2008.E</a> )
(6)	Minimum side and rear setback with another district	40 feet	(see <a href="#">Subsection 2008.E</a> )

**Structures**

(7)	Maximum height	35 feet	(see <a href="#">Subsection 2008.F</a> )
(8)	Maximum footprint	n/a	(see <a href="#">Subsection 2008.G</a> )

**Residential Density**

(9)	Minimum lot area per dwelling unit	n/a	(see <a href="#">Subsection 2008.H</a> )
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2104.C **Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Commercial**

- (1) Retail sales
- (2) Open air market
- (3) Repair service
- (4) Lawn, garden or farm supply
- (5) Lumberyard or building supply
- (6) Professional, business or financial service
- (7) Personal service
- (8) Property service
- (9) Veterinary, pet or animal service
- (10) Restaurant
- (11) Catering or commercial kitchen

**Industrial**

- (12) Light industry
- (13) Food or beverage manufacturing
- (14) Wood products manufacturing
- (15) Stone products manufacturing
- (16) Publishing, printing or sign manufacturing
- (17) Information service
- (18) Research and development facility
- (19) Wholesale trade
- (20) Storage and distribution service
- (21) Transportation service
- (22) Media recording or broadcasting studio
- (23) Communication antenna
- (24) Media recording or broadcasting studio
- (25) Contractor's yard

**Art, Entertainment and Recreation**

- (26) Theater
- (27) Artist gallery or studio
- (28) Museum or library
- (29) Indoor recreation
- (31) Commercial outdoor recreation
- (32) Park or nature reserve

**Civic and Community**

- (33) Government facility
- (34) Education institution
- (35) Outpatient care service

- (36) Childcare facility
- (37) Religious institution
- (38) Funeral service
- (39) Social club

**Natural Resource Based**

- (40) Farming or forestry
- (41) Firewood processing
- (42) Mineral extraction
- (43) On-farm business
- (44) Agricultural enterprise

2104.D **Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see Subchapter 130). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Commercial**

- (1) Sales lot
- (2) Fueling station
- (3) Carwash
- (4) Bar
- (5) Event facility

**Industrial**

- (6) Communication tower
- (7) Waste service

**Civic and Community**

- (8) Specialty school

**Natural Resource Based**

- (9) Water extraction

2104.E **District Standards**

- (1) Drive-through service is prohibited in this district.

**2105 RURAL MIXED USE (RMU) DISTRICT**

**2105.A Purpose.** The purpose of the Rural Mixed Use District is to provide an opportunity for both residences and businesses in rural areas of Dorset that are readily accessible from state highways and near existing development. It is the intent of this district to allow rural lands to generate income – from traditional farming and forestry practices, value-added processing, tourism, recreation, and other compatible businesses – and provide opportunities for residential living in a rural setting. The configuration of lots, layout of roads and driveways, and placement of buildings should be varied in response to the terrain and natural features on the site. Still visible remnants of Dorset’s agricultural heritage should be maintained whenever feasible with building sites sensitively located along the edges of former fields or pastures, and lot lines, roads or drives following hedgerows, fence lines or stone walls. Commercial and industrial buildings designed to be compatible with the form and character of traditional agricultural buildings are strongly encouraged.

**2105.B Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see [Subchapter 130](#)).

<b>Lots</b>			
(1)	Minimum lot size	2 acres	(see <a href="#">Subsection 2008.B</a> )
(2)	Minimum lot frontage	180 feet	(see <a href="#">Subsection 2008.C</a> )
(3)	Maximum lot coverage	50%	(see <a href="#">Subsection 2008.D</a> )
<b>Setbacks</b>			
(4)	Minimum front setback	40 feet from ROW	(see <a href="#">Subsection 2008.E</a> )
(5)	Minimum side and rear setback	30 feet	(see <a href="#">Subsection 2008.E</a> )
<b>Structures</b>			
(6)	Maximum height	35 feet	(see <a href="#">Subsection 2008.F</a> )
(7)	Maximum footprint	n/a	(see <a href="#">Subsection 2008.G</a> )
<b>Residential Density</b>			
(8)	Minimum lot area per dwelling unit	1.0 acres	(see <a href="#">Subsection 2008.H</a> )

**2105.C Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

Residential and Lodging	
(1)	Single-unit dwelling
(2)	Two-unit dwelling
(3)	Multi-unit dwelling
(4)	Rooming and boarding house
(5)	Accessory dwelling
(6)	Home occupation
(7)	Home business
(8)	Family childcare home
(9)	Bed-and-breakfast
(10)	Group home
(11)	Care home
(12)	Lodging facility
Commercial	
(13)	Retail sales
(14)	Open air market
(15)	Repair service
(16)	Lawn, garden or farm supply
(17)	Lumberyard and building supply
(18)	Professional, business or financial service
(19)	Personal service
(20)	Property service



- (21) Restaurant
- (22) Catering or commercial kitchen

**Industrial**

- (23) Media recording or broadcasting studio
- (24) Communication antenna

**Art, Entertainment and Recreation**

- (25) Theater
- (26) Artist gallery or studio
- (27) Museum or library
- (28) Indoor recreation
- (29) Commercial outdoor recreation
- (30) Park or nature reserve
- (31) Golf course or country club
- (32) Equestrian facility
- (33) Campground

**Civic and Community**

- (34) Government facility
- (35) Education institution
- (36) Outpatient care service
- (37) Childcare facility
- (38) Religious institution
- (39) Funeral service
- (40) Cemetery
- (41) Social club

**Natural Resource Based**

- (43) Farming or forestry
- (44) On-farm business
- (45) Agricultural enterprise

2105.D

**Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Commercial**

- (1) Sales lot
- (2) Fueling station
- (3) Carwash
- (4) Veterinary, pet or animal service
- (5) Bar
- (6) Event facility

**Industrial**

- (7) Light industry
- (8) Food or beverage manufacturing
- (9) Wood products manufacturing
- (10) Stone products manufacturing
- (11) Metal fabrication shop
- (12) Publishing, printing or sign manufacturing

- (13) Information service
- (14) Research and development facility
- (15) Wholesale trade
- (16) Storage and distribution service
- (17) Transportation service
- (18) Communication tower
- (19) Waste service
- (20) Contractor's yard

**Civic and Community**

- (21) Specialty school

**Natural Resource Based**

- (22) Firewood processing
- (23) Mineral extraction
- (24) Water extraction

2105.E

**District Standards**

- (1) Drive-through service is prohibited in this district.
- (2) A proposed commercial, art, entertainment, recreation use on a lot less than 4 acres in area will require approval as a conditional use.

**2106 RURAL RESIDENTIAL (RR) DISTRICT**

**2106.A Purpose.** The purpose of the Rural Residential District is to provide an opportunity for residential living in a rural setting. The configuration of lots, layout of roads and driveways, and placement of buildings should be varied in response to the terrain and natural features on the site. Still visible remnants of Dorset's agricultural heritage should be maintained whenever feasible with building sites sensitively located along the edges of former fields or pastures, and lot lines, roads or drives following hedgerows, fence lines or stone walls. In forested areas, clearing for access, house sites and view corridors should be minimized to the greatest extent feasible and development should be sited in proximity to existing road and utility corridors to avoid further encroachment into currently undisturbed areas.

**2106.B Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see [Subchapter 130](#)).

**Lots**

(1)	Minimum lot size	2.75 acres	(see <a href="#">Subsection 2008.B</a> )
(2)	Minimum lot frontage	240 feet	(see <a href="#">Subsection 2008.C</a> )
(3)	Maximum lot coverage	10%	(see <a href="#">Subsection 2008.D</a> )

**Setbacks**

(4)	Minimum front setback	40 feet from ROW	(see <a href="#">Subsection 2008.E</a> )
(5)	Minimum side and rear setback	30 feet	(see <a href="#">Subsection 2008.E</a> )

**Structures**

(6)	Maximum height	35 feet	(see <a href="#">Subsection 2008.F</a> )
(7)	Maximum footprint	n/a	(see <a href="#">Subsection 2008.G</a> )

**Residential Density**

(8)	Minimum lot area per dwelling unit	1.5 acres	(see <a href="#">Subsection 2008.H</a> )
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**2106.C Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Single-unit dwelling
- (2) Two-unit dwelling
- (3) Accessory dwelling
- (4) Primitive camp
- (5) Home occupation
- (6) Family childcare home
- (7) Bed-and-breakfast
- (8) Group home

**Industrial**

- (9) Communication antenna

**Art, Entertainment and Recreation**

- (10) Park or nature reserve

**Civic and Community**

- (11) Government facility
- (12) Education institution
- (13) Religious institution
- (14) Cemetery

**Natural Resource Based**

- (15) Farming or forestry
- (16) On-farm business

- 2106.D **Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see Subchapter 130). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Home business
- (2) Care home
- (3) Lodging facility

**Commercial**

- (4) Open air market
- (5) Property service
- (6) Veterinary, pet or animal service

**Industrial**

- (7) Media recording or broadcasting studio
- (8) Communication tower

**Art, Entertainment and Recreation**

- (9) Artist gallery or studio
- (10) Museum or library
- (11) Commercial outdoor recreation
- (12) Golf course or country club
- (13) Equestrian facility
- (14) Campground

**Civic and Community**

- (15) Specialty school
- (16) Childcare facility
- (17) Funeral service
- (18) Social club

**Natural Resource Based**

- (19) Firewood processing
- (20) Water extraction
- (21) Agricultural enterprise

2106.E **District Standards**

- (1) Any undeveloped lot 6 acres or more in size without a designated building envelope must have a building envelope designated and approved in accordance with the provisions of [Subsection 3305.C](#) and [Section 4309](#) prior to the Zoning Administrator issuing a zoning permit for development.

**2107 RURAL RESOURCE PROTECTION (RRP) DISTRICT**

2107.A **Purpose.** The Rural Resource Protection District includes land generally unavailable or poorly suited for development due to natural hazards and constraints, public ownership or conservation easements, and limited accessibility from the maintained road network. It also includes land above 1,600 feet in elevation. Forest lands predominate with a very low density of development. The purpose of the Rural Resource Protection District is to:

- (1) Protect the town's rural character and environmental quality by guiding development away from land that has significant natural resource constraints or high resource value;
- (2) Maintain or improve water quality and flood attenuation by avoiding loss of or impacts to wetlands due to development;
- (3) Reduce the risk of erosion, sedimentation and flood damage by avoiding forest clearing and disturbance of steep slopes and shallow soils in upland areas;
- (4) Minimize forest fragmentation and maintain wildlife habitat;
- (5) Preserve the natural beauty of highly visible hillsides and ridgelines;
- (6) Keep working farm and forest land in productive use; and
- (7) Avoid lengthy extensions of roads or driveways to serve very low density development.

2107.B **Dimensional Standards.** Lots and structures must meet the dimensional standards below (for pre-existing, non-conforming lots or structures, see Subchapter 130).

<b>Lots</b>			
(1)	Minimum lot size	30 acres	(see Subsection 2008.B)
(2)	Minimum lot frontage	75 feet	(see Subsection 2008.C)
(3)	Maximum lot coverage	greater of 1% or 6,000 sf	(see Subsection 2008.D)
<b>Setbacks</b>			
(4)	Minimum front setback	50 feet from ROW	(see Subsection 2008.E)
(5)	Minimum side and rear setback	50 feet	(see Subsection 2008.E)
<b>Structures</b>			
(6)	Maximum height	35 feet	(see Subsection 2008.F)
(7)	Maximum footprint	n/a	(see Subsection 2008.G)
<b>Residential Density</b>			
(8)	Minimum lot area per dwelling unit	10 acres	(see Subsection 2008.H)

2107.C **Permitted Uses.** The Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Primitive camp

**Industrial**

- (2) Communication antenna

**Art, Entertainment and Recreation**

- (3) Park or nature reserve

**Civic and Community**

- (4) Government facility
- (5) Education institution
- (6) Religious institution
- (7) Cemetery

**Natural Resource Based**

- (8) Farming or forestry
- (9) On-farm business

2107.D **Conditional Uses.** A landowner must obtain a conditional use approval from the Planning Commission before the Zoning Administrator may issue a zoning permit for the uses listed below (for pre-existing, nonconforming uses see [Subchapter 130](#)). All uses listed below are defined in [Section 2109](#). Site plan review may be required (see [Section 2109](#) and [Section 4304](#)).

**Residential and Lodging**

- (1) Single-unit dwelling
- (2) Two-unit dwelling
- (3) Accessory dwelling
- (4) Home occupation
- (5) Family childcare home
- (6) Bed-and-breakfast
- (7) Group home

**Industrial**

- (8) Wood products manufacturing
- (9) Stone products manufacturing
- (10) Research and development facility
- (11) Communication tower

**Art, Entertainment and Recreation**

- (12) Museum or library
- (13) Commercial outdoor recreation
- (14) Equestrian facility
- (15) Campground

**Civic and Community**

- (16) Specialty school
- (17) Social club

**Natural Resource Based**

- (18) Firewood processing
- (19) Mineral extraction
- (20) Water extraction
- (21) Agricultural enterprise

2107.E **District Standards**

- (1) Any undeveloped lot without a designated building envelope must have a building envelope designated and approved in accordance with the provisions of [Subsection 3305.C](#) and [Section 4309](#) prior to the Zoning Administrator issuing a zoning permit for development. Development is prohibited above 1,600 feet in elevation.
- (2) Any parcels subject to a private conservation easement put in place prior to September 12, 2023 that established a specified number of retained building rights and/or acreage available for future development may be developed in accordance with the terms of the easement. The standards of the Rural Residential district will apply to residential development on those portions of the parcel where development is allowed under the easement.

DISTRICT DIMENSIONAL SUMMARY TABLE

	VB	VMU	VR	GB	RMU	RR	RRP	MORE INFO
<b>Lots</b>								
(1) Minimum lot size	10,000 sf	20,000 sf	20,000 sf	2 ac	2 ac	2.75 ac	30 ac	(see Subsection 2008.B)
(2) Minimum lot frontage	75 ft	90 ft	90 ft	180 ft	180 ft	240 ft	75 ft	(see Subsection 2008.C)
(3) Maximum lot coverage	60%	60%	50%	60%	50%	10%	1%	(see Subsection 2008.D)
<b>Setbacks</b>								
(4) Minimum front setback from ROW	5 ft	10 ft	20 ft	40 ft	40 ft	40 ft	50 ft	(see Subsection 2008.E)
(5) Minimum side and rear setback <i>if abutting another district</i>	10 ft	15 ft	15 ft	20 ft 40 ft	30 ft	30 ft	50 ft	(see Subsection 2008.E)
<b>Structures</b>								
(6) Maximum height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	(see Subsection 2008.F)
(7) Maximum footprint	3,000 sf	3,000 sf	3,000 sf	n/a	n/a	n/a	n/a	(see Subsection 2008.G)
<b>Residential Density</b>								
(8) Minimum lot area per dwelling unit	5,000 sf	5,000 sf	10,000 sf	n/a	1.0 ac	1.5 ac	10 ac	(see Subsection 2008.H)

DISTRICT USE SUMMARY TABLE AND USE DEFINITIONS

P = Permitted C = Conditional X = Prohibited

Residential and Lodging

	SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
(1) <b>Single-unit dwelling</b> means use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	No	P	P	P	X	P	P	C
(2) <b>Two-unit dwelling</b> means use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	No	P	P	P	X	P	P	C
(3) <b>Multi-unit dwelling</b> means use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building.	Yes	P	P	P	X	P	X	X
(4) <b>Rooming and boarding house</b> means use of a single-unit dwelling to provide accommodations that will serve as the boarder's principal residence for a period of not less than 31 days, and that may include meals, housekeeping and/or laundry services.	No	P	P	P	X	P	X	X
(5) <b>Accessory dwelling</b> means accessory use of single-unit residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See <a href="#">Section 3202</a> .	No	P	P	P	X	P	P	C
(6) <b>Primitive camp</b> means use of a structure for short-term habitation by people who are vacationing or recreating and who have a principal residence elsewhere. See <a href="#">Section 3203</a> .	No	X	X	X	X	X	P	P
(7) <b>Home occupation</b> means accessory use of single-unit residential property for a small business that does not alter the residential character of the property. See <a href="#">Section 3204</a> .	No	P	P	P	X	P	P	C
(8) <b>Home business</b> means accessory use of single-unit residential property for a small business that may alter the residential character of the property. See <a href="#">Section 3205</a> .	Yes	P	P	C	X	P	C	X
(9) <b>Family childcare home</b> means accessory use of single-unit residential property for a small childcare business that operates under state license or registration. See <a href="#">Section 3206</a> .	No	P	P	P	X	P	P	C

		SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted	C = Conditional	X = Prohibited							
(10)	<b>Bed-and-breakfast</b> means accessory use of single-unit residential property to provide short-term guest accommodations, which requires a state lodging establishment license. See <a href="#">Section 3207</a> .	No	P	P	P	X	P	P	C
(11)	<b>Group home</b> means use of a single-unit residential property to provide housing to people with a handicap or disability that operates under state license or registration. See <a href="#">Section 1105</a> .	No	P	P	P	X	P	P	C
(12)	<b>Care home</b> means use of one or more structures to provide housing, board and services to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. or 24-hour skilled nursing, or similar treatment or care, and that operates under state license. Includes residential care, nursing or convalescent homes, hospice or respite care facilities, and residential treatment facilities. See <a href="#">Section 3208</a> .	Yes	P	P	C	X	P	C	X
(13)	<b>Lodging facility</b> means use of one or more structures to provide short-term guest accommodations, which requires a state lodging establishment license. It may also include accessory uses such as food services, recreational services, laundry services, etc. See <a href="#">Section 3209</a> .	Yes	P	P	C	X	P	C	X
<b>Commercial</b>									
(14)	<b>Retail sales</b> means an establishment that sells goods to the general public for personal or household consumption, excluding any use specifically defined in this section. It may also provide rental, installation, repair or maintenance services as an accessory use.	Yes	P	P	X	P	P	X	X
(15)	<b>Open-air market</b> means an establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open-air structures, excluding any use specifically defined in this section.	Yes	C	X	X	P	P	C	X
(16)	<b>Sales lot</b> means an establishment that sells large goods such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide rental, installation, repair or maintenance services as an accessory use.	Yes	X	X	X	C	C	X	X
(17)	<b>Repair service</b> means an establishment that maintains, services, repairs or paints large goods such as appliances, vehicles, boats, equipment or machinery. See <a href="#">Section 3211</a> .	Yes	C	X	X	P	P	X	X
(18)	<b>Fueling station</b> means a specialized establishment for selling gasoline or other vehicle fuels. It may also include a retail shop, repair service or carwash as an accessory use. See <a href="#">Section 3212</a> .	Yes	C	X	X	C	C	X	X



		SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted	C = Conditional	X = Prohibited							
(19)	<b>Carwash</b> means a specialized establishment for washing, waxing, polishing and general cleaning of vehicles.	Yes	X	X	X	C	C	X	X
(20)	<b>Lawn, garden or farm supply</b> means an establishment that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use.	Yes	X	X	X	P	P	X	X
(21)	<b>Lumberyard or building supply</b> means an establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures.	Yes	X	X	X	P	P	X	X
(22)	<b>Professional, business or financial service</b> means an establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; (c) provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc.; or (d) engages in financial transactions that create, liquidate or change ownership of financial assets such as accepting deposits, making loans and issuing currency. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	Yes	P	P	X	P	P	X	X
(23)	<b>Personal service</b> means an establishment that provides services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor. It may include sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	Yes	P	P	X	P	P	X	X
(24)	<b>Property service</b> means an establishment that provides property services such as lawn and garden maintenance, tree care, fence installation, snow removal, pest management, etc. This definition specifically excludes a contractor's yard. See Section 3218.	Yes	X	X	X	P	P	C	X
(25)	<b>Veterinary, pet or animal service</b> means an establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, daycare, grooming and training; or (c) that breeds, sells or manages adoption of pets. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use. See Section 3213.	Yes	X	X	X	P	C	C	X

		SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted	C = Conditional	X = Prohibited							
(26)	<b>Restaurant</b> means an establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption. This definition includes a retail bakery that sells at least 50% of its products on the premises and mobile food service from motorized vehicles or non-motorized carts that are parked or located outside the road right-of-way. This definition specifically excludes catering and commercial kitchens. See <a href="#">Section 3214</a> .	Yes	P	P	X	P	P	X	X
(27)	<b>Bar</b> means an establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewpub that produces less than 15,000 barrels of beer per year and sells 25% or more of its beer on the premises. See <a href="#">Section 3214</a> .	Yes	P	C	X	C	C	X	X
(28)	<b>Event facility</b> means an establishment used to host private events such as meetings, weddings, receptions and reunions. See <a href="#">Section 3214</a> .	Yes	X	X	X	C	C	X	X
(29)	<b>Catering or commercial kitchen</b> means a state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a state food processing establishment license (such uses will be considered food or beverage manufacturing).	Yes	P	P	X	P	P	X	X
<b>Industrial</b>									
(30)	<b>Light industry</b> means an establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include retail sales as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.	Yes	X	X	X	P	C	X	X
(31)	<b>Food or beverage manufacturing</b> means a state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include retail sales, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery, commercial bakery or a cannabis product manufacturer.	Yes	C	C	X	P	P	X	X

		SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted	C = Conditional	X = Prohibited							
(32)	<b>Wood products manufacturing</b> means an establishment that manufactures products primarily from wood, including but not limited to, lumber, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture. Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products from logs and bolts that are sawed and shaped, and establishments that purchase sawed lumber and make primarily wood products. This definition includes a sawmill but excludes firewood processing.	Yes	X	X	X	P	C	X	C
(33)	<b>Stone products manufacturing</b> means an establishment that produces stone products such as cut or dimension stone, building materials or components, veneers, statuary or monuments, industrial products, or consumer goods. Manufacturing may include grinding, cutting, shaping and honing. This definition excludes mineral extraction.	Yes	X	X	X	P	C	X	C
(34)	<b>Metal fabrication shop</b> means an establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or boiler shops.	Yes	X	X	X	P	C	X	X
(35)	<b>Printing, publishing or sign manufacturing</b> means an establishment that: (a) issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, databases, calendars, greeting cards, maps, posters, software, sound recordings or video recordings; or (b) fabricates signs, banners or similar communication devices. This definition specifically excludes a retail copy shop, which will be considered a, professional, business or financial service under these regulations.	Yes	P	C	X	P	P	X	X
(36)	<b>Information service</b> means an establishment used to: (a) house computer systems and associated components such as telecommunications and storage systems that typically includes redundant or back-up power supplies and communications connections, environmental controls and security devices; or (b) provide electronic data processing services or that supply information including, but not limited to, internet access or service providers, and electronic library or archive services .	Yes	X	X	X	P	P	X	X

	SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted    C = Conditional    X = Prohibited								
(37) <b>Research and development facility</b> means an establishment used for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing that are not associated with a manufacturing facility on the same site. This definition includes a cannabis testing laboratory.	Yes	C	C	X	P	P	X	C
(38) <b>Wholesale trade</b> means an establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold. This definition includes a cannabis wholesaler.	Yes	C	C	X	P	P	X	X
(39) <b>Storage or distribution service</b> means an establishment that (a) stores, but does not sell, goods and may provide a range of services related to the distribution of goods; (b) provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods (see <a href="#">Section 32.15</a> ); or (c) with one or more tanks that typically store fuels, oils and similar liquid products for sale or distribution (see <a href="#">Section 32.16</a> ). This definition specifically excludes any use specifically defined in this section and retail sale and refilling of fuel tanks that are not more than 50 pounds in size when carried out as an accessory use.	Yes	X	X	X	P	P	X	X
(40) <b>Transportation service</b> means an establishment that provides: (a) transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, and taxi or limousine services; (b) transportation of cargo using trucks, tractor trailers or rail; or (c) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.	Yes	X	X	X	P	C	X	X
(41) <b>Media recording or broadcasting studio</b> means an establishment used to produce, distribute and/or broadcast sound or video programs or recordings.	Yes	P	P	X	P	P	C	X
(42) <b>Communications antenna</b> means a device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower. See <a href="#">Section 32.17</a> .	Yes	P	P	P	P	P	P	P
(43) <b>Communications tower</b> means a structure used to support one or more communication antennas and related structures and equipment. See <a href="#">Section 32.17</a> .	Yes	X	X	X	C	C	C	C

		SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted	C = Conditional	X = Prohibited							
(44)	<b>Waste service</b> means an establishment that: (a) collects or hauls nonhazardous solid waste or recyclable materials generated within a local area; (b) operates as a nonhazardous solid waste transfer station; (c) identifies, sorts, treats, packages, or labels wastes for the purposes of transport; (d) pumps septic tanks and cesspools; (e) rents or services portable toilets; (f) provides other septic waste management services; (g) collects, separates and/or recovers recyclable materials; (h) prepares materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning; or (i) transforms organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. It may include retail sales of recovered materials as an accessory use. This definition specifically excludes state-licensed landfills, junkyards, municipal wastewater treatment facilities and related essential services, and composting activities that are limited to organic waste produced on the premises.	Yes	X	X	X	C	C	X	X
(45)	<b>Contractor's yard</b> means an establishment that stores vehicles, machinery, equipment and materials used by a contractor in the construction-related trades primarily outside an enclosed structure, and which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office. This definition specifically excludes junkyards. See Section 3218.	Yes	X	X	X	P	C	X	X
<b>Art, Entertainment and Recreation</b>									
(46)	<b>Theater</b> means an establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists, or that shows movies or other recorded entertainment to an audience.	Yes	P	C	X	P	P	X	X
(47)	<b>Artist gallery or studio</b> means an establishment used to produce and/or sell works of art.	Yes	P	P	X	P	P	C	X
(48)	<b>Museum or library</b> means an establishment that preserves and exhibits objects, sites and natural wonders of artistic, historical, cultural, scientific or educational value.	Yes	P	P	C	P	P	C	C
(49)	<b>Indoor recreation</b> means an establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This definition specifically excludes any use defined in this section.	Yes	P	C	X	P	P	X	X
(50)	<b>Commercial outdoor recreation</b> means an establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. This includes any use operated as a business or for the exclusive use of members, and excludes parks. See Section 3219. This definition specifically excludes any use defined in this section.	Yes	X	X	X	P	P	C	C

	P = Permitted	C = Conditional	X = Prohibited	SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
(51)	<b>Park or nature preserve</b> means a non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.			Yes	P	P	P	P	P	P	P
(52)	<b>Golf course or country club</b> means an establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, driving range and shelters. It may provide additional sports, fitness or recreational activities and/or retail sales of related merchandise as an accessory use.			Yes	X	X	X	X	P	C	X
(53)	<b>Equestrian facility</b> means a commercial establishment used to house, train, care for, and/or ride horses.			Yes	X	X	X	X	P	C	C
(54)	<b>Campground</b> means an establishment: (a) designed to accommodate campers and their equipment including tents, tent trailers, recreational vehicles or cabins, or (b) that provides individuals or groups with camping or similar primitive lodging, and outdoor recreational activities. It may provide short-term guest accommodations, and facilities and services such as camping units, cabins, sanitary facilities, food services, recreational facilities for guest or day use, and organized recreational or educational activities. See Section 3210.			Yes	X	X	X	X	P	C	C
Civic and Community											
(55)	<b>Government facility</b> means a state- or town-owned or operated establishment that serves a public function and provides governmental services. See Section 1104.			Yes	P	P	P	P	P	P	P
(56)	<b>Education institution</b> means a state-certified public or private establishment that provides educational services. See Section 1104.			Yes	P	P	P	P	P	P	P
(57)	<b>Specialty school</b> means a commercial establishment that offers instruction, classes or training.			Yes	C	C	X	C	C	C	C
(58)	<b>Outpatient care service</b> means an establishment from which one or more licensed practitioners provide healthcare services to people as outpatients.			Yes	P	C	X	P	P	X	X
(59)	<b>Childcare facility</b> means an establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session. See Section 3220.			Yes	P	P	X	P	P	C	X
(60)	<b>Religious institution</b> means an establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use. See Section 1104.			Yes	P	P	P	P	P	P	P

		SITE PLAN	VB	VMU	VR	GB	RMU	RR	RRP
P = Permitted C = Conditional X = Prohibited									
(61) <b>Funeral service</b> means an establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.		Yes	P	C	X	P	P	C	X
(62) <b>Cemetery</b> means a site designed to inter or otherwise store the remains of deceased people or domestic animals.		Yes	X	X	X	X	P	P	P
(63) <b>Social club</b> means a private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.		Yes	P	C	X	P	P	C	C
<b>Natural Resource Based</b>									
(64) <b>Farming or forestry</b> means an establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See <a href="#">Section 1103</a> .		No	P	P	P	P	P	P	P
(65) <b>Firewood processing</b> means an establishment that produces firewood for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises. This definition specifically excludes wood products manufacturing and forestry.		Yes	X	X	X	P	C	C	C
(66) <b>Mineral extraction</b> means an establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening. See <a href="#">Section 3222</a> .		Yes	X	X	X	P	C	X	C
(67) <b>Water extraction</b> means an establishment that pumps, collects, stores and/ or transports groundwater, spring water or surface water for off-site commercial or industrial use. It may include on-site processing such as filtering, purifying and bottling. This definition specifically excludes water used for food and beverage manufacturing.		Yes	X	X	X	C	C	C	C
(68) <b>On-farm business</b> means an accessory use of a farm for a business that engages in agri-tourism, agri-education, direct marketing or value-added processing of products produced primarily on the farm. See <a href="#">Section 3223</a> .		No	P	P	P	P	P	P	P
(69) <b>Agricultural enterprise</b> means an establishment that adds value to locally-produced farm or forest products or that cultivates cannabis. See <a href="#">Section 3223</a> .		Yes	X	X	X	P	P	C	C



## 220 Overlay Zoning Districts

### 2201 FLOOD HAZARD OVERLAY (FHO) DISTRICT

2201.A **Purpose.** The Flood Hazard Overlay District is intended to:

- (1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- (2) Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding;
- (3) Manage special flood hazard areas in accordance with state and federal law;
- (4) Make the Town of Dorset, its landowners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available;
- (5) Allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this overlay district;
- (6) Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains;
- (7) Avoid encroachments that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability;
- (8) Protect infill and redevelopment from inundation hazards; and
- (9) Discourage new encroachments on undeveloped property that provides for floodwater and sediment storage.

2201.B **Precedence.** The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply.

2201.C **Warning.** The provisions of this section do not imply that lands outside of this overlay district will be free from flooding.

2201.D **District Boundaries.** The provisions of this section apply to all flood hazard areas identified on the most current flood insurance studies and maps published by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are adopted by reference into these regulations. The flood hazard area consists of the floodway and flood fringe (commonly referred to as the 100-year floodplain).



- 2201.E **LOMAs and LOMRs.** Applicants may provide a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), which will constitute proof of the location of the flood hazard area boundary. A Letter of Map Revision based on Fill (LOMR-F) issued on or after August 1, 1986 may not be used to remove lands from the jurisdiction of this section.
- 2201.F **Applicability.** A landowner must obtain a zoning permit for all development (as defined in [Subsection 2201.V](#)) located within this overlay district that is not exempted in [Subsection 2201.H](#). The Zoning Administrator must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.
- 2201.G **Allowed Uses.** The uses allowed in the underlying district are allowed to the same extent within this overlay district provided:
- (1) The proposed development is not prohibited in [Subsection 2201.H](#); and
  - (2) The applicant demonstrates compliance with [Subsection 2201.K](#) or [Subsection 2201.L](#) as applicable.

Figure 2-02. Flood Hazard Area Summary Table

Land Use Development or Activity	Allowed by Area and Zoning District			Standards
	Floodway	Flood Fringe		
		Village & Business	Rural	
Dwellings				
New	No	Yes	No	<u>2201.N</u>
Substantially improved or replaced	Yes	Yes	Yes	
Building other than dwelling				
New	No	Yes	No	<u>2201.N</u>
Substantially improved or replaced	Yes	Yes	Yes	
Small accessory structure (up to 500 sf)				
New	No	Yes	No	<u>2201.O</u>
Substantially improved or replaced	Yes	Yes	Yes	
Fully enclosed space below grade on all sides	No	No	No	<u>2201.I</u>
Outdoor storage	No	No	No	<u>2201.I</u>
Fuel tanks				
New	No	Yes	No	<u>2201.P</u>
Substantially improved or replaced	Yes	Yes	Yes	
Utilities and service facilities				
New	No	Yes	No	<u>2201.Q</u>
Substantially improved or replaced	Yes	Yes	Yes	
Water and wastewater facilities				
New	No	Yes	No	<u>2201.R</u>
Substantially improved or replaced	Yes	Yes	Yes	

2201.H **Exempt Development.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

- (1) **Agricultural and silvicultural practices** exempted under [Section 1103](#);
- (2) **Normal maintenance and repair** of existing development;
- (3) **Demolition** of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure (for damaged structures where owners may be using FEMA mitigation funds, FEMA may require a damaged structure to remain in place until funds are granted);
- (4) **Improvements** to existing buildings (interior or exterior) that cost less than \$500;
- (5) **Subdivision** of land;
- (6) **Public water access and recreational trails** that do not require active management or alteration of the river or stream;
- (7) **Planting projects** to restore natural and beneficial floodplain functions that do not involve grading or construction of structures;
- (8) Development subject to a **Stream Alteration Permit** from the Vermont Agency of Natural Resources;
- (9) Development subject to a **Certificate of Public Good** from the Vermont Public Utilities Commission; and
- (10) **State** owned and operated facilities or institutions.

2201.I **Prohibited Development.** The following development is prohibited within this overlay district:

- (1) **Fully enclosed areas below grade on all sides** (including below grade crawlspaces and basements) for new, replacement or substantially improved structures, or for structures that have incurred substantial damage;
- (2) **Outdoor storage** of goods, materials, equipment or vehicles;
- (3) **New critical facilities**;
- (4) **New encroachments in the Rural Mixed Use, Rural Residential and Rural Resource Protection districts**, except for:
  - (a) Changes to existing structures where the footprint is proposed to expand less than 500 square feet within this district;
  - (b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and

- (c) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.
- (5) **Expansion of existing structures within the floodway** where the footprint of the structure is proposed to expand laterally into the floodway more than 500 square feet; and
- (6) **Any development within Zones AE and A1-A30** where FEMA has not determined floodway limits unless the applicant demonstrates that the cumulative impact of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the town by submitting technical data that conforms to standard hydraulic engineering principles prepared and certified by a qualified engineer.

2201.J **Pre-Existing Structures.** Within this overlay district, a landowner may only:

- (1) Reconstruct a substantially damaged or destroyed structure in its original location if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this section; or
- (2) Re-occupy a structure that has been unused or uninhabited for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section.

2201.K **Floodway Standards.** Within the floodway:

- (1) New encroachments are prohibited except for the following, which must meet the requirements of Paragraph (2) below:
  - (a) Changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
  - (b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and
  - (c) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.
- (2) For new encroachments or development allowed under Paragraph (1) above that will result in a change of grade, applicants must provide either a:
  - (a) FEMA Conditional Letter of Map Revision (CLOMR) to demonstrate that the proposed development will not have an adverse impact; or
  - (b) Hydraulic analysis performed by a registered professional engineer in accordance with standard engineering practice certifying that the proposed development will:
    - (i) Not result in any increase in flood levels during the occurrence of the base flood;

- (ii) Not increase base flood velocities; and
  - (iii) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- (3) The applicant must demonstrate that any new encroachments or development allowed under Paragraph (1) above have been designed in accordance with the standards of Subsection 2201.L except for the requirement for compensatory flood storage.

2201.L **Flood Fringe Standards.** Within the flood fringe:

- (1) **Compensatory Flood Storage.** Development that displaces floodwater storage must provide compensatory storage in accordance with the following unless exempted in Paragraph (c) below:
  - (a) Applicants must provide either:
    - (i) Volumetric analyses and supporting data prepared and certified by a qualified engineer; or
    - (ii) A hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.
  - (b) Applicants must provide a statement from a qualified engineer certifying that the compensatory flood storage design will not materially impact adjacent properties by increasing base flood elevations or velocities.
  - (c) Upon the applicant obtaining a written statement of concurrence from the Vermont Agency of Natural Resources Regional Floodplain Manager, the Zoning Administrator, Planning Commission or Zoning Board of Adjustment may waive the compensatory flood storage requirement for:
    - (i) Designs that have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property;
    - (ii) Remediation of brownfield sites provided the applicant submits a hydraulic analysis that demonstrates that the remediation will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer;
    - (iii) A replacement structure provided there is no increase in the structure's footprint or an open foundation design is used; and
    - (iv) Roads, driveways, utilities and replacement on-site septic systems upon the applicant demonstrating that the placement of fill cannot be mitigated.

2201.M **General Standards for All Development.** Applicants must demonstrate that the proposed development will be:

- (a) Reasonably safe from flooding;

- (b) Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- (c) Constructed with materials resistant to flood damage;
- (d) Constructed by methods and practices that minimize flood damage;
- (e) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding; and
- (f) Adequately drained to reduce exposure to flood hazards.

2201.N **Structural Standards.** Applicants must demonstrate that:

- (1) **Residential.** New residential structures or existing residential structures to be substantially improved or replaced, or that have incurred substantial damage will be located such that the lowest floor is at least 2 feet above base flood elevation (BFE) as documented in the proposed and as-built condition with a FEMA Elevation Certificate.
- (2) **Non-Residential.** New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage will:
  - (a) Meet the standards of Paragraph (a) above; or
  - (b) Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that 2 feet above the BFE the structure is dry floodproofed in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.
- (3) **In Zone AO.** New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO will have the lowest floor, including basement, elevated above the highest adjacent grade, at least 2 feet above the depth number specified on the town's FIRM, or at least 3 feet if no depth number is specified.
- (4) **Critical Facilities.** Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage will:
  - (a) Be constructed so that the lowest floor, including basement, will be elevated or dry-floodproofed at least 1 foot above the elevation of the 0.2% annual flood height (500-year floodplain), or 3 feet above BFE, whichever is higher; and
  - (b) Have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles, and the top of the access road will be no lower than 6 inches below the elevation of the 0.2% annual chance flood event.

- (5) **Historic Structures.** For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building will meet the following mitigation performance standards for areas below the base flood elevation:
- (a) Any future damage to enclosures below the lowest floor must not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;
  - (b) Utility connections (e.g., electricity, water, sewer, natural gas) must be protected from inundation and scour or be easily repaired;
  - (c) The building foundation must be structurally sound and reinforced to withstand a base flood event;
  - (d) The structure's historic designation must not be precluded;
  - (e) The likelihood of flood waters entering the structure during the base flood must be reduced; and
  - (f) There must be no expansion of uses below BFE except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
- (6) **Enclosed Areas Below BFE.** Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, will:
- (a) Be solely used for parking of vehicles, storage, or building access, and such a condition will clearly be stated on any permits;
  - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect; and
  - (c) Include a signed agreement from the owner of the structure with the permit application stating that the:
    - (i) Enclosed area below the BFE will not be converted to a use other than parking, storage or building access; and
    - (ii) Zoning Administrator will be allowed to inspect the exterior and interior of the enclosed area as necessary to ensure compliance.

2201.0

**Small Accessory Structures.** Applicants will not be required to elevate an accessory structure with a footprint of 500 square feet or less to the base flood elevation provided that the structure is:

- (1) Located on the building site so as to offer the minimum resistance to the flow of floodwaters; and

- (2) Designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect .

2201.P **Fuel Storage Tanks.** Applicants must demonstrate that fuel storage tanks will be:

- (1) Securely anchored to prevent flotation;
- (2) Located on the landward or downstream side of the building;
- (3) Only placed on a structure or platform that is designed to withstand anticipated flood loads and forces; and
- (4) Elevated so that all inlets, fill openings, line connections and vents will be elevated at least 2 feet above BFE. If elevating the tank is not possible due to the location of the fuel line or hook-up serving an existing building:
  - (a) The tank vent pipe/valve must be located at least 2 feet above BFE; or
  - (b) The tank may be located underground provided it will be securely anchored and protected from flood forces as certified by a qualified professional.

2201.Q **Utilities and Service Facilities.** For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, applicants must demonstrate that outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems) will be located on the landward or downstream side of the building and/or behind structural elements, and will be located and constructed to minimize or eliminate flood damage.

2201.R **Water and Wastewater Facilities** Water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

2201.S **Temporary Structures and Vehicles.** Temporary structures and vehicles must either:

- (1) Be currently registered, licensed and ready for highway use, if a motor vehicle or trailer;
- (2) Be located within this overlay district for less than 180 consecutive days; or
- (3) Conform to all applicable provisions of this section for permanent structures.

2201.T **Subdivisions and Planned Unit Developments (PUDs).** Applicants must design any subdivision or PUD that includes land within this overlay district so that all lots have a building envelope located outside the flood hazard area and so that all lots will be accessible over land located outside the flood hazard area.



2201.U

**Administration**

- (1) **Application Requirements.** In addition to all other requirements of these regulations, an application for development within this overlay district must include:
  - (a) **A Project Review Sheet** completed by a Vermont Agency of Natural Resources Permit Specialist;
  - (b) **Base flood elevation (BFE)** for:
    - (i) Replacement, substantially improved or substantially damaged structures;
    - (ii) Projects requiring elevation or dry-floodproofing above BFE; and
    - (iii) Additions to existing historic structures.
  - (c) **Floodway data** with electronic input/output files and mapping showing cross-section locations certified by a registered professional engineer for development within the floodway that includes:
    - (i) **Hydraulic calculations** demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway; and
    - (ii) **A floodway delineation** that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than 1 foot at any point within the Town of Dorset if FEMA has provided BFE data but not designated floodway areas.
  - (d) **A No Adverse Impact (NAI) volumetric analysis** and supporting data certified by a registered professional engineer for development that requires compensatory flood storage under Subsection 2201.L.
- (2) **Referrals.** The Zoning Administrator must send a copy of all complete applications for development within this overlay district to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. The Zoning Administrator must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.
- (3) **Substantial Improvement and Substantial Damage Determinations.** The Zoning Administrator will make a determination of substantial improvement or substantial damage in accordance with current FEMA guidelines, which will establish the appropriate standards for repair and rebuilding under this section. The applicant may provide additional documentation including, but not limited to:
  - (a) A recent building appraisal completed by a qualified professional that documents the structure's market value, excluding land value, prior to the damage or improvement;
  - (b) A cost estimate provided by a qualified professional that includes material and labor costs and a detailed accounting of the proposed project; or



- (c) In the case of substantial damage, an estimate of structure damage prepared by a state or local official using FEMA's Substantial Damage Estimator software.
- (4) **Certificate of Compliance.** The applicant must obtain a Certificate of Compliance for all development subject to the provisions of this overlay district in accordance with the provisions of [Section 4206](#). The Zoning Administrator must not issue a Certificate of Compliance for development within this overlay district until the applicant has submitted all required as-built documentation.
- (5) **Administrative Records.** In addition to all other applicable requirements of these regulations, the Zoning Administrator must file and maintain a record of:
  - (a) FEMA Elevation Certificates with the as-built elevation of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed principal buildings; and
  - (b) All floodproofing and other certifications required under this section.
- (6) **Variances.** The Zoning Board of Adjustment may grant variances within this overlay district as established in [Section 4405](#). Any variance granted for development within the flood hazard area must include the following statement, *"The issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 in coverage."*
- (7) **Violations.** In addition to all other applicable provisions of these regulations, the Zoning Administrator must:
  - (a) Send a copy of any notice of violation issued for development within this overlay district to the State National Flood Insurance Program Coordinator; and
  - (b) Submit a declaration of any unresolved violation to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property in accordance with federal law.
- (8) **Appeals.** The applicant or other interested person may appeal any action or decision taken under this section in accordance with the provisions of [Section 4402](#) or [Section 4403](#) as applicable.

2201.V

**Definitions.** The definitions below apply to terms used within this section. Any term not defined below will be as defined in [Chapter 5](#).

- (1) **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

- (2) **Base Flood Elevation (BFE)** means the elevation of the water surface elevation resulting from the base flood. On the Flood Insurance Rate Maps, the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.
- (3) **Basement** means any area of the building having its floor elevation sub-grade (below ground level) on all sides.
- (4) **Compensatory Storage** means a volume not previously used for flood storage that must be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, that would be displaced by the proposed project. Such compensatory volume must:
  - (a) Have an unrestricted hydraulic connection to the same waterway or water body; and
  - (b) Be provided within the same reach of the river, stream, or creek.
- (5) **Critical Facilities** mean facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.
- (6) **Development** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) **Encroachment** means activities or construction including fill, substantial improvements, structures and other development that may cause an increase in flood levels.
- (8) **Fill** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.
- (9) **Flood** means:
  - (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - (i) The overflow of inland or tidal waters,
    - (ii) The unusual and rapid accumulation or runoff of surface waters from any source, and
    - (iii) Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or

- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining:
  - (i) Caused by waves or currents of water exceeding anticipated cyclical levels, or
  - (ii) Suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- (10) **Flood Fringe** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a 1% chance of being equaled or exceeded in any given year).
- (11) **Flood Hazard** means those hazards related to damage from flood-related inundation or erosion.
- (12) **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. The hazard boundaries are available in paper, PDF, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).
- (13) **Flood Insurance Study (FIS)** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (14) **Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source (see definition of “flood”).
- (15) **Floodproofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (16) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.
- (17) **Grading** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material will be considered “fill” and will not be considered grading.
- (18) **Historic Structure** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on the Vermont State Register of Historic Places; or
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (i) By an approved state program as determined by the Secretary of the Interior; or
    - (ii) Directly by the Secretary of the Interior in states without approved programs.
- (19) **Letter of Map Change (LOMC)** means a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).
- (20) **Lowest Floor** means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.
- (21) **National Flood Insurance Program** means the National Flood Insurance Program under 42 U.S.C. Chapter 50 and implementing federal regulations in 44 C.F.R. Parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to landowners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.
- (22) **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

- (23) **New Construction** means structures for which the “start of construction” commenced on or after August 1, 1986 and includes any subsequent improvements to such structures.
- (24) **Person** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
- (25) **Public Water Access** means a public access to a water of the state and, except for toilet facilities, will not include structures as defined in this section.
- (26) **Redevelopment** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.
- (27) **Replacement Structure** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.
- (28) **Special Flood Hazard Area** means the land in the floodplain subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current FIS and on the FIRM. Maps of this area are available for viewing in the town office or online from the FEMA Map Service Center ([msc.fema.gov](https://msc.fema.gov)). FEMA has not determined base flood elevations in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Where floodways have been determined they may be shown on separate map panels from the FIRM.
- (29) **Start of Construction** means the date the town issued a permit authorizing development, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means any of the following:
  - (a) The first placement of permanent construction of a structure on a site, which includes the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, but does not include:
    - (i) Land preparation, such as clearing, grading and filling
    - (ii) Installation of streets and/or walkways;
    - (iii) Excavation for a basement, footing, piers, or foundations or the erection of temporary forms; or
    - (iv) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
  - (b) The placement of a manufactured home on a foundation.

- (c) The first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.
- (30) **Storage** means the aggregation of materials, items, or objects whether natural or human-made:
- (a) That is kept as a stockpile, collection, or inventory;
  - (b) Where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose;
  - (c) Whether set upon the land or within a container, structure, or facility; and
  - (d) That would not otherwise comply with the provisions of this section.
- (31) **Structure** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.
- (32) **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- (33) **Substantial Improvement** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure on or after August 1, 1986, the cost of which over 3 years, or over the period of a common plan of development, cumulatively equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been previously identified by the code enforcement official and which are the minimum necessary to assure safe living conditions or
  - (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (34) **Violation** means the failure of a structure or other development to be fully compliant with the provisions of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3 is presumed to be in violation until such time as that documentation is provided.

**2202 SOURCE WATER PROTECTION OVERLAY (SWO) DISTRICT**

2202.A **Purpose.** The Source Water Protection Overlay District is intended to protect public health and safety by preventing contamination, promoting recharge and maintaining the supply of public drinking water sources.

2202.B **Protection Areas.** The Source Water Protection Overlay District includes the following zones of all mapped source protection areas (SPAs) within the Town of Dorset as mapped by the Vermont Agency of Natural Resources Department of Environmental Conservation;

- (1) **Zone A.** Zone A, the Drinking Water Critical Impact Zone, is the area within Zones 1 and 2.
- (2) **Zone B.** Zone B, the Drinking Water Potential Impact Zone, is the area within Zone 3.

2202.C **Use Standards.** The following uses are prohibited in Zone A and conditional in Zone B. All other uses allowed in the underlying zoning district are allowed to the same extent within this overlay district.

- (1) Funeral service or cemetery
- (2) Dry cleaner
- (3) Golf course
- (4) Stormwater management facility
- (5) Highway maintenance facility
- (6) Contractor's yard
- (7) Vehicle or equipment maintenance or fueling facility
- (8) Machine shop or light industry
- (9) Mineral extraction or stone products manufacturing
- (10) Salvage yard, landfill or waste service
- (11) Composting facility
- (12) Underground storage tanks
- (13) Injection wells, dry wells, sumps or floor drains
- (14) Bulk storage of flammable, combustible, toxic or hazardous materials (including for on-site use)
- (15) Extraction or use of more than 10,000 gallons of water per day for purposes other than supplying the water system associated with the protection area

2202.D **Performance Standards.** Applicants must:

- (1) Locate proposed development outside the overlay district to the maximum extent feasible if the subject lot includes land outside the overlay district.



- (2) Adhere to applicable federal and state standards for the storage, handling, use and disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.
- (3) Design any above ground facility (including open lagoons or ponds) involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment with a secondary containment system that:
  - (a) Is designed to intercept any leak or spill from the primary containment vessel or structure;
  - (b) Is provided with an overflow recovery catchment area (sump).
  - (c) Is easily inspected; and
  - (d) Capable of containing 110% of the largest volume of storage (a larger volume of storage may be necessary if precipitation will be able to collect in the secondary containment system).
- (4) Design any below ground facility (including storage tanks and pipes) containing or carrying of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment with:
  - (a) Double walls and inspectable sumps; and
  - (b) A monitoring system and secondary standpipe for monitoring and recovery.
- (5) Maintain an up-to-date contingency plan for preventing contamination of the drinking water supply in the event of floods, fires, other natural catastrophes, equipment failure or other releases if use involves the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment will
- (6) Report all releases of materials or wastes that have the potential to contaminate the drinking water supply to the Town of Dorset and the Vermont Agency of Natural Resources.

2202.E **Referral.** The Zoning Administrator must send a copy of all complete applications for development within this overlay district to the water system operator and the Vermont Agency of Natural Resources Drinking Water and Groundwater Protection Division. The Zoning Administrator must not act on an application for development within this overlay district until the water system operator and the agency comment or the 30-day comment period elapses, whichever occurs first.



**2203 DESIGN REVIEW OVERLAY (DRO) DISTRICT**

2203.A **Purpose.** The Design Review Overlay District is intended to ensure that any exterior modifications to existing structures and new construction will be compatible with and maintain or enhance the character of the surrounding built environment by establishing more rigorous design standards and a higher level of review for proposed development in those areas of Dorset recognized as having particular historic, architectural and/or cultural value. It is the purpose of this section to:

- (1) Preserve the distinctive qualities of historic structures;
- (2) Maintain uniformity within historic districts;
- (3) Protect the integrity of the traditional built form by ensuring appropriate treatment of historic structures and districts; and
- (4) Assist property owners by providing guidance on the appropriate treatment of historic structures and development practices within historic districts.

2203.B **Applicability.** A landowner must obtain a zoning permit for all exterior modifications to structures located within this overlay district not exempted in [Subsection 2203.C](#), including but not limited to buildings, fences, signs, driveways and walkways.

2203.C **Exemptions.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

- (1) **Emergency repairs and stabilization of damaged structures** in accordance with [Section 1101](#);
- (2) **Normal maintenance and repair** of existing structures that meets the standards of [Subsection 2203.E](#);
- (3) **Demolition** of a structure or portion of a structure provided that the structure is not listed individually or as a contributing structure within a listed district in the federal or state registers of historic places;
- (4) **Subdivision of land**;
- (5) **Agricultural and silvicultural practices** exempted under [Section 1103](#); and
- (6) Development subject to a **Certificate of Public Good** from the Vermont Public Utilities Commission.

2203.D **Allowed Uses.** The uses allowed within this overlay district will be as allowed in the underlying zoning district.

2203.E **Maintenance and Repair.** Exterior modifications to structures that meet the standards below will be exempt from review under this section and will not require a zoning permit in accordance with [Paragraph 1101](#). To qualify for the exemption, property owners must obtain a determination from the Zoning Administrator that the planned exterior modifications meet the standards below.

- (1) In-kind replacement of deteriorated or damaged materials or features that match the original in design, size, shape, dimension, pattern, texture, color and detail. In-kind replacement may be of a different material type provided it mimics the original material as specified above.
- (2) Re-painting of previously painted surfaces with matching colors provided that the surface will not be prepared for painting by techniques such as sandblasting or high-pressure power washing that can damage historic materials.
- (3) Replacement or removal of historically inappropriate or incompatible materials or features that have been incorporated into the structure within the past 50 years with materials or features that are appropriate or compatible with the original structure.

2203.F **Code Compliance.** The standards of this section may be waived or modified when necessary to meet contemporary accessibility, fire safety, energy or similar building codes or other regulations.

2203.G **Alterations to Existing Structures.** Preservation of existing historic features is strongly recommended versus replacement when considering alterations. Exterior modifications to existing structures must conform to the following:

- (1) **Roof-mounted appurtenances** must be installed in a manner and location that:
  - (a) Is on a secondary or non-character defining roof whenever practicable;
  - (b) Is not visible from the street;
  - (c) Does not damage historic roof materials; and
  - (d) Does not diminish the original character of the historic structure.
- (2) **Wall- or ground-mounted appurtenances** must be installed in a manner and location that:
  - (a) Is on a non-character defining elevation;
  - (b) Is not visible from the street, or if such a location is not practicable then the appurtenance must be camouflaged or screened;
  - (c) Does not damage historic building materials;
  - (d) Does not damage or obscure historic architectural features; and
  - (e) Does not diminish the original character of the historic structure.
- (3) **Door and window openings** must not be removed, added or resized unless required for an accurate restoration or to meet contemporary code requirements. New or enlarged openings to meet code requirements must not diminish the original character of the historic structure and must be located on a non-character defining elevation whenever practicable.
- (4) **Storm doors and windows** may be added or replaced provided that:

- (a) They are slim profile;
  - (b) They are made of wood or aluminum;
  - (c) They are painted or clad the same color of the surrounding frame; and
  - (d) If protecting a double-hung window, the storm window muntins align with those of the window it covers.
- (5) **Exterior wall cladding** to be added or replaced due to an alteration of the structure must be wood clapboard siding unless another material is required for an accurate restoration.
- (6) **Fabric awnings** that are compatible with the building in color and style may be installed over windows, entrances or porch openings in a manner that does not damage or obscure historic building materials or architectural features.
- (7) **Porches** or other historically appropriate entrance features be added or replaced provided that:
  - (a) Any loss of historic building materials is minimized;
  - (b) The original character of the historic structure is not diminished; and
  - (c) There is no change in the location or size of the associated door opening.
- (8) **Decks** or other entrance features that are not historically appropriate may be added only on non-character defining elevations. Existing entrance features to be replaced on character defining elevations that are not historically appropriate must be replaced with an entrance feature that is appropriate whenever practicable.
- (9) **Construction component** standards ([Paragraph 2203.L](#)) also apply.

**2203.H Additions to Existing Structures.** Additions to existing structures must:

- (1) Be on a non-character defining elevation;
- (2) Not visually overpower the historic structure;
- (3) Not diminish, conceal or detract from the character of the historic structure;
- (4) Be consistent with the historic structure in massing, height, form, scale, proportion, roof shape, roof pitch, and relationship of walls, doors and windows along exterior elevations; and
- (5) Use window and door designs that are consistent in size, scale, placement, spacing, proportion, orientation, material and color to those on the historic building.
- (6) Comply with the construction component standards ([Paragraph 2203.L](#)).

**2203.I New or Replacement Structures.** New or replacement structures must:

- (1) Be compatible with the character of the district with regard to style, scale, rhythm, height, mass, roof shape, roof pitch and detailing;

- (2) Be sited and designed to not diminish, conceal or detract from the historic structures in the district;
- (3) Be sited and designed to be harmonious with surrounding structures;
- (4) Meet the setback requirements of the applicable zoning district and be consistent with the setbacks of adjacent structures;
- (5) Have a front elevation that is parallel to the street with a front entrance that opens to the street (structures on corner lots must be oriented to the major street) if a principal building;
- (6) Have a front elevation that is set behind the frontline of the principal building if an accessory building;
- (7) Not upstage the principal building in size or mass if an accessory building;
- (8) Be in character with the principal building if an accessory building;
- (9) Be designed so that garage doors do not face the street unless the accessory building is located fully behind the principal building in the rear yard; and
- (10) Comply with the construction component standards ([Paragraph 2203.L](#)).

2203.J **Signs.** The following will apply to signs within the district:

- (1) Signs must complement the overall design and character of building and site.
- (2) Signs must be proportional and sized to the scale of the building.
- (3) Signs must not conceal architectural detail and must be compatible with the windows, doors and other building openings.
- (4) Signs must not clutter the building's image or district from the unity of the facade.

2203.K **ATMs and vending machines** must not be located outside a building within this district.

2203.L **Construction Components.** All modifications to existing structures and new construction, including replacements, must conform to the following:

- (1) **Materials.** Original building materials must be retained to the maximum extent feasible in accordance with the *Secretary of Interior Standards for the Treatment of Historic Properties*. Materials must be consistent with the character of the district as follows:
  - (a) All structures must be sided with painted horizontal wood or fiber cement clapboards or shingles, used with appropriate corner and sill boards, cornices and crown moldings.
  - (b) Use of modern or imitative materials other than smooth fiber cement as siding is prohibited. Modern or imitative building materials may be used for purposes other than siding if they successfully mimic historic materials and if they offer superior maintenance or safety performance.

- (2) **Color.** Exterior siding and trim must be painted white unless the applicant provides evidence that the structure was a color other than white during its period of historic significance. Shutters must be Essex (dark) green or black. Doors may be stained or painted in a contrasting color.
- (3) **Windows, Shutters and Awnings.** The rhythm, design and detail of windows must be compatible with the character of the district as follows:
  - (a) Double-hung, casement and awning are acceptable window types.
  - (b) Palladian, arched, bay or storefront windows may be approved if consistent with the architectural style of the building.
  - (c) Solar walls and large expanses of glass are prohibited on elevations visible from the street.
  - (d) Mirrored or tinted glass is prohibited.
  - (e) Windows, including replacements, must be wood or high-quality vinyl or metal clad.
  - (f) Double-hung windows, including replacements, must have permanent muntins.
  - (g) The frames and muntins of storm windows must align with the windows they protect.
  - (h) Screens must be light colored or copper.
  - (i) Shutters, if used, must be:
    - (i) Painted wood;
    - (ii) Sized to cover window if closed;
    - (iii) Hinged and operable.
  - (j) Replacement windows must be historically accurate, replicate the pane arrangement and geometry of original windows, and not alter the original glass size by more than 5% in any dimension.
  - (k) Awnings must be made of canvas if visible from the street.
  - (l) The color, shape and size of awnings must be in harmony with the building.
  - (m) Awnings must be no wider than the window.
  - (n) Historic building materials must not be removed when attaching an awning.
  - (o) Awnings must be attached in a manner that will allow for future removal with no or minor (repairable) damage to historic building materials.
- (4) **Doors and Entrances.** Exterior doors and related architectural details must be appropriate to the period of the structure and harmonious with the facade as follows:

- (a) The main entrance must be clearly denoted and identifiable as the formal entrance to the building.
  - (b) Front entrances must incorporate significant design elements appropriate to the character of the district.
  - (c) Original details must be preserved where possible.
  - (d) Original doors on character defining elevations must not be covered by a vestibule.
  - (e) Appropriate door styles are shown in Figure \*.
  - (f) Metal doors are prohibited on character defining elevations.
  - (g) Prefabricated metal garage doors are prohibited. Garage doors that face the street must be wooden and compatible in design with the architectural character of the building.
  - (h) Storm doors must be mainly glass to expose as much as possible of the main door.
  - (i) Storm doors must be constructed of wood or metal and painted or anodized to match the trim color.
- (5) **Porches and Decks.** The size, design and detail of porches and decks must be consistent with the building and compatible with the character of the district as follows:
- (a) Decks must not be located on character defining elevations or where visible from the street.
  - (b) Exposed concrete support piers are prohibited on character defining elevations.
  - (c) Exposed pressure treated wood is prohibited on character defining elevations.
  - (d) Posts, columns and balustrades must be consistent with the style of the building. Industrial type rails are prohibited.
  - (e) Posts, columns and balustrades may be made of imitative materials if they successfully mimic historic materials and if they offer superior maintenance or safety performance.
  - (f) Pre-fabricated diagonal lattice panels are prohibited on character defining elevations. Traditional latticework is allowed.
- (6) **Roofs and Dormers.** Roof design and detail must be appropriate to the period of the structure and compatible with the character of the district as follows:
- (a) The main roof must have a pitch of 5/12 or greater.
  - (b) Shed and flat roofs, not including porch roofs, must not be visible from the street.

- (c) The roof must not overhang the exterior elevation by more than 2 feet.
  - (d) Soffits and fascia must be finished so that the roof rafters are not visible unless the rafters constitute an architectural detail original or appropriate to the building.
  - (e) Acceptable roofing materials are slate or dark-colored asphalt or cedar shingles or low-gloss seamed metal roofing. Slate is strongly preferred. Composite materials that successfully mimic slate shingles may be considered where there are building-specific structural or maintenance issues that justify an alternative to natural slate. Rolled roofing may only be used on roof surfaces that are not visible from the street.
  - (f) Dormers must be in proportion to the building and windows.
  - (g) Dormer overhangs must be proportionally smaller than the main roof overhang.
  - (h) Dormer sidewalls and roofing materials must be of the same materials as the main building.
  - (i) Skylights must not be visible from the street.
- (7) **Chimneys and foundations** must be appropriate to the period of the structure in scale, detail and materials as follows:
- (a) All visible chimney surfaces must be of stone or brick.
  - (b) Small metal flues, plumbing vents and attic exhaust vents required to meet contemporary building codes must be located and designed to be as inconspicuous as possible.
  - (c) Foundations visible from the street must be of natural stone or stucco, or must be screened with traditional latticework or plantings.
- (8) **Fences, walls and hedges** must be compatible with the character of the district as follows:
- (a) Wood picket fences and stone walls must be preserved where possible.
  - (b) On Church Street between Route 30 and Cheney Road, fences, walls and hedges are prohibited between the frontline of the principal building and the street.
  - (c) Fences, walls and hedges must not exceed 6 feet in height.
  - (d) Rough cedar, unpainted wood (not including natural split rail), concrete block, synthetic or plastic fencing materials are prohibited.
  - (e) Chain link fencing must be fully screened by vegetation.
  - (f) Wood fences must be painted or stained.
  - (g) Retaining walls must be constructed of natural stone.

- (9) **Driveways** must be designed to minimize their visual prominence from the street and must be surfaced with traditional materials such as gravel, crushed stone, macadam/tar-and-chip, brick or cobblestones.
- (10) **Original marble sidewalks and walkways** must be retained, but slabs may be reset to meet current grades, provide a safe walking surface and meet accessibility requirements. Removal will only be approved upon the applicant demonstrating that the condition of the stone has deteriorated to the point where it cannot reasonably be restored to meet minimum requirements for safety and accessibility.
- (11) **Outdoor lighting** must conform to the standards of [Section 3102](#). Fixtures that will be visible from the street must be appropriate to the era and architectural style of the associated building. Outdoor lighting must only be provided where and at the minimum level necessary for safety and security.

2203.M

**Demolition.** Significant structures must be preserved to the greatest extent feasible. Demolition of significant structures, or a portion of a significant structure will only be allowed in conformance with the following:

- (1) The applicant must provide a professionally prepared structural assessment of the structure or portion of a structure proposed for demolition.
- (2) The applicant must provide a professionally prepared plan for either replacement of the structure or for landscaping and maintenance of the site.
- (3) A structure's significance will be determined relative to the following:
  - (a) Cultural, scenic, aesthetic or architectural value;
  - (b) Importance to the character of the district;
  - (c) Difficulty or impossibility of reproducing such a structure because of its unique design features and/or materials;
  - (d) Whether the structure is the last remaining example of its kind in the district;
  - (e) The reason for the demolition;
  - (f) The condition of the structure and its probable life expectancy;
  - (g) Whether feasible alternatives to demolition exist, including relocation of the structure; and
  - (h) The public necessity of the demolition and interest in protecting the structure.



## 3 DEVELOPMENT STANDARDS

### 300 General

#### 3001 APPLICABILITY

3001.A The standards of this subchapter apply to all land development unless specifically stated otherwise in these regulations.

#### 3002 ACCESS

3002.A **Applicability.** Land proposed for development must have vehicular access from a maintained public or private road in accordance with the provisions of this section.

- (1) For a lot without the minimum frontage on a maintained public or private road required in the applicable zoning district, also see [Subsection 1303.D](#).
- (2) For development that will be served by a new or modified driveway, also see [Section 3008](#).
- (3) For development that will be served by a new or modified road, also see [Subsection 3306.D](#).

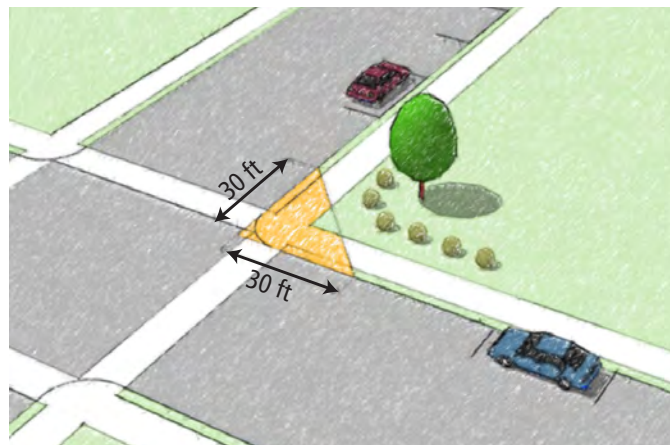
3002.B **Class 4 Roads, Legal Trails and Other Unimproved Town Rights-of-Way.** A Class 4 town road, legal trail or other unimproved town right-of-way is not a maintained road and cannot be used to meet the access requirements of these regulations (for access to a primitive camp, see [Section 3203](#)). Applicants may propose to construct or upgrade a town right-of-way at their expense and in accordance with town policies and standards so that it may serve to provide access to proposed development. Previously developed lots accessed from Class 4 town road, legal trail or other unimproved town right-of-way may obtain permits and approvals to the same extent as a lot accessed from a maintained road except that a change of use that would increase traffic generation is prohibited (includes conversion of a primitive camp to a dwelling). No provision of these regulations will be interpreted to require the Town of Dorset to take any action to provide a maintained road to access property proposed for development.

3002.C **Access Permit.** An applicant for development to be served by a new or modified access on a town road or state highway must provide the Zoning Administrator with a copy of an access permit or letter of intent from the town or state for the access as applicable before the Zoning Administrator may issue a zoning permit. If the proposed development requires site plan review, the applicant must provide a copy of a letter from the permitting entity as part of a complete application. The applicant should not request an access permit until after the proposed development receives site plan approval.

- 3002.D **Public Works Specifications.** If there is a conflict between a provision of this section and any Public Works Specifications duly adopted by the town (or in the case of a state highway, a VTrans Standard), the provision of the town Public Works Specifications (or VTrans Standard) will take precedence.
- 3002.E **Access.** New and modified access to a lot must conform to the following:
- (1) **Number**
    - (a) A lot must not be served by more than one access.
    - (b) Subdivision of a lot does not create a right to more than one access.
    - (c) On previously developed sites subject to major site plan approval, the Planning Commission will require an applicant to reduce the number access points to one unless the applicant can demonstrate that the additional access is necessary in accordance with Paragraph (d) below.
    - (d) The Planning Commission may waive the requirements of Paragraph (a) or Paragraph (b) above and approve creation of more than one access to a lot upon the applicant demonstrating that the access is necessary to:
      - (i) Accommodate unique physical conditions on the property;
      - (ii) Meet minimum standards for emergency access;
      - (iii) Provide access that conforms to the minimum standards of the Americans with Disabilities Act;
      - (iv) Facilitate access by trailer trucks;
      - (v) Provide shared or cross-access; or
      - (vi) Improve the safety of traffic circulation on the site.
  - (2) **Corner or Through Lots.** A lot with frontage on more than one road must be accessed from the secondary road unless the applicant can demonstrate that access from the secondary road is not practical due to physical conditions of the property or would be less safe than access from the primary road.
  - (3) **Width.** The width of an access as measured at the edge of the road right-of-way must:
    - (a) Be the minimum necessary to accommodate anticipated traffic volume and vehicle size;
    - (b) Not exceed the width of a single travel lane on the adjacent road; and
    - (c) Be defined and reduced in width as necessary to conform to the standards of (a) and (b) above on previously developed sites with excessively wide or uncontrolled access.
  - (4) **Sidewalks.** Where a sidewalk exists or is planned along the frontage, it must continue across the access.

- (5) **Spacing.** A new access must be aligned with any existing access on the opposite side of the road whenever feasible. Where alignment is not feasible, the centerline of a new access serving a use other than a single- or two-unit dwelling must be offset from the centerline of any other access or intersection (on either side of the road) by at least 50 feet in the village zoning districts and 125 feet in all other zoning districts.
- (6) **Sight Distance.** Trees, shrubs, hedges, fences, walls, signs and similar structures must not obscure vision above a height of 3 feet within the sight triangle of an access or intersection as shown in [Figure 3-03](#). This will not be interpreted to apply to buildings constructed in accordance with zoning district standards.
- (7) **Shared Access.** Applicants proposing to create a new access onto a state highway to serve a nonresidential use must demonstrate that it is not possible or practical to access the proposed development from an existing access on adjoining property. The Planning Commission may conditional approval of any new access onto a state highway to serve a nonresidential use on the property owner establishing an easement extending to the property lines so that future development on adjacent lots could share the access.

Figure 3-03. **Sight Triangle**



Sight triangle measured 30' along the edge of the road surface.  
No obstructions higher than 3 feet allowed within the triangle.

### **3003 ACCESSORY STRUCTURES**

3003.A **Applicability.** This section applies to any subordinate structure located on a lot with a principal structure. Accessory structures are allowed on all lots with a principal structure in accordance with this section.

3003.B **Setbacks.** Unless otherwise specified in these regulations, accessory structures:

- (1) Not exceeding a footprint of 200 square feet and a height of 15 feet:
  - (a) May be located within 10 feet of the side or rear property line; and
  - (b) Must meet the front setback requirements for the applicable zoning district.

- (2) With a footprint of more than 200 square feet or a height of more than 15 feet:
  - (a) Must meet all setback requirements for the applicable zoning district; and
  - (b) Within the village zoning districts, must be located behind the frontline of the principal structure.

3003.C **Height.** Within the village zoning districts, accessory structures must not exceed the height of the principal structure unless otherwise specified in these regulations. For farm structures, see [Section 1103](#).

3003.D **Footprint.** Within the village zoning districts, the footprint of an accessory building must not exceed 60% of the footprint of the principal building unless otherwise specified in these regulations. For farm structures, see [Section 1103](#).

3003.E **Event Facilities.** Within the village zoning districts, no accessory structures constructed after September 12, 2023 may be used to host events. This will not be interpreted to include temporary structures as defined in these regulations.

### 3004 ACCESSORY USES

3004.A **Applicability.** This section applies to all accessory uses that are located on the same lot as the related principal use. If the related principal use is discontinued, all related accessory uses must terminate. An allowed principal use includes accessory uses in accordance with this section.

3004.B **General Standards.** The Zoning Administrator may issue a zoning permit for an accessory use upon finding that the applicant has demonstrated that the proposed accessory use will:

- (1) Support and further the purposes of the related principal use;
- (2) Be in common ownership and operation with the related principal use;
- (3) Be subordinate in size and intensity to the related principal use;
- (4) Meet the performance standards of [Section 3105](#); and
- (5) Meet any other standards of these regulations applicable to the proposed use, including but not limited to site plan review. Conditional use approval is not required for an accessory use irrespective of whether the principal use is conditional in the zoning district.

3004.C **Non-Residential Uses.** For non-residential uses, the total area devoted to all accessory uses on the lot must not exceed 40% of the area devoted to the principal use on the lot.

**3005 CAMPING AND CAMPING UNITS**

3005.A **Applicability.** Any parcel of land that is occupied by or designed to accommodate more than 3 camping units (e.g., tents, tipis, yurts, recreational vehicles, tiny houses on trailers, cabins, lean-tos) will be considered a campground and subject to all applicable provisions of these regulations applicable to campgrounds (see [Section 3210](#)). Locating 3 or fewer camping units on a property to serve as lodging units to paying guests will require a zoning permit as a bed-and-breakfast or lodging facility as applicable. All other camping uses and storage of camping units will be subject to the standards of this section.

3005.B **Storage of Camping Units.** A zoning permit is not required to store a camping unit on a developed single- or two-unit residential lot in accordance with the following:

- (1) Camping units must be the personal property of a person residing on the lot;
- (2) Camping units must not be located within required setbacks; and
- (3) Within the village zoning districts, camping units must not be stored in a location that is visible from the street.

3005.C **Camping Units as Guest Accommodations.** A zoning permit is not required to have non-paying guests stay in a camping unit on a developed single- or two-unit residential lot outside the village zoning districts in accordance with the following:

- (1) The camping unit must not be located within required setbacks;
- (2) Non-paying guests may stay in a camping unit on the lot for not more than 14 consecutive days; and
- (3) Non-paying guests may stay in camping units on the lot not more than a total of 30 days in any calendar year.

3005.D **Camping Units as Primitive Camps.** A landowner may apply for a zoning permit to locate a camping unit on a parcel for use as a primitive camp in accordance with [Section 3203](#).

3005.E **Backcountry Camping Units.** Backcountry huts or similar structures on public or private land, which are designed and operated to provide overnight accommodations to people engaged in trail-based recreation, will be considered an accessory use/structure to an outdoor recreation use under these regulations in accordance with the following:

- (1) All structures must be located below 2,000 feet in elevation.
- (2) Vehicular access will be limited to emergency and service vehicles. This will not be interpreted to limit access via recreational vehicles permitted on the trail system. If drive-in access by guests is proposed, the facility will be considered a campground under these regulations.
- (3) Applications for such structures will require a zoning permit and site plan approval.

3005.F **Camping Unit as a Temporary Dwelling.** The Zoning Administrator may issue a temporary permit in accordance with [Section 3019](#) authorizing a property owner to occupy a camping unit on a lot during the period when a permanent dwelling is under construction or renovation on that lot.

### 3006 CONSTRUCTION-RELATED STRUCTURES AND USES

3006.A **Applicability.** Temporary construction-related structures and uses are permitted in any district on the site of permitted development or in an approved staging area in accordance with the provisions of this section. Construction-related structures and uses may include, but are not limited to, temporary dwelling units, temporary access and driveways, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, fences and signs.

3006.B **Permitting Process.** The permit for the development will include approval of any construction-related structures or uses. Construction-related structures must be removed from the property promptly upon completion of work and before the Zoning Administrator may issue a final certificate of compliance in accordance with [Section 4205](#).

3006.C **Staging Areas.** The Zoning Administrator may issue a zoning permit for the temporary use of land in the General Business and Rural Mixed Use zoning districts as a staging area for an off-site construction project. The Planning Commission may allow the temporary use of a property in any other district as a staging area for an off-site construction project as a conditional use.

### 3007 DEMOLITION

3007.A **Applicability.** All demolition must conform to the standards of this section. Any demolition, including demolition exempted under [Section 1101](#), that does not restore the site in conformance with the general standards of this section will be considered a violation of these regulations.

3007.B **Permit.** The Zoning Administrator may issue a permit for demolition that is not exempted under [Section 1101](#). If the structure or portion of a structure proposed for demolition is shown on an approved site plan, the applicant must submit a revised site plan as part of the zoning permit application. The Zoning Administrator must condition all permits for demolition on conformance with the general standards of this section.

3007.C **General Standards.** Within 30 days after demolition is complete:

- (1) All structural materials and debris must be buried or removed from the site in accordance with state regulations;
- (2) Any holes, cuts, mounds or other surface irregularities must be eliminated to create a stable, even grade across the disturbed area consistent with the surrounding terrain; and

- (3) Groundcover must be re-established or other appropriate measures taken to prevent erosion.

3007.D **Design Review Overlay District.** Demolition of a structure located within the Design Review Overlay District is subject to the standards of Subsection 2203.M and must be reviewed in accordance with Section 4303 prior to the Zoning Administrator issuing a permit.

### **3008 DRIVEWAYS**

3008.A **Applicability.** New, extended or modified driveways serving proposed development must conform to the standards of this section. A driveway must not serve more than 3 lots, 6 dwelling units, or 3 non-residential principal uses. Driveways include circulation and service drives providing vehicular access within a lot. All other vehicular travel ways are roads and must conform to the standards of Subsection 3306.D.

3008.B **Permit.** A property owner must obtain a zoning permit before constructing, extending or modifying a driveway (normal repair and maintenance that does not materially change the dimensions, grade or drainage pattern of an existing driveway are exempt under Section 1101). The Zoning Administrator may issue a zoning permit for a driveway separate from the permit for any development served by the driveway.

3008.C **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Dorset, the Public Works Specifications will take precedence.

3008.D **Design Standards.** New or reconstructed driveways must meet current VTrans B-71 standards and design standards below. In the case of a conflict between a B-71 standard and these regulations, the town standard will take precedence except within the state highway right-of-way.

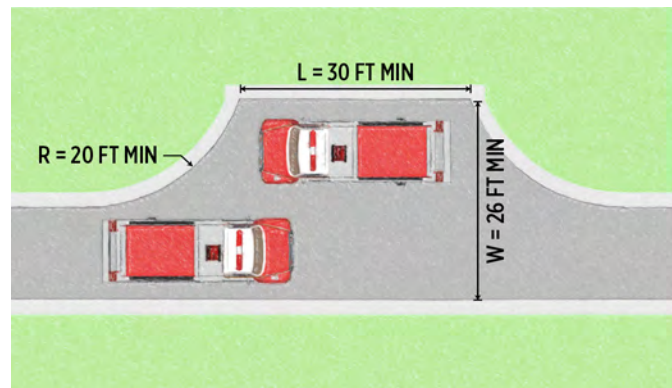
- (1) **Angle.** New or reconstructed driveways must intersect the road at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the road at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic.
- (2) **Grade.** New or reconstructed driveways must:
  - (a) Pitch away from the road for the first 35 feet from the edge of the road surface and at least 20 feet from the centerline of any driveway culvert unless the applicant submits engineered plans demonstrating that driveway run-off will be directed to stormwater facilities outside the public right-of-way in accordance with Section 3018.
  - (b) Have a slope that does not exceed an average of 12% as measured from the edge of the road right-of-way to the end of the driveway with no portion exceeding a slope of 15% as measured over any 50-foot section.



- (3) **Width.** Residential driveways not more than 800 feet in length must have a drivable width of at least 10 feet and not more than 18 feet and all other driveways must have a drivable width of at least 16 and not more than 24 feet, exclusive of any parking, pull-off or turnaround areas.
- (4) **Clearance.** Driveways must be designed and maintained with a minimum horizontal clearance of 3 feet on each side of the drivable width and a minimum vertical clearance of 13 feet.
- (5) **Setbacks.** Driveways must be set back at least 10 feet from side and rear property lines. There will be no setback requirement for shared driveways.
- (6) **Drainage.** Driveways must:
  - (a) Be designed with swales or ditches that capture and direct run-off to vegetated areas, retention areas, and/or other stormwater facilities before it reaches the road right-of-way in accordance with [Section 3018](#);
  - (b) Not discharge run-off or eroded material onto the road; and
  - (c) Not block the flow of drainage within public rights-of-way. Where a culvert is necessary to carry drainage under the driveway it must:
    - (i) Be at least 18 inches in diameter and sized to convey anticipated peak stormwater flows;
    - (ii) Extend at least 2 feet beyond the edge of the driveway and be adequately constructed to minimize erosion and damage to the pipe at the inlet and outlet;
    - (iii) Be aligned with the centerline of the swale; and
    - (iv) Be installed and maintained by the property owner.
- (7) **Pull-Offs.** A driveway longer than 800 feet must be constructed with widened segments where an emergency vehicle can pull-off and be passed by another emergency vehicle. The first segment must be located within the first 800 feet of the driveway and additional segments must be provided beyond that at an interval not to exceed 500 feet. The total driveway width at the pull-off area must not be less than 30 feet and the total length of the pull-off area must not be less than 40 feet. The recommended design is shown in [Figure 3-04](#).



Figure 3-04. Driveway Pull-Offs



- (8) **Turnarounds.** A driveway longer than 800 feet must provide a turnaround area not more than 50 feet from the principal building with a minimum turning radius of 30 feet to accommodate emergency vehicles.
- (9) **Snow Storage.** A driveway longer than 800 feet must be designed with one or more areas for snow storage that total not less than 10% of the surface area of the driveway. Required pull-offs and turnarounds must not be used for snow storage. Meltwater from stored snow must be directed to vegetated areas, retention areas, and/or other stormwater facilities before it reaches the road right-of-way in accordance with [Section 3018](#).
- (10) **Shared Driveways.** Before the Zoning Administrator may issue a zoning permit for a new principal structure or use to be served by a shared driveway, the applicant must demonstrate that a Shared Driveway Agreement has been recorded in the town land records.
- (11) **Change of Use.** An applicant proposing to change the use of a previously developed property from a residential use to a nonresidential use generating regular customer traffic must submit a certification from a professional engineer demonstrating that the driveway can serve the proposed development. This must at a minimum include assessment of grade, width, turnaround area, emergency access, surface material and condition, drainage and stormwater management, snow storage and sight distance. The Planning Commission may require an applicant to improve the driveway as necessary to meet the requirements of this section as a condition of approval.

### 3009 ENERGY GENERATION FACILITIES

3009.A **Applicability.** A property owner may obtain a zoning permit for an energy generation facility not exempted in [Subchapter 110](#) in any district in accordance with the standards of this section. The standards of Subsections B through D apply to energy generation facilities not exempted in [Subchapter 110](#). The standards of Subsection E apply to solar electric generation facilities regulated by the Public Utilities Commission.

- 3009.B **Setbacks.** An energy generation apparatus that is not mounted on a building must be set back a distance equal to its height or more from all property lines or the district minimum setback requirement, whichever is greater. Any guy wires must be located outside the minimum setbacks for the applicable district.
- 3009.C **Height.** The height of an energy generation apparatus must conform to the following:
- (1) The height of ground-mounted solar energy generating apparatus must not exceed 24 feet.
  - (2) The height of a ground-mounted wind energy generating apparatus (inclusive of the rotors) must not exceed the greater of 125 feet or 40 feet above any obstructions within a 500-foot radius.
  - (3) A ground-mounted wind energy generating apparatus must be installed so that the hub is not less than 50 feet above the ground and that the clearance between the ground and the tip of the rotor at its lowest point is not less than 30 feet.
  - (4) An energy generating apparatus mounted on a building roof must not extend more than 12 feet above the roof surface.
- 3009.D **Removal.** A facility that has been out-of-service for more than 12 months will be considered discontinued and the owner must remove it. It will be the property owner's responsibility to demonstrate that a facility is not out-of-service.
- 3009.E **Screening Requirements.** A solar electric generation facility regulated by the Public Utilities Commission must meet the screening requirements of Subsection 3106.E as specified for utilities and service areas.
- 3010 EROSION PREVENTION AND SEDIMENT CONTROL**
- 3010.A **Purpose.** This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.
- 3010.B **Applicability.** All construction or demolition activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies as set forth in the general standards below.
- 3010.C **Projects Subject to State Permitting.** Development that obtains a state construction general or individual permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.
- 3010.D **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Dorset, the Public Works Specifications will take precedence.

- 3010.E **General Standards.** All construction, demolition and property maintenance activities that will disturb soil must be undertaken in accordance with the practices below (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*). Site disturbance must not occur between October 15 and May 1 unless the applicant submits and implements a professionally prepared erosion control plan that provides specific measures for winter construction.
- (1) Limit the size of the disturbance area to the minimum necessary to accommodate the proposed construction or demolition.
  - (2) Preserve existing mature trees within the disturbance area where feasible. Trees to be preserved within the disturbance area should be protected by fencing that at a minimum encloses the area around their drip line.
  - (3) Mark site boundaries to identify the limits of disturbance (including storage and access areas) with flags or fencing.
  - (4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.
  - (5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto roads.
  - (6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction/demolition activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
  - (7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights-of-way or surface waters.
  - (8) Treat and filter any water pumped out of the disturbance area before allowing it to flow off the site or to be discharged to a storm drain or surface water.
  - (9) Slow any concentrated flows of runoff by installing stone check dams in drainage channels.
  - (10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete.
  - (11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.
  - (12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
  - (13) Till any compacted soil prior to the final seeding and mulching.

- (14) Stockpile the topsoil removed during construction/demolition and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it must be amended as needed.

3010.F **Small Projects.** Applicants who are proposing construction or demolition activities that will disturb more than 5,000 square feet but less than 10,000 square feet of soil must complete and conform to the conditions specified in the *Small Project Erosion Prevention and Sediment Control Checklist*.

3010.G **Large Projects.** Applicants who are proposing construction or demolition activities that will disturb more than 10,000 square feet of soil must submit and implement a professionally prepared erosion control plan in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

### 3011 FENCES, WALLS AND BERMS

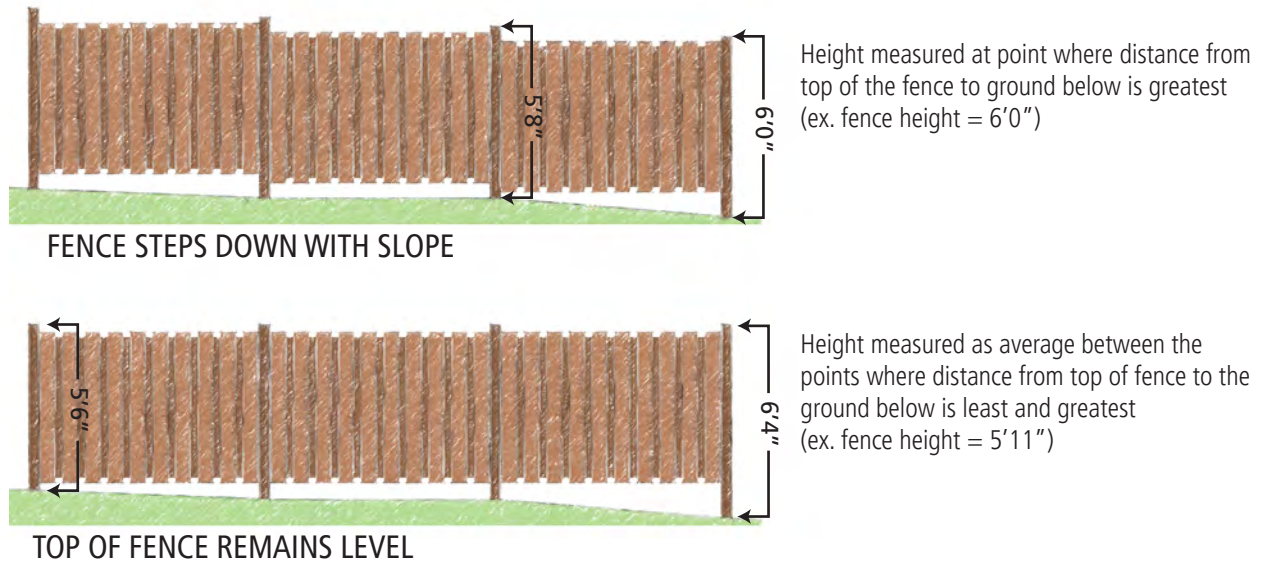
3011.A **Applicability.** The provisions of this section apply to all fences and walls not exempted in Subchapter 110. For agricultural fences, see Section 1103.

3011.B **Setbacks.** Fences and non-retaining walls exempted in Subchapter 110 are not subject to setback requirements. Higher fences, walls or berms may be located within side or rear setbacks when the adjoining property owners submit a joint application for the boundary fence, wall or berm.

3011.C **Fences and Non-Retaining Walls.** The height of a fence or non-retaining will be measured as follows:

- (1) If the fence or wall is designed to maintain a level elevation along its top edge, the height will be the average as measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below the two points along the fence or wall where the elevation of the finished grade is the lowest and the highest; or
- (2) If the fence or wall is designed to follow the grade or otherwise not maintain a level elevation along its top edge, the height will be measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below at the point along the fence or wall where that distance is the greatest.
- (3) In the case of a fence or wall being constructed on top of a berm, the height of the combined fence or wall and berm will be used to determine setback requirements.

Figure 3-05. **Measuring Fence Height**



3011.D **Retaining Walls.** Retaining walls must be located and designed as follows:

- (1) No individual retaining wall may exceed 16 feet in height except that pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.
- (2) All retaining walls more than 4 feet in height must be designed by a qualified professional, and must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall will require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.
- (3) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.
- (4) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 5 feet.



Figure 3-06. Measuring Retaining Wall Height



Height measured at point where distance from top of the wall to the ground below is greatest. (ex. wall height = 5'6")

3011.E **Materials and Design.** Unless otherwise approved by the Planning Commission, a fence or wall:

- (1) Must be constructed of permanent material such as wood, metal, stone, concrete, brick or other materials of similar durability;
- (2) Must not be designed to inflict, or constructed of materials capable of inflicting, significant physical injury except as required to meet state or federal regulations (e.g., barbed wire, razor wire, glass shards, etc.); and
- (3) Must be constructed so that the 'finished', 'presentation' or 'good' side faces out towards the property lines.

3011.F **Berms.** Berms located within setbacks, constructed in conjunction with a fence or wall, or used to meet the landscaping or screening requirements of these regulations must be designed as follows:

- (1) A berm must have a naturalistic shape with sloped sides and a flat or slightly rounded top;
- (2) The sides of a berm must not exceed a 2:1 slope (horizontal-to-vertical);
- (3) The top of a berm must have a minimum width that is at least  $\frac{1}{2}$  the height of the berm; and
- (4) A berm must be stabilized with groundcover or other vegetation to prevent erosion and sedimentation.

## 3012 GRADING, EXCAVATION, FILL AND STORAGE OF EARTH MATERIALS

3012.A **Applicability.** The provisions of this section apply to all grading, excavating or filling of land and storage of earth materials not exempted in [Subchapter 110](#) or associated with a lawful earth resource extraction operation. A property owner must obtain a zoning permit for grading, excavating, filling of land or storing of earth materials in accordance with the provisions of this section. Grading, excavating or filling associated with proposed land development is also subject to the standards of this section.

- 3012.B **Waterways or Wetlands.** Grading, excavation, fill and storage of earth materials is prohibited within surface waters, wetlands and any required buffers to surface waters or wetlands unless the activity will be subject to state permitting and the applicant demonstrates that they have obtained all required state permits.
- 3012.C **Flood Hazard Areas.** See [Section 2201](#) for grading, excavation, fill and storage of earth materials within the Flood Hazard Overlay District.
- 3012.D **Fill Material.** The use of any material other than uncontaminated natural soil for fill is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.
- 3012.E **General Standards.** Grading, excavation and fill must conform to the following unless otherwise approved by the Zoning Administrator, Planning Commission or Zoning Board of Adjustment as an element of other proposed development including, but not limited to, construction of roads, driveways, buildings, ponds, stormwater practices, fences or retaining walls and upon the applicant submitting plans stamped by an engineer:
- (1) Grading, excavation, fill or storage of earth materials is prohibited within side and rear setbacks;
  - (2) Cut-and-fill slopes must not exceed a of 2:1 slope ratio (horizontal-to-vertical);
  - (3) Cut-and-fill slopes will be rounded off to eliminate any sharp angles at the top or bottom;
  - (4) Any proposed regrading will blend in with the natural contours of the surrounding land;
  - (5) Above ground structures other than roads, driveways and retaining walls must be set back from cut-and-fill slopes a distance not less than 6 feet plus  $\frac{1}{2}$  the height of the cut or fill;
  - (6) Blasting to remove rock outcroppings or exposed bedrock will require approval as a conditional use by the Planning Commission; and
  - (7) Grading, excavation, fill or storage of earth materials must not affect existing drainage patterns on adjacent lots or public rights-of-way.
- 3012.F **Material Storage.** Stockpiles of earth materials (soil, compost, sand, gravel, crushed stone, etc.) must be properly managed to prevent erosion and sedimentation in accordance with the provisions of [Section 3010](#). Stockpiles must not be located on land with slopes greater than 10%. A property owner must obtain a zoning permit and complete and conform to the conditions specified in the *Small Project Erosion Prevention and Sediment Control Checklist* prior to storing more than 100 cubic yards of material on a site for more than 15 days.

**3013 PERSONAL STORAGE**

3013.A The Zoning Administrator may issue a zoning permit for a new building or converted farm structure to be used for non-commercial storage of the property owner's personal or household goods as the principal use/structure on a lot in the Rural Residential or Rural Mixed Use districts in accordance with the dimensional standards of the applicable zoning district and all other applicable provisions of these regulations.

**3014 PONDS**

3014.A **Applicability.** The provisions of this section apply to any constructed pond not exempted in [Subchapter 110](#). A property owner must obtain a zoning permit to construct, expand or modify such a pond in accordance with the provisions of this section.

3014.B **Waterways or Wetlands.** Construction of a pond within wetlands and any required buffers to surface waters or wetlands is prohibited unless the applicant demonstrates that they have obtained all required state permits.

3014.C **General Standards.** Ponds must conform to the following unless otherwise approved by the Planning Commission as an element of proposed development subject to site plan or subdivision approval:

- (1) Ponds are prohibited within zoning district setbacks;
- (2) Ponds that will use a berm or other structure to impound water at a level above the natural grade of the site must be designed by a qualified professional;
- (3) Ponds must have a grassed spillway system capable of handling stormwater overflow from the pond;
- (4) Stormwater overflow must not be discharged in a manner that would adversely impact downslope properties, public rights-of-way or surface waters; and
- (5) Landowners must manage and maintain ponds so as to not create a nuisance or hazard.

**3015 PORTABLE STRUCTURES**

3015.A Property owners must obtain a zoning permit to locate portable structures and structures not located on a permanent foundation on their property to the same extent as comparable structures on a permanent foundation (see [Subchapter 110](#) for a list of structures that do not require a zoning permit and [Section 3019](#) if the structure will be in place less than 6 months). This specifically includes, but is not limited to:

- (1) Trailers, shipping containers or unregistered vehicles used for storage; and
- (2) Portable canopies, garages, sheds, carports, greenhouses or similar shelter structures.



**3016 RIPARIAN BUFFERS**

3016.A **Purpose.** This section is intended to protect and enhance the overall quality, natural function and ecological health of the town's surface water resources by mitigating the impact of development within riparian areas.

3016.B **Applicability.** The provisions of this section apply to all land (as measured from the top of bank) within 50 feet of mapped surface waters. Where this land is also within the Flood Hazard Overlay District, the provisions of [Section 2201](#) will take precedence over the provisions of this section.

3016.C **General Standards.** Development is prohibited and woody vegetation must be maintained or established within riparian buffers except that:

- (1) Public outdoor recreation uses and trails will be allowed to the extent allowed in the applicable zoning district.
- (2) A property owner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the riparian buffer.
- (3) On previously developed single- and two-unit residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer previously established and maintained as lawns or gardens.
- (4) A property owner may clear and use up to 1,000 square feet within the riparian buffer for private water access, outdoor recreation, outdoor seating, or a view corridor. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces to the extent allowed in the applicable zoning district.
- (5) A property owner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will:
  - (i) Not significantly compromise the resource protection functions of naturally vegetated riparian buffers; and
  - (ii) Adequately treat the stormwater so that it meets water quality standards before it is discharged to the surface water body.
- (6) Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a state permit will be allowed within the riparian buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with [Subsection 3016.E](#). The property owner must provide the Zoning Administrator with a copy of the state permit prior to the start of construction.

3016.D **Nonconforming Sites.** Pre-existing development within riparian buffers will be regulated in accordance with the following:

- (1) The pre-existing development within the buffer may continue.

- (2) A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the buffer.
- (3) Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the riparian buffer; and
- (4) Conditional use approval in accordance with Subsection 3016.E will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the riparian buffer.

3016.E **Conditional Use Criteria.** In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for land development within a riparian buffer must demonstrate that:

- (1) The proposed land development cannot reasonably be accommodated on any portion of the parcel outside the riparian buffer.
- (2) The footprint of the proposed land development within the riparian buffer is the minimum necessary to accommodate the proposed use or structure.
- (3) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the surface water, drainage, erosion, sedimentation and downstream flooding.
- (4) There will be (listed in order of preference):
  - (a) No net increase in impervious surface within the riparian buffer;
  - (b) A de minimis increase in the amount of impervious surface within the riparian buffer; or
  - (c) Mitigation for any additional impervious surface within the riparian buffer. Preferred mitigation is re-vegetation of an area adjacent to the riparian buffer equivalent or greater in size than the area to be impacted by proposed development. The Planning Commission may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.

### 3017 STEEP SLOPES

3017.A **Purpose.** This section is intended to avoid property damage, personal injury and infrastructure damage, and minimize the potential for erosion, slope failure, sedimentation of surface waters, increased runoff, flooding and contamination of surface waters, and adverse impacts on scenic viewsheds resulting from development on steep slopes.

3017.B **Applicability.** The provisions of this section apply to any development requiring a permit under these regulations that will clear or disturb steep slopes except for de minimis clearing or disturbance associated with recreational trails and paths.

- 3017.C **Definition and Measurement.** For the purposes of these regulations, steep slopes will be defined as more than 20,000 square feet of contiguous land area with a slope of 20% or greater (including land beyond the parcel or project site). The Steep Slope Advisory Map will be used to identify areas that may meet this definition. If an applicant is proposing to clear or disturb land within the mapped areas, it will be their responsibility to show the presence and extent of steep slopes within the project by submitting a grading plan depicting the areas characterized by steep slopes, the existing contours at an interval of not greater than 5 feet, and any proposed contours at an interval of not greater than 2 feet. Grading plans may be based on either the most recent lidar data available from the Vermont Center for Geographic Information or a topographic survey stamped by a licensed Vermont surveyor.
- 3017.D **General Standards.** A property owner must obtain a conditional use approval for any development that will clear or disturb steep slopes. The applicant must provide a professionally prepared environmental impact assessment, erosion control plan, stormwater management plan, and/or engineered site plan unless waived in accordance with Subsection 4301.E. In addition to all other applicable criteria, the applicant must demonstrate that the proposed land development:
- (1) Cannot reasonably be accommodated on a portion of the lot not characterized by steep slopes (siting in order to capture a view will not be considered a valid reason to develop steep slopes);
  - (2) Has been sited on the least steep portion of the lot where it can reasonably be accommodated;
  - (3) Has been sited and designed to avoid or minimize impacts to steep slopes to the maximum extent feasible;
  - (4) Has been designed and will be maintained to minimize tree clearing outside the development envelope;
  - (5) Has been designed and will be maintained to minimize its visibility from public vantage points;
  - (6) Has been designed and engineered with appropriate erosion control measures and stormwater management practices so that there will be no off-site water quality or flooding impacts (see Section 3010 and Section 3018);
  - (7) Conforms to the standards of Section 3012;
  - (8) Has been designed and engineered to provide safe and adequate vehicular access, including for emergency and service vehicles (see Section 3001, Subsection 3007.D and Subsection 3306.D as applicable); and
  - (9) Has been designed to minimize grading required to create building pads through use of structures intended to fit the slope (ex., reduced footprints and stilt or step-down designs).

3017.E **Liability.** Property owners are responsible for any erosion, sedimentation or other damage to downslope property or surface waters resulting from clearing, construction activities or development on steep slopes. As established in Section 1009, the provisions of this section do not create any liability on the part of the Town of Dorset.

### 3018 STORMWATER MANAGEMENT

3018.A **Purpose.** This section is intended to:

- (1) Minimize and/or control the quantity and quality of stormwater run-off;
- (2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible;
- (3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation;
- (4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by development;
- (5) Protect surface waters and other natural resources from degradation as a result of development;
- (6) Minimize hazards from flooding and streambank erosion; and
- (7) Prevent damage to, and reduce public expenditures associated with maintaining, municipal infrastructure resulting from inadequate stormwater controls.

3018.B **Applicability.** The provisions of this section apply to any land development that will increase the amount of impervious surface on a lot.

3018.C **Projects Subject to State Permitting.** Development that obtains a state stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.

3018.D **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Dorset, the Public Works Specifications will take precedence.

3018.E **General Standards.** All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies.

- 3018.F **Design and Engineering Requirements.** Applicants must design and engineer proposed development in accordance with low-impact site design (LID) approaches and green stormwater infrastructure (GSI) best management practices to the maximum extent feasible given site-specific conditions including, but not limited to, soil characteristics and slope as follows:
- (1) Applicants proposing development that will increase the amount of impervious surface on a lot by less than 2,500 square feet must complete the *Small Project Stormwater Management Checklist*.
  - (2) Applicants proposing development that is not subject to major site plan or conditional use approval and that will increase the amount of impervious surface on a lot by 2,500 square feet or more must demonstrate that appropriate stormwater best management practices will be implemented by completing the GSI Simplified Sizing Spreadsheet.
  - (3) Applicants proposing development that is subject to major site plan or conditional use approval and that will increase the amount of impervious surface on a lot by 2,500 to 21,780 square feet must demonstrate that appropriate stormwater best management practices will be implemented either:
    - (a) By completing the GSI Simplified Sizing Spreadsheet;
    - (b) By submitting and implementing a stormwater management plan in accordance with the *Vermont Stormwater Management Manual*. The Planning Commission may require the applicant to submit a professionally prepared stormwater plan for proposed development with potential impacts on steep slopes, riparian buffers, wetlands, floodplains or other natural resource areas.
- 3018.G **Best Management Practices.** Development that will increase the amount of impervious surface on a lot by 2,500 square feet or more must be designed so that stormwater run-off will be routed through one or more appropriate green stormwater management best management practices (BMPs) in accordance with the following:
- (1) BMPs must be sized and designed to capture 90% of the annual storm events, or the first inch of rainfall. (See the *Simplified GSI Sizing Tool* for methods and calculations.)
  - (2) Stormwater from on-site impervious surfaces including, but not limited to, roofs, roads, driveways, parking areas, sidewalks and walkways must be guided to vegetated areas, retention areas, and/or other pervious surfaces in order to promote on-site water retention and filtration.
  - (3) Pervious paving will not be allowed as a BMP unless the applicant provides a stormwater management plan prepared by a professional engineer that includes maintenance protocols for the pervious paving.
- 3018.H **Post-Construction Soil Depth and Quality.** All disturbed areas on a site not covered by impervious surface, incorporated into a structural stormwater treatment practice, engineered as structural fill or slope once development is complete, or consisting of exposed ledge must conform to the following:

- (1) The duff layer and at least topsoil in areas to be disturbed during construction must be removed and stockpiled on site in a designated, controlled area that is not adjacent to surface waters, wetlands, or floodplains.
- (2) At project completion, the exposed soil within the disturbance area must be treated and/or amended as necessary to repair construction-related damage and compaction.
- (3) The duff layer and topsoil must be re-applied to the disturbed areas once construction activities are complete so that there is a minimum 8-inch topsoil layer. If the stockpiled duff layer and topsoil is not sufficient to amend the graded areas, the applicant must import material as needed.
- (4) The post-construction soils within the disturbed area must be capable of supporting healthy vegetation and infiltrating stormwater.

### 3019 TEMPORARY STRUCTURES AND USES

- 3019.A The Zoning Administrator may issue a zoning permit for a temporary structure or use not exempted in Subchapter 110.
- 3019.B A temporary structure or use will be subject to all applicable standards of these regulations for a comparable permanent structure or use including, but not limited to, the dimensional standards of the applicable district and the performance standards of Section 3105.
- 3019.C The permit for a temporary structure or use will be limited to a maximum of 1 year. A temporary permit cannot be extended under the provisions of Subsection 4203.C.

### 3020 UTILITY FACILITIES AND ESSENTIAL SERVICES

- 3020.A **Applicability.** The standards of this section apply to utility facilities and essential services not exempted in Subchapter 110.
- 3020.B **District Standards.** Minimum lot size and frontage requirements will not apply to lots housing utility facilities or essential services.
- 3020.C **Site Security.** Utility facilities and essential services must be designed and maintained to prevent unauthorized access as necessary to protect public safety.
- 3020.D **Screening Requirements.** A site housing a utility facility or essential service must meet the screening requirements of Subsection 3106.E for utilities and service areas.

### 3021 WATER SUPPLY AND WASTEWATER DISPOSAL

- 3021.A All proposed development requiring a zoning permit or development approval under these regulations must conform to applicable state regulations regarding the provision of potable water and disposal of wastewater.

**3022 WETLANDS**

- 3022.A **Purpose.** This section is intended to protect and enhance the overall quality, function and ecological health of the town's natural environment by mitigating the impact of development within wetlands and wetland buffers.
- 3022.B **Applicability.** The provisions of this section apply to all mapped wetlands and land within 100 feet of Class 1 wetlands, 50 feet of Class 2 wetlands and 25 feet of all other wetlands. Mapped wetlands will be interpreted as those shown on the ANR Natural Resource Atlas (Vermont Significant Wetlands Inventory and Wetlands Advisory layers) or as determined through a field delineation by a qualified wetland scientist.
- 3022.C **General Standards.** Development is prohibited and natural vegetation must be maintained or established within wetlands and wetland buffers except that the following may be allowed as a conditional use (see [Subsection 3022.E](#)):
- (1) Public outdoor recreation and public trails will be allowed to the extent allowed in the applicable zoning district.
  - (2) A property owner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the wetland or wetland buffer.
  - (3) A property owner may use the vegetation within the wetland buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the resource protection functions of naturally vegetated wetland buffers.
  - (4) Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a state permit will be allowed within a wetland or wetland buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with [Subsection 3022.E](#).
- 3022.D **Nonconforming Sites.** Pre-existing development within wetlands or wetland buffers will be regulated in accordance with the following:
- (1) The pre-existing development within the wetland or wetland buffer may continue.
  - (2) A pre-existing building, developed site, or portion of a building or site within a wetland or wetland buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the wetland or wetland buffer.
  - (3) Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the wetland or wetland buffer.
  - (4) Conditional use in accordance with [Subsection 3022.E](#) will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the wetland or wetland buffer.



- 3022.E **Conditional Use Criteria.** In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for development or redevelopment within wetlands or wetland buffers must demonstrate that:
- (1) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the wetland or wetland buffer.
  - (2) The footprint of the proposed land development within the wetland or wetland buffer is the minimum necessary to accommodate the proposed use or structure.
  - (3) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the wetland and wetland buffer.
  - (4) There will be (listed in order of preference):
    - (a) No net increase in impervious surface within the wetland or wetland buffer;
    - (b) A de minimis increase in the amount of impervious surface within the wetland or wetland buffer; or
    - (c) Mitigation for any additional impervious surface within the wetland or wetland buffer. Preferred mitigation is creation of a wetland area within the same watershed as the proposed development that is equivalent or greater in size than the area to be impacted by proposed development. The Planning Commission may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.
  - (5) They have contacted the Vermont Department of Environmental Conservation for a determination of whether a state wetland permit is required and, if required, has obtained or intends to obtain a state permit. If a state permit is required but has not been obtained, the Planning Commission must condition any approval on the applicant providing a copy of the state permit prior to the Zoning Administrator issuing a zoning permit for the proposed development.



## 310 Site Design and Performance Standards

### 3101 LANDSCAPING

3101.A **Purpose.** The provisions of this section are intended to:

- (1) Enhance the appearance and quality of development in Dorset;
- (2) Provide shade, and reduce heat and glare;
- (3) Control soil erosion and stormwater runoff;
- (4) Screen potentially incompatible land uses and utilitarian site features (mechanical equipment, dumpsters, etc.); and
- (5) Calm traffic, and improve pedestrian safety and comfort.

3101.B **Applicability.** Proposed development subject to major site plan (see [Subsection 4304.C](#)) or major subdivision (see [Subsection 4310.C](#)) approval, including planned unit developments, must provide landscaping in accordance with the provisions of this section. These are the minimum standards for landscaping and the Planning Commission may require additional landscaping as deemed necessary to further the purposes of this section.

3101.C **General Standards.** All landscaping required under these regulations must conform to the following:

- (1) **Landscape Plan.** Applicants must submit a landscape design and maintenance plan prepared by a qualified professional. Landscape plans must consist of mixed, layered plantings of trees, shrubs and ornamental plants selected based on site conditions and plant function.
- (2) **Plant Materials.** Plant materials must meet the specifications in [Figure 3-07](#). Dorset strongly encourages use of native species and prohibits intentional use of invasive, nuisance or noxious species as identified by the Vermont Agency of Agriculture and the Vermont Agency of Natural Resources.
- (3) **Time of Planting.** If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the applicant may install the landscaping within 6 months of the end of construction and the Zoning Administrator may issue a temporary Certificate of Compliance in accordance with [Subsection 4206.F](#).
- (4) **Performance Bond.** The applicant must submit a performance bond to ensure that landscaping will be installed and become established in accordance with the approved plans. The performance bond will be held for two growing seasons unless otherwise established by the Planning Commission in the conditions of approval.
- (5) **Planting and Maintenance.** Landscaping must be:
  - (a) Installed in accordance with accepted nursery and horticultural standards;
  - (b) Watered as necessary;

- (c) Mulched as appropriate to retain soil moisture and prevent soil erosion or compaction, but not to a depth greater than 3 inches; and
- (d) Maintained in an attractive, healthy condition and as shown on the approved plans as follows:
  - (i) Dead or dying plants must be replaced within one growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in [Figure 3-07](#).
  - (ii) Invasive, nuisance, noxious and other “volunteer” plants or weeds must be removed.
  - (iii) Trash and debris must not be allowed to accumulate in landscaped areas.
  - (iv) Plants must be pruned or cut back as called for in the approved plans and in accordance with accepted nursery and horticultural standards.
- (6) **Inspection.** The Zoning Administrator will inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after two growing seasons as a condition of approval unless otherwise approved by the Planning Commission. The performance bond will be released following a satisfactory inspection.

Figure 3-07. **Planting Specifications**

Plant Material	Maximum Crown/Spread (at maturity)	Maximum Height (at maturity)	Minimum Size (at planting)	Minimum Height (at planting)	Minimum Soil Volume (per plant)	Equivalent Planting Units
Large Tree	40 ft or more	40 ft or more	2½ in caliper for single-trunk deciduous	6 ft for multi-trunk deciduous & evergreen	1,000 cf	1.0
Medium Tree	<40 ft	30 ft or more			500 cf	0.8
Small Tree	n/a	<30 ft			250 cf	0.6
Large Shrub	8 ft or more	8 ft or more	#3 container	30 in	120 cf	0.5
Medium Shrub	<8 ft	4 ft or more	#2 container	24 in	60 cf	0.3
Small Shrub	n/a	<4 ft	#1 container	18 in	15 cf	0.1

**NOTES**

Minimum soil volume will not include any soil below 4 feet in depth (ex. 1,000 cf could equal an area 20' wide by 25' long by 2' deep or an area 10' wide by 25' long by 4' deep).

Minimum soil volume per plant may be reduced by 40% for planting areas that are landscaped with multiple plants and that are not less than 10 ft in any dimension.

Existing, healthy, mature plant materials that will be preserved may be counted towards landscaping requirements at a rate of 120% of the applicable equivalent planting units.

Perennial ornamental plants may be substituted for not more than 30% of the total number of required equivalent planting units at a rate of 0.1 equivalent planting units per plant. Minimum size at planting must be a #1 container or equivalent.

- 3101.D **Front Yard Standards.** Proposed development subject to major site plan approval must provide landscaping between the edge of the road right-of-way and the frontline of the principal building unless the principal building is/will be within 4 feet from the edge of the sidewalk as follows:

- (1) **Function.** Front yard landscaping must be designed to:
  - (a) Highlight and enhance entrances to the site and/or free-standing signs located within the front setback;
  - (b) Provide direction to and enhance building entrances;
  - (c) Provide visual breaks along blank building facades;
  - (d) Enhance and shade sidewalks and walkways;
  - (e) Screen parking areas or other utilitarian site elements; and/or
  - (f) Intercept and filter stormwater runoff.
- (2) **Specifications.** Front yard landscaping must conform to the planting specifications in [Figure 3-07](#).
- (3) **Quantity.** Front yards that are at least 20 feet deep must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 30 feet of lot frontage (exclusive of street trees). Front yards that are less than 20 feet deep must be landscaped with not less than 1.0 EPU for every 60 feet of lot frontage (exclusive of street trees).
- (4) **Green Stormwater BMPs.** Dorset strongly encourages applicants to design front yard landscaping to also function as green stormwater best management practices (BMPs).

3101.E **Streetscape Standards.** Proposed development subject to major site plan or subdivision approval must provide street trees along existing and proposed roads in accordance with the following:

- (1) **Location.** Street trees must be planted as follows:
  - (a) Within 5 feet of the edge of the road right-of-way unless otherwise recommended by the Dorset Road Foreman or VTrans District Permit Coordinator as applicable; and
  - (b) In a planting strip or a tree well that is not less than 5 feet in any dimension unless otherwise recommended by the Dorset Road Foreman or VTrans District Permit Coordinator as applicable.
- (2) **Specification, Size and Spacing.** Street trees must conform to the planting specifications in [Figure 3-07](#), and be sized and spaced as follows:
  - (a) Where there are no existing or proposed overhead utility lines, street trees must be large trees.
  - (b) Where there are existing or proposed overhead utility lines with at least 35 feet of vertical clearance, street trees must be medium trees.
  - (c) Where there are existing or proposed overhead utility lines with less than 35 feet of vertical clearance, street trees must be small trees.
  - (d) Street trees must be planted with a reasonably even, linear spacing as specified below:

- (i) Large trees must be planted at a minimum ratio of one for every 50 feet of frontage.
  - (ii) Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage.
- (e) The Planning Commission may modify the above requirements and allow the applicant to:
  - (i) Plant medium or small trees if buildings or other obstructions will conflict with large trees as they mature; or
  - (ii) Shift the spacing and/or size of street trees to accommodate site features and underground utilities, or to maintain sight distance.
- (3) **Preservation of Existing Trees.** Dorset strongly encourages preservation of existing, healthy, mature trees. The Planning Commission may waive the location, spacing and alignment standards above to allow existing healthy trees within 15 feet of the edge of the road right-of-way to meet street tree requirements.

3101.F

**Parking Area Standards.** Proposed development subject to major site plan approval must landscape existing and proposed off-street surface parking areas in accordance with the following:

- (1) **Location.** Parking areas may be landscaped along the perimeter of the parking area and/or with one or more planting islands.
- (2) **Function.** Parking lot landscaping must be located to:
  - (a) Screen parked vehicles from view at the road and from adjoining properties;
  - (b) Intercept and filter stormwater runoff;
  - (c) Shade parking spaces, sidewalks and walkways; and/or
  - (d) Provide visual breaks within or along rows of parking.
- (3) **Dimensions.** Planting areas must be designed to be not less than 10 feet in any horizontal dimension and to provide plants with the soil volume, depth and moisture necessary for healthy growth.
- (4) **Specifications.** Parking area landscaping must conform to the planting specifications in Figure 3-07.
- (5) **Quantity.** Parking areas visible from the road must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 5 parking spaces. Parking areas located behind buildings or otherwise screened from the road must be landscaped with not less 1.0 EPU for every 10 parking spaces.
- (6) **Expansion of Pre-Existing Parking Areas.** Applicants proposing to expand an existing parking area must meet the landscaping requirements of this section for the new spaces.

- (7) **Green Stormwater BMPs.** Dorset strongly encourages applicants to design parking area greenspace and planting areas to also function as green stormwater best management practices (BMPs).

## 3102 OUTDOOR LIGHTING

3102.A **Purpose.** The provisions of this section are intended to:

- (1) Ensure that outdoor lighting is designed to maintain safety and security;
- (2) Minimize the adverse, obtrusive and disruptive aspects of outdoor lighting;
- (3) Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and
- (4) Prevent light trespass, glare and sky glow by requiring light fixtures to be appropriately shielded and aimed.

3102.B **Applicability.** All outdoor lighting not exempted in Subchapter 110 must be installed, used and maintained in accordance with the provisions of this section. These are the minimum standards for outdoor lighting and the Planning Commission may specify additional requirements for outdoor lighting as necessary to further the purposes of this section including, but not limited to, time limits, bulb types, fixture height, and use of sensors.

3102.C **General Standards.** All outdoor lighting must conform to the following:

- (1) **Lighting Plan.** Applicants for major site plan approval (see Subsection 4304.C) must submit a lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.
- (2) **Undergrounding.** All electrical lines serving outdoor light fixtures must be buried unless otherwise approved by the Planning Commission upon the applicant demonstrating that undergrounding is not feasible given site-specific conditions (i.e., ledge, wetlands, etc.).
- (3) **Shielding.** All outdoor light fixtures not exempted in Subchapter 110 must be shielded to prevent or minimize sky glow as specified below. Shielded fixtures must be installed and maintained in such a manner that the shielding is effective.
  - (a) Light fixtures with an initial output greater than 3,000 lumens must be both fully shielded and full cut-off; and
  - (b) Light fixtures with an initial output of 3,000 lumens or less must be fully shielded but do not have to be full cut-off.
- (4) **Total Output.** Total output from all light fixtures on a site must not exceed 1.25 lumens per square foot of developed lot area. For lots 2 acres or less in area, total lot area may be substituted for developed lot area for the purposes of calculating total light output allowed on the property.

- (5) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are prohibited.
- (6) **Temperature.** Light fixtures must have a color temperatures below 3000 Kelvin.
- (7) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. Use of flood or similar high-intensity lighting is discouraged.
- (8) **Energy Efficiency.** Light fixtures with an initial output greater than 2,000 lumens must have a lamp efficacy of at least 60 lumens per watt (most LED and some fluorescent bulbs will meet this LPW standard) or must be controlled by a motion sensor.
- (9) **Freestanding Lights.** Freestanding light fixtures:
  - (a) Must not exceed 24 feet in height. Use of fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.
  - (b) May be located within front setbacks, but are prohibited within 10 feet of side or rear property lines unless lighting driveways, parking areas or other facilities shared between adjoining lots.
- (10) **Glare and Light Trespass.** Outdoor light fixtures must be located, oriented and shielded as necessary to prevent glare and light trespass on adjacent property or rights-of-way.
- (11) **Time Limits.** Outdoor lighting must be extinguished by 10 p.m. unless otherwise approved by the Planning Commission upon finding the lighting necessary to accommodate a use occurring after 10 p.m., protect public safety or secure the property. The Planning Commission may further limit when outdoor lighting may be used, or require use of timers or sensors, as deemed necessary to further the purposes of this section.

3102.D **Special Use Lighting.** There are additional lighting standards for the following uses:

- (1) **Recreation Facilities.** Lighting for outdoor active recreation facilities must conform to the following:
  - (a) Lighting for outdoor active recreation facilities will be exempt from the lumens per square foot limit specified in [Subsection 3102.C](#) provided that the facility lighting is designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
  - (b) Light fixtures must be fully-shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.

- (c) Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
  - (d) All lighting must be extinguished within 30 minutes of the cessation of facility use. The Planning Commission may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section.
- (2) **Display Areas.** Lighting for outdoor retail display areas:
  - (a) Must be fully-shielded.
  - (b) Will be exempt from the lumens per square foot limit specified in Subsection 3102.C provided that: the total light output does not exceed 60 lumens per square feet of display area and the lights are only illuminated when the establishment is open to customers.
- (3) **Fueling Station or Drive-Through Canopies.** Lighting for fueling station or drive-through canopies:
  - (a) Must be fully shielded and use flat lenses if mounted on or recessed into the lower surface of the canopy.
  - (b) Must not exceed a total light output of 60 lumens per square foot of canopy.
  - (c) Will be counted towards the site's lumens per square foot limit as specified in Subsection 3102.C.

3102.E **Pre-Existing Outdoor Lighting.** Existing light fixtures must be included in the calculation of total light output on a site. Applicants seeking major site plan approval who are proposing to add additional fixtures must bring all existing outdoor lighting into conformance with the provisions of this section.

3102.F **Waivers.** The Planning Commission may waive or modify outdoor lighting standards in accordance with Section 4402.G upon the applicant demonstrating a need for lighting specific to the proposed use and function of the site that does not conform to the standards of this section (i.e., meeting state or federal code requirements).

### **3103 OUTDOOR USE AREAS**

3103.A **Applicability.** Outdoor service, work, display, storage, eating, recreation or gathering areas associated with land uses subject to site plan approval must conform to the standards of this section.

3103.B **General Standards.** All outdoor use areas must:

- (1) Be shown on the site plan and must not be expanded beyond the area depicted unless the site plan is amended in accordance with these regulations;
- (2) Not be located on or extend into public rights-of-way or property except as approved by the Dorset Selectboard;



- (3) Not be located within required setbacks except as provided for in [Subsection 3103.E](#); and
- (4) Be screened with a fence in accordance with [Subsection 3106.G](#) and a vegetated buffer in accordance with [Subsection 3106.F](#) if located within 20 feet of a property line with a residential lot.

3103.C **Front Yard Standards.** Within the Village Business and Village Mixed Use districts, the Planning Commission may allow use of land between the building frontline and the edge of the right-of-way or sidewalk for outdoor eating, gathering and display areas.

3103.D **Display or Storage Areas.** Outdoor display or storage areas must be designated on the site plan in accordance with the following:

- (1) Display and storage areas must not be closer than 40 feet to the edge of the road right-of-way unless otherwise approved by the Planning Commission.
- (2) In addition to the front yard landscaping required under [Subsection 3101.D](#), the applicant must landscape the area between the road and the display or storage area with not less than 1.0 equivalent planting unit (EPU) for every 1,000 square feet of display area. The Planning Commission may waive or reduce the landscaping requirements if the display or storage area will be screened as viewed from the road by existing vegetation, buildings and/or change in elevation.
- (3) Merchandise must not be displayed or stored within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces.
- (4) Merchandise must be displayed in a static position at ground level (no raised, rotating or moving platforms, pedestals, ramps, mounds, etc.).
- (5) Any area used for display or storage must be paved. The Planning Commission may waive this requirement upon the applicant demonstrating that a non-paved surface will be suitable to accommodate the type and amount of goods, type, amount and frequency of traffic, and/or time of the year or length of time that the area will be used without causing erosion or other damage. This will include allowing for surfaces designed to function as a green stormwater practice (see [Section 3018](#)).
- (6) Any area used for display or storage will be considered an impervious surface and included in the calculation of lot coverage. The Planning Commission may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see [Section 3018](#)).
- (7) Any area used for the display or storage of vehicles being offered for sale will not be subject to the provisions of [Section 3104](#).
- (8) See special lighting standards for display areas in [Subsection 3102.D](#).



- 3103.E      **Dining Areas.** Applicants proposing to offer outdoor dining must:
- (1) Define the outdoor dining area with a barrier (which may be temporary or portable) between 3 and 4 feet in height if the area will be located between the building frontline and the edge of the right-of-way or sidewalk;
  - (2) Contain all site furniture, including umbrellas, within the defined outdoor dining area;
  - (3) Remove or secure all site furniture when the outdoor dining area is not open to customers if the dining area will be located between the building frontline and the edge of the right-of-way or sidewalk;
  - (4) Provide waste receptacles for customer use if table service is not provided;
  - (5) Keep the outdoor dining area clean and free of litter at all times;
  - (6) Remove all waste from the outdoor dining area at the end of business each day; and
  - (7) Not play live or recorded music within the outdoor dining area unless specifically approved by the Planning Commission with limitations on hours of operation and noise level off the premises.
- 3103.F      **Event Venues.** Applicants proposing to operate an outdoor event venue, which will be interpreted to include use of tents or other open-air structures to provide weather-protection, must:
- (1) Provide access to and within the venue via sidewalks or improved pedestrian paths that meet federal accessibility requirements;
  - (2) Provide adequate emergency vehicle access;
  - (3) Provide waste receptacles and sanitary facilities for guest use;
  - (4) Remove all waste and litter from the outdoor venue at the end of business each day;
  - (5) Not play live or recorded music or operate a public address system unless specifically approved by the Planning Commission with limitations on hours of operation and noise level off the premises; and
  - (6) Limit use to between sunrise and sunset unless the Planning Commission establishes specific hours of operation as a condition of approval with limitations on off-site impacts such as noise and light as deemed appropriate. In no case may the Planning Commission approve hours of operation beyond 11 p.m.
- 3103.G      **Education or Recreation Areas.** The applicant must designate any outdoor areas to be used for outdoor education or recreation on the site plan and demonstrate that they will conform to the following:

- (1) No site improvements, including but not limited to structures, trails, fields, courts or greens, associated with an outdoor education or recreation use may be located within the setbacks. The Planning Commission may impose greater setbacks for active recreation activities including, but not limited to, use of motorized vehicles, use of firearms, spectator sports, time trials or races (including non-motorized such as bicycle, dog sled, horses, etc.) as necessary to mitigate potential noise or privacy impacts on adjoining properties.
- (2) Use of outdoor education or recreation areas will be limited to between sunrise and sunset unless the Planning Commission establishes specific hours of operation as a condition of approval.

3103.H **Animal Use Areas.** Any outdoor area intended for regular animal use must be:

- (1) Located to the side or rear of the principal building and outside required setbacks. The Planning Commission may impose greater setbacks as necessary to mitigate potential noise and odor impacts on adjoining properties.
- (2) Not used between the hours of sunset and sunrise unless specifically authorized by the Planning Commission.
- (3) Enclosed with a fence and screened in accordance with [Section 3106](#).
- (4) Maintained in a clean and sanitary condition in accordance with an approved animal waste management plan.
- (5) Conform to all applicable state animal welfare and public health regulations.

3103.I **Conditions of Approval.** The standards of this section are minimum requirements. The Planning Commission may place limits or conditions on activities and uses outside an enclosed structure, including but not limited to, hours of operation, lighting, noise, screening and storage, as necessary to further the purposes of these regulations.

## **3104 PARKING AND LOADING AREAS**

3104.A **Purpose.** The provisions of this section are intended to:

- (1) Ensure that development provides adequate arrangements for off-street parking and loading to avoid congestion and hazards on surrounding roads;
- (2) Avoid creating excess parking and loading areas that result in adverse impacts such as increased impervious surface and flooding, and decreased water quality and walkability;
- (3) Promote greening and quality design of parking and loading areas to improve stormwater performance and contribute to attractive streetscapes and property frontages in Dorset.

3104.B **Applicability.** All development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with this section.

3104.C **Parking as a Principal Use.** The Planning Commission may grant conditional use approval for shared, off-site, public or commercial paid parking as the principal use of a parcel in any district other than the Village Business and Rural Resource Protection districts. Such parking:

- (1) Will not be subject to the provision of Subsection 3104.D.
- (2) Must comply with the minimum setback requirements of the district.
- (3) Must be screened from the road with a vegetated buffer in accordance with Subsection 3106.F.

3104.D **Amount of Parking and Loading Space.** All development must provide adequate off-street parking and loading areas to fully meet the needs of the proposed use(s) in accordance with the following:

- (1) **Minimum Number of Parking Spaces.** The minimum number of parking spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:
  - (a) **Residential Uses:** 1 space per dwelling unit.
  - (b) **Lodging Uses:** 1.2 spaces per guest room.
  - (c) **Dining, Event or Public Assembly Uses:** 1 space per 300 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see Paragraph (f) below.
  - (d) **Retail, Service or Office Uses:** 1 space per 600 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see Paragraph (f) below.
  - (e) **Industrial Uses:** 1 space per 1,200 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see Paragraph (f) below.
  - (f) **All Other Uses.** The Zoning Administrator will establish the minimum number of spaces for any use that does not fit into a category above based on consideration of parking demand and requirements for the proposed use or a functionally similar use in Dorset or elsewhere in Vermont. The Zoning Administrator or Planning Commission may require the applicant to submit a professionally prepared parking study establishing the amount of parking needed.
  - (g) **Village Business District.** There will be no minimum parking requirements for non-residential uses in the Village Business district.
- (2) **Maximum Number of Parking Spaces.** If an applicant subject to site plan review proposes to build more than twice the minimum number of parking spaces, the Zoning Administrator or Planning Commission:
  - (a) Will require the applicant to submit a professionally prepared parking study establishing the amount of parking needed; and

- (b) May require the applicant to designate some or all of the excess spaces as reserve parking on the site plan. Reserve parking would not be constructed until the applicant seeks an amendment of the approved site plan and demonstrates the need for the additional parking.
- (3) **Calculation of Number of Parking Spaces.** The Zoning Administrator will determine which ratio in Paragraph (1), above, applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses will be added together before rounding up any decimal.
- (4) **Modification of Number of Parking Spaces.** The Planning Commission may decrease the amount of off-street parking required if:
  - (a) The applicant submits a parking study prepared by a qualified professional demonstrating that less parking will be needed; or
  - (b) The applicant meets the requirements for shared parking in Subsection 3104.E.
- (5) **Loading Areas**
  - (a) All development that generates regular deliveries/shipments by truck or that serves customers/guests who arrive/depart by bus must provide adequate off-street loading areas.
  - (b) Applicants for fueling stations, storage and distribution, transportation services, waste services and other uses that involve trucking activity or will be regularly serviced by a trailer truck must submit an engineered site plan demonstrating that the proposed site design makes adequate provision for all necessary truck movements. Backing trucks in from or out onto a public road is prohibited.
  - (c) The Planning Commission may waive the requirement for on-site loading areas in the Village Business and Village Mixed Use districts upon the applicant demonstrating that trucks or buses can serve the proposed use by parking temporarily and safely in a location that is not more than 1,000 feet from the proposed use.
  - (d) The Planning Commission may limit the hours and frequency that trucks or buses may service the proposed use as necessary to further the purposes of this section.

3104.E **Shared or Off-Site Parking.** The Planning Commission may approve a shared or off-site parking plan in accordance with the following:

- (1) Unless the applicant submits a parking study prepared by a qualified professional establishing the number of spaces, the minimum number of shared spaces will equal the greater of:

- (a) The minimum number of spaces needed for residential and lodging uses plus 10% of the minimum number of spaces needed for other nonresidential uses based on Subsection 3104.D; or
  - (b) The minimum number of spaces needed for nonresidential uses (excluding lodging) plus 50% of the minimum number of spaces needed for residential and lodging uses based on Subsection 3104.D.
- (2) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided and the location of the parking.
  - (3) Unless shuttle service is provided, the parking must not be more than 1,000 feet from the use(s) or structure(s) served and they must be connected by a pedestrian walkway that meets ADA accessibility standards.
  - (4) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 20 years, in the town's land records. Should the use(s), parties involved, and/or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement must be revised, re-approved and re-recorded in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of these regulations unless replacement parking is provided. The agreement may be amended at any time upon the Administrative Officer determining that the minimum required number of spaces will continue to be provided in accordance with the standards of this section.

3104.F **Location Standards.** Off-street surface parking and loading areas serving uses subject to site plan approval must be located as follows:

- (1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a parking plan is approved in accordance with Subsection 3104.E.
- (2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.
- (3) Required parking and loading areas must be located on the lot in accordance with the following:
  - (a) Parking areas must meet district minimum setback requirements except that:
    - (i) Shared parking areas may be located within a common side or rear setback provided that a parking plan is approved in accordance with Subsection 3104.E.
  - (b) The portion of the lot between the frontline of the principal building and the road may only be used for parking as follows:

- (i) Existing parking between the frontline of the building and the road may be repaired, maintained, redesigned and/or reconstructed provided that there is no net increase in the number of parking spaces or amount of impervious surface.
  - (ii) No additional parking may be created between the frontline of the principal building and the road in the Village Business, Village Mixed Use and Village Residential districts.
  - (iii) In all other districts, not more than 20% of the minimum number of required parking spaces may be located between the frontline of the building and the road. Such parking must be screened from the road with a vegetated buffer in accordance with Subsection 3106.F.
  - (iv) The Planning Commission may waive or modify the standards of this subparagraph upon the applicant demonstrating that adequate parking cannot be located to the rear or side of the building due to either physical constraints on the property, functional requirements of the use, or complying with ADA standards.
- (c) No provisions of these regulations will be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway.
  - (d) Loading areas must be located to the side or rear of building housing the use they serve, except this provision will not apply to passenger loading/unloading areas and within the General Business district.

3104.G **Dimensional Standards.** Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 20 feet deep. Each space must be accessible from a driveway or access aisle except for:
  - (a) Spaces serving a single-unit or two-unit dwelling; or
  - (b) Tandem parking (a double-depth parking space with one vehicle blocking the other) approved by the Planning Commission.
- (2) **Access Aisles.** Access aisles within a parking lot must be not less than 20 feet wide.
- (3) **Loading Areas.** Loading areas:
  - (a) Serving single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 30 feet long, exclusive of access and maneuvering area.
  - (b) Serving trailer trucks or buses must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 70 feet long, exclusive of access and maneuvering area.

- (c) Must be located and designed so that truck or bus access, maneuvering and parking do not block parking areas, vehicular circulation or emergency access on the site.
- (d) Must be striped, signed or otherwise delineated to distinguish from standard vehicle parking spaces.
- (4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a road right-of-way except for parking that serves a single-unit or two-unit dwelling.

3104.H **Design, Construction and Maintenance Standards.** Off-street surface parking and loading areas serving uses subject to site plan approval must conform to the following:

- (1) **Surface.** Off-street parking and loading areas must provide a level surface appropriate for the anticipated level of use in all seasons. The Planning Commission may modify the surfacing requirements:
  - (a) To accommodate green stormwater management practices; or
  - (b) For seasonal, overflow or special event parking that is used infrequently.
- (2) **Layout.** Perpendicular (90 degree) parking is required unless the applicant demonstrates that due to site-specific conditions angled parking will allow for more efficient site design and compact development footprint. The Planning Commission may modify the dimensional standards in Subsection 3104.G for angled parking spaces and associated aisles.
- (3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion and sedimentation in accordance with the provisions of Section 3010 and Section 3018. Run-off and/or eroded surface materials must not discharge to adjacent roads, properties or surface waters.
- (4) **Markings.** Parking areas with more than 10 spaces must demarcate the parking spaces. The markings must be kept clearly visible and distinct. Accessible parking spaces must be marked and signed in accordance with state and federal requirements.
- (5) **Screening.** Off-street parking areas and loading areas must be screened as follows:
  - (a) Parking areas located within 20 feet of a property line with a residential lot must be screened with a vegetated buffer and fence in accordance with Subsection 3106.F.
  - (b) Loading areas must be screened in accordance with Subsection 3106.E.
- (6) **Landscaping.** Off-street parking areas must be landscaped in accordance with Subsection 3101.F.
- (7) **Snow Removal.** Snow storage areas must be shown on the site plan in accordance with the following:



- (a) Applicants must demonstrate that an area equivalent to at least 10% of the area from which snow will be removed is available on site for snow storage or, if an adequate area does not exist, that snow will be removed from the site. If snow is to be removed, the applicant must submit a snow management plan demonstrating that the parking area will remain accessible and the snow will be disposed of appropriately.
  - (b) Snow must not be pushed into public rights-of-way, adjoining properties or surface waters.
  - (c) Snow must not be stored within buffers, landscaped areas or stormwater infrastructure unless those features are specifically designed for that purpose.
  - (d) If the parking area has more parking spaces than the minimum required for the use under this section, snow may be stored on the excess spaces provided that:
    - (i) No snow is stored within drive aisles; and
    - (ii) Stormwater management practices are adequately sized and appropriately designed to accommodate the resulting meltwater flow in excess of the typical flow from the parking area.
- (8) **Accessible Parking.** Development must provide accessible parking in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Planning Commission may waive or modify the standards of this section when necessary to comply with state or federal accessible parking requirements.
- (9) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.
- (10) **Maintenance.** Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and appropriately surfaced and graded to prevent erosion, sedimentation and runoff.

3104.I **Parking Management Plan.** The Planning Commission may require an applicant for major site plan approval to pay for a parking management plan prepared by a qualified professional to design the most efficient use of parking on the property.

### 3105 PERFORMANCE STANDARDS

3105.A **Purpose.** The provisions of this section are intended to protect community character and quality of life in Dorset by preventing proposed development from creating or contributing to adverse off-site impacts that interfere with the reasonable use and enjoyment of nearby property.



- 3105.B **Applicability.** The provisions of this section apply to all development subject to site plan approval.
- 3105.C **Noise.** Sound audible beyond the property line must be muffled, must not be distinct from the background sound level, and must not interfere with the reasonable use and enjoyment of nearby property. The Planning Commission may place specific limits on noise levels and hours of operation as deemed necessary to further the purposes of this section. Unless otherwise approved by the Planning Commission, sound levels must not exceed a continuous weighted average of 70 dBA and a maximum of 120 dBA in any one-hour period as measured from a single, stationary location beyond the property line.
- 3105.D **Glare and Light Trespass.** Lighting must not be used in such a manner that it produces glare or light trespass on roads or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not to be visible from any point beyond the property line.
- 3105.E **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited.
- 3105.F **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of nearby property is prohibited.
- 3105.G **Temperature and Moisture.** Release of heat, cold, moisture, mist, fog, precipitation or condensation that is readily detectable without special instruments at any point beyond the property line and that interferes with the reasonable use and enjoyment of nearby property is prohibited.
- 3105.H **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle traffic or construction activity. The Planning Commission may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.
- 3105.I **Electrical or Radio Frequency Interference.** No use or process must create interference with electrical, radio or other communication signals beyond the property line.
- 3105.J **Waste and Material Storage.** Storage of wastes or materials in a manner that attracts insects or rodents, or otherwise creates a nuisance or health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must screen such facilities in accordance with [Subsection 3106.E](#).

3105.K **Storage Tanks.** Storage tanks must be installed, maintained, decommissioned and removed in accordance with state and federal regulations, including reporting of leaks and spills. Storage tanks (above and below ground) must not be located within district setbacks, riparian buffers, wetlands or wetland buffers. Applicants must show the location of any existing or proposed storage tanks on the site plan and must screen above ground tanks in accordance with [Subsection 3106.E](#).

3105.L **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources. See [Section 3216](#) for specific use standards for tank farms or fuel storage and distribution.

## 3106 SCREENING

3106.A **Purpose.** The provisions of this section are intended to maintain and improve community character and quality of life in Dorset by providing:

- (1) A landscaped buffer to mitigate the impacts of adjacent, incompatible land uses; and
- (2) Attractive screening of proposed development and site elements that would create or contribute to visual clutter and distraction.

3106.B **Applicability.** The provisions of this section apply to any development that requires major site plan approval (see [Subsection 4304.C](#)) and are minimum requirements for screening. The Planning Commission may require additional screening as deemed necessary to further the purposes of this section.

3106.C **General Standards.** All landscaping required under this section must also conform to the general standards in [Subsection 3101.C](#) and the specifications of [Figure 3-07](#).

3106.D **Side and Rear Yards.** Applicants must maintain or establish a vegetated buffer along any side and rear lot lines that abut a residential lot or a lot in another zoning district. No buffer will be required if the abutting property is under common ownership with the subject lot.

3106.E **Utilities and Service Areas.** Utility boxes, pump stations, substations, off-street loading areas, trash storage and recycling areas, outdoor storage areas, antennas and satellite dishes, mechanical equipment, and similar above ground utility or service site elements that will be visible from public vantage points off the property must be screened from view with a vegetated buffer.

3106.F **Vegetated Buffers.** A vegetated buffer must not be less than 10 feet in any dimension and must be landscaped with (see [Figure 3-07](#)):

- (1) Not less than 1.5 equivalent planting units (EPUs) for every 10 feet, if not combined with a fence or berm.
- (2) Not less than 0.8 EPUs for every 10 feet, if combined with a fence or berm.

3106.G **Berms and Fences.** Berms and fences used for screening must conform to Subsection 3010.G. When landscaping will be combined with a berm or fence for screening, the landscaping must be principally located and oriented to the property line. Fences used for screening must be completely opaque between a height of 1 and 5 feet above the ground.

3106.H **Waiver.** An applicant may request that the Planning Commission waive or modify screening requirements upon demonstrating that physical characteristics of the subject property (e.g. change in grade between development site and neighboring properties or distance between the development site and neighboring properties) are adequate to achieve the purposes of this section.

### **3107 TRASH, COMPOSTING AND RECYCLING STORAGE AREAS**

3107.A **Applicability.** All proposed development subject to site plan approval must provide trash, composting and recycling storage areas.

3107.B **Exemptions.** No provision of this section will be interpreted to apply to areas or containers used to compost waste generated on-site.

3107.C **Standards.** Trash, compost and recycling storage areas must be:

- (1) Shown on the site plan.
- (2) Located within the principal or an accessory building or inside an enclosure located to the side or rear of the building they service. If not within a building, trash, compost and recycling storage areas must be:
  - (a) Within an enclosure at least 6 feet in height that obscures all materials and/or containers stored inside;
  - (b) Screened in accordance with Subsection 3106.E; and
  - (c) Maintained so that the enclosure's doors or gates remain closed and latched except when being accessed for deposit, maintenance, service or collection.
- (3) Located outside required setbacks.
- (4) Accessible and convenient for building residents/tenants and for collection vehicles.
- (5) Designed with adequate space for the maintenance and servicing of containers.
- (6) Located on a hard surface suitable for servicing of the containers if not within a building.

## 320 Specific Use Standards

### 3201 APPLICABILITY

- 3201.A The standards of this section apply to the specified uses in addition to all other applicable provisions of these regulations.
- 3201.B The standards of this section are the minimum requirements for the specified uses. The Planning Commission may establish more restrictive standards as a condition of approval in accordance with the site plan or conditional use review procedures of [Subchapter 430](#).

### 3202 ACCESSORY DWELLING

- 3202.A An accessory dwelling unit (ADU) must:
- (1) Be located within or appurtenant to a single-unit dwelling;
  - (2) Be clearly subordinate to the primary dwelling;
  - (3) Share a driveway with the primary dwelling;
  - (4) Have provisions for independent living, including sleeping, food preparation and sanitation;
  - (5) Not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is greater;
  - (6) Meet the minimum parking requirements for residential uses of [Section 3104](#);
  - (7) Meet the applicable dimensional standards of the zoning district, notwithstanding interior space within a pre-existing nonconforming structure may be converted to an ADU; and
  - (8) Meet the water supply and wastewater disposal standards of [Section 3021](#).
- 3202.B There must not be more than one ADU for each single-unit dwelling on a lot.
- 3202.C The landowner must reside in either the primary dwelling or the ADU.
- 3202.D The landowner must retain the ADU in common ownership with the primary dwelling.
- 3202.E An ADU will be considered an accessory use of residential property and will not require site plan approval, but the applicant must certify that the dwelling meets all applicable state health and safety codes. Applicants should be aware that if the proposed ADU is larger than provided for under state statute (30% of the floor area of the primary dwelling) or if the property will not be owner-occupied, the ADU may be subject to additional state code and wastewater permitting requirements.
- 3202.F If the proposed ADU will not conform to the standards of this section, the landowner may be able to obtain a permit for an additional single-unit or a two-unit dwelling in conformance with all applicable provisions of these regulations (see [Section 2006](#) regarding multiple dwelling units on a parcel).

**3203 PRIMITIVE CAMP**

3203.A A primitive camp must:

- (1) Not be occupied for more than 180 days in any calendar year and must not be the primary residence of the inhabitants.
- (2) Have a means of access to a maintained public road that meets the minimum requirements for driveways in Subsection 3007.D unless the periods of occupancy will not exceed 3 consecutive weeks and a total of 60 days in any calendar year. A Class 4 road, legal trail or other unimproved town right-of-way may be used to access a primitive camp.
- (3) Meet the water supply and wastewater disposal standards of Section 3021 or qualify for an exemption to state water and wastewater regulations as certified to by the applicant. Primitive camps must meet the standards below to qualify for that exemption:
  - (a) Occupancy of a primitive camp must be limited to 3 consecutive weeks and a total of 60 days in any calendar year.
  - (b) A primitive camp must not have interior plumbing other than one sink with water and a composting or incinerating toilet that does not yield a liquid provided that its contents are disposed of in accordance with state rules.
- (4) Not be rented out as a dwelling unit.
- (5) Meet all dimensional standards for principal structures in the applicable zoning district.

3203.B Not more than one primitive camp may be developed for each 25 acres up to a maximum of 4 camps on a parcel.

**3204 HOME OCCUPATION**

3204.A A home occupation must:

- (1) Be operated by a resident of the associated dwelling;
- (2) Not generate regular traffic in excess of what is typical of other uses in the area;
- (3) Meet the performance standards of Section 3105;
- (4) Operate only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday;
- (5) Not be primarily retail in nature, except that retail sales of goods manufactured on the premises, ancillary sales of products directly related to the provision of a service (e.g. sales of hair care products by a hair stylist) and internet / mail-order businesses that do not generate customer traffic will be allowed;
- (6) Not provide repair services for vehicles, equipment or other large goods;

- (7) Not occupy more than 40% of the habitable floor area of the dwelling and/or more than 1,500 square feet in one or more accessory buildings;
- (8) Not employ more than 4 people who do not live in the associated dwelling and who work on-site;
- (9) Not have any outdoor storage or use areas, including product display or parking of heavy vehicles/equipment outside an enclosed structure; and
- (10) Provide employee and/or customer parking when necessary (in addition to the parking required for the dwelling unit) in accordance with [Section 3104](#) as follows:
  - (i) If there will not be regular customer traffic, 1 parking space for each non-resident employee; or
  - (ii) If there will be regular customer traffic, the number of spaces required under [Subsection 3104.D](#) based on the floor area devoted to the home occupation.

3204.B A home occupation will be considered an accessory use of residential property and will not require site plan approval.

3204.C Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling, or ownership of a home occupation that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home occupation to another allowed use in conformance with all applicable provisions of these regulations.

### **3205 HOME BUSINESS**

3205.A A home business must:

- (1) Be owned by or employ a resident of the associated dwelling;
- (2) Meet the performance standards of [Section 3105](#);
- (3) Conform to all applicable state health and safety codes;
- (4) Operate only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday unless otherwise established as a condition of approval;
- (5) Not occupy more than 40% of the habitable floor area of the dwelling, but may occupy any amount of space in one or more accessory buildings;
- (6) Not employ more than 6 people who do not live in the associated dwelling and who work on-site;
- (7) Provide parking in accordance with [Section 3104](#);
- (8) Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of these regulations and any conditions of approval (see [Section 3103](#)); and

- (9) Not be primarily retail in nature, except that the following may be allowed:
- (a) Retail sales of goods manufactured on the premises;
  - (b) Ancillary sales of products directly related to the provision of a service (e.g. sales of hair care products by a hair stylist);
  - (c) Internet / mail-order businesses that do not generate customer traffic; and
  - (d) Retail sales as a primary activity if retail is an allowed use in the applicable zoning district.

3205.B A home business will require site plan approval.

3205.C Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling or ownership of a home business that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home business to another allowed use in conformance with all applicable provisions of these regulations.

### **3206 FAMILY CHILDCARE HOME**

3206.A A family childcare home must:

- (1) Be operated by a resident of the dwelling;
- (2) Be registered by the state and conform to all applicable state health and safety codes; and

3206.B Not care for more than 6 children on a full-time basis (more than 4 hours per day) and 4 children on a part-time basis (not more than 4 hours per day), not including any children who live in the home. For establishments that care for more children, see [Section 3220](#).

3206.C A family childcare home will be considered an accessory use of residential property and will not require site plan approval.

3206.D Any change in use, intensity or operation of a family childcare home that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the family childcare home to another allowed use (e.g. daycare) in conformance with all applicable provisions of these regulations.

### **3207 BED AND BREAKFAST**

3207.A A bed and breakfast must:

- (1) Be located within a dwelling and/or accessory building(s) to a dwelling;
- (2) Be operated by a resident of the dwelling, who must be on the premises when guests are present;



- (3) Be licensed by the state and conform to all applicable state health and safety codes;
- (4) Not have more than 5 guest rooms;
- (5) Not house any guest for a continuous period of 30 days or more; and
- (6) Not offer meals to the general public.

3207.B A bed and breakfast must provide guest parking in accordance with Section 3104, including meeting the minimum parking requirements for lodging uses. Guest parking must be located so that it will not block the driveway.

3207.C A bed and breakfast will be considered an accessory use of residential property and will not require site plan approval.

### **3208 CARE HOME**

3208.A A care home must:

- (1) Operate under state licensing and in conformance with all applicable state health and safety codes;
- (2) Be limited to a maximum number of residents that does not exceed 1 per 500 square feet of gross floor area in the facility;
- (3) Not house more than two unrelated residents per room;
- (4) Provide residents with either kitchen facilities or meal service;
- (5) Have at least one private bathroom for every 6 residents with at least one bathroom on each floor where there are bedrooms;
- (6) Provide at least 100 square feet of common indoor day use space per resident; and
- (7) Provide at least 100 square feet of common outdoor space per resident that is designed with seating areas and other passive recreation facilities accessible by residents.

3208.B Any private dwelling units within a care home facility will be subject to the density standards of the applicable zoning district.

### **3209 LODGING FACILITY**

3209.A A lodging facility must:

- (1) Be on a lot at least 6 acres in size if located in the Rural Mixed Use or Rural Residential districts;
- (2) Be limited to a maximum number of guestrooms that does not exceed 1 per 500 square feet of gross floor area;



- (3) Operate under state licensing and in conformance with all applicable state health and safety codes; and
- (4) Not house any guest for a continuous period of 30 days or more, unless the room is rented through a publicly funded housing assistance program.

3209.B A lodging facility may include accessory uses such as restaurants, retail sales, fitness centers, recreation facilities or spas that serve guests and may also be open to the general public in accordance with [Section 3004](#) and subject to any other standards of these regulations applicable to the proposed use. An applicant may seek a permit for more than one principal use in accordance with [Section 2006](#) and all applicable provisions of these regulations if the proposed non-lodging use(s) would exceed the floor area allowed under [Section 3004](#).

3209.C The maximum number of guestrooms in a lodging facility is regulated by district:

- (1) Lodging facilities with up to 15 guestrooms are permitted with site plan review in the Village Business, Village Mixed Use and Rural Mixed Use districts. Lodging facilities with more than 15 guestrooms may be approved as a conditional use in those districts.
- (2) Lodging facilities are a conditional use in the Village Residential district and may not exceed a maximum of 15 guestrooms.
- (3) Lodging facilities are a conditional use in the Rural Residential district with no limitation on the maximum number of guestrooms.

### **3210 CAMPGROUND**

3210.A The provisions of this section apply to establishments that offer guest accommodations in tents, RVs, tourist cabins, bunkhouses or similar camping structures/vehicles. The provisions of this section will not apply to backcountry camping on public land without designated campsites.

3210.B A campground must:

- (1) Operate under state licensing and in conformance with all applicable state health and safety codes;
- (2) Not operate from December 1 to April 15;
- (3) Be located on a parcel at least 12 acres in size;
- (4) Be designed so that no campsite is less than 2,000 square feet in area or 25 feet in width as shown on the site plan;
- (5) Be designed so that each campsite is accessed via internal drive(s) and not directly from a public road;
- (6) Have internal drives that meet the minimum driveway standards of [Subsection 3007.D](#);

- (7) Not have any campsite closer than 100 feet to a side or rear property line;
- (8) Not have any campsite located within riparian buffers (see [Section 3016](#));
- (9) Not house any guests for a continuous period of 30 days or more except on a seasonal campsite;
- (10) Not have more than 25% of the total number of campsites designated and used as seasonal campsites (rented for a continuous period of more than 30 days) unless approved as a seasonal campground;
- (11) Not allow unregistered recreational vehicles, park model homes or manufactured homes to be occupied or stored on the property when it is not operating unless approved as a seasonal campground;
- (12) Provide lavatory, shower, toilet, trash and recycling facilities in accordance with these regulations and state regulations; and
- (13) Designate at least 20% of the site as common open space that will be improved and maintained with recreation facilities to be available to all guests.

3210.C The Planning Commission may waive one or more provisions in [Subsection 3210.B](#) for designated primitive campsites (tents or lean-tos, no recreational vehicles, no utility connections).

3210.D A seasonal campground must be reviewed and approved as a planned unit development in accordance with [Section 4306](#).

3210.E A campground may include accessory uses such as restaurants, retail sales, fitness centers, recreation facilities or spas that serve guests and may also be open to the general public in accordance with [Section 3004](#). An applicant may seek a permit for more than one principal use in accordance with [Section 2006](#) and all applicable provisions of these regulations if the proposed non-lodging use(s) would exceed the floor area allowed under [Section 3004](#).

### **3211 REPAIR SERVICE**

3211.A A repair service must:

- (1) Carry out any body work, painting or other activities that will produce dust, fumes or odors within a building with a properly functioning ventilation system that meets state and federal requirements;
- (2) Locate any washing, lubrication, hydraulic or similar equipment within a building with a properly functioning system for collecting and preventing release of oils or other hazardous materials that meets state and federal requirements; and
- (3) Carry out all other repair or service activities within an enclosed building unless otherwise approved by the Planning Commission.

3211.B Vehicles or other goods, including those awaiting repair or pick-up, must not be parked or stored within minimum required setbacks for the applicable zoning district.

3211.C All outdoor storage associated with the repair service must meet the standards of [Section 3103](#).

### **3212 FUELING STATION**

3212.A The provisions of this section apply to:

- (1) New fueling stations;
- (2) Existing fueling stations being modified, resulting in the relocation of the fuel storage tanks and/or fuel pumps or charging stations;
- (3) Existing fueling stations being modified, resulting in a new building or an addition to an existing building of 1,000 square feet or more; and
- (4) Existing fueling stations being expanded, resulting in an increase in the total number of fuel pumps or charging stations.

3212.B Fueling stations must:

- (1) Be located at least 500 feet from any other fueling station as measured between the property lines at their closest point (this will apply only to new fueling stations);
- (2) Be located on a lot that has at least 150 feet of frontage and is at least 20,000 square feet in area (this will apply only to new fueling stations, but stations that cannot meet these standards will not be allowed to increase the total number of fuel pumps or charging stations);
- (3) Be sited and designed to accommodate service by fuel tankers and other delivery vehicles without adversely impacting vehicular circulation within the site and without requiring service vehicles to back into or out of the site from the public road, or park on the public road (this will apply only to new fueling stations, but stations that cannot meet these standards will not be allowed to increase the total number of fuel pumps);
- (4) Locate all new or relocated vehicle service areas (fuel pumps, charging stations, etc.) at least 30 feet from side and rear lot lines;
- (5) Not locate new vehicle service areas (fuel pumps, charging stations, etc.) between the frontline of the principal building and the road (this provision will not apply to redesign/redevelopment of existing fueling stations provided that the total number of fuel pumps or charging stations will not increase);
- (6) Locate accessory equipment such as self-service vacuums or air pumps at least 30 feet from side and rear lot lines; and
- (7) Screen vehicle service areas from any adjoining residential lots with a fence and vegetated buffer in accordance with [Section 3106](#).

3212.C New or replacement fuel station canopies must:

- (1) Not extend over minimum required setbacks for the applicable zoning district or public rights-of-way;
- (2) Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the roof will be pitched;
- (3) Not incorporate franchise designs or corporate identification elements;
- (4) Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features;
- (5) Have illumination only on the underside (illuminated fascia are prohibited) with light fixtures that are recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches in accordance with Subsection 3102.D.

3212.D In addition to the front yard landscaping required under Subsection 3101.D, the applicant must landscape the area between the road and vehicular use areas on the lot with not less than 1.0 equivalent planting unit for every 30 feet of lot frontage. The Planning Commission may waive or reduce the additional landscaping requirement if vehicular use areas will be screened as viewed from the road by existing vegetation, buildings and/or change in elevation.

3212.E All storage tanks associated with the use must meet the standards of Subsection 3105.K. The Planning Commission may modify the setback requirements when an applicant will be replacing an existing non-conforming storage tank upon the applicant demonstrating that relocating the tank to bring it into conformance is not physically feasible given site-specific conditions or will unduly impact business operations.

3212.F Electric car charging stations not associated with a fueling station that are located within a parking lot, structure or public right-of-way will not be subject to the provisions of this section.

### **3213 VETERINARY, PET OR ANIMAL SERVICE OR EQUESTRIAN FACILITY**

3213.A A veterinary, pet or animal service (including but not limited to, kennels, animal boarding facilities, animal shelters, animal daycare facilities, pet shops and pet dealers) or an equestrian facility must:

- (1) Be located on a lot at least 6 acres in size if it will have outdoor areas for animal use;
- (2) Provide adequate access, parking and loading facilities for the intended use, including provisions for parking of livestock trailers as applicable;
- (3) Must operate in accordance with state animal welfare regulations and be licensed by the state when applicable;

- (4) Designate all outdoor areas for animal use on the site plan and must not locate such areas closer than 200 feet to an existing dwelling not in common ownership with the business;
- (5) Enclose all outdoor areas for animal use with fencing of a suitable height and design to secure the animals;
- (6) Have adequate provisions for waste disposal to prevent vermin infestation, odors and disease;
- (7) Not use any structure located closer than 200 feet to an existing dwelling not in common ownership with the business for housing animals unless otherwise approved by the Planning Commission; and
- (8) Not have any animals kept outside an enclosed structure between 8 p.m. and 7 a.m. unless otherwise approved by the Planning Commission.

3213.B Any person who engages in the selling or exchanging of cats, dogs, wolf-hybrids or any combination from three or more litters in any 12-month period or seeks a pet dealer license from the Town of Dorset must obtain a zoning permit to operate a pet or animal service in conformance with the provisions of this section.

3213.C If the establishment will host events, the applicable standards of [Section 3214](#) must also be met.

### **3214 RESTAURANT, BAR OR EVENT FACILITY**

3214.A A restaurant, bar or event facility must:

- (1) Be licensed by the state and/or town as applicable;
- (2) Be staffed when guests are on the premises;
- (3) Not have outdoor seating or other outdoor areas for patron use except as specifically shown on an approved site plan;
- (4) Not have an amplified sound system transmitting outside an enclosed building or within an open-air structure unless specifically approved with established sound levels and hours of operation by the Planning Commission;
- (5) Soundproof walls, ceilings and/or floors that separate the establishment from any dwelling units within the same building not occupied by the owner or an employee of the business as necessary to ensure that background noise levels inside the dwelling will not exceed 30 dBA from 10 pm to 6 am and 55 dBA at other hours;
- (6) Locate and design the kitchen exhaust system to outlet above the height of the building's roof unless otherwise approved by the Planning Commission upon the applicant demonstrating that the proposed system will adequately disperse emissions and will not result in odor or noise impacts on public use areas on the site, the street and adjoining properties;

- (7) Provide waste storage areas that meet the requirements of [Section 3107](#) and that are sited and designed to minimize visual, odor and noise impacts on public use areas on the site, the street and adjoining properties;
- (8) Provide accessible toilet facilities in accordance with state regulation and that are sited and/or designed to minimize impacts on public use areas on the site, the street and adjoining properties; and
- (9) Be sited and designed to accommodate service or other large vehicles without adversely impacting access and vehicular circulation within the site or on nearby public roads.

3214.B Drive-through service is prohibited in the Town of Dorset.

### **3215 STORAGE AND DISTRIBUTION SERVICES**

3215.A Storage and distribution services must:

- (1) Not have outdoor or unenclosed storage unless specifically approved by the Planning Commission in accordance with the standards of [Section 3103](#);
- (2) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil unless specifically approved by the Planning Commission in accordance with the standards of [Section 3105](#);
- (3) Not have any stored goods displayed for sale except in accordance with [Subsection 3215.C](#);
- (4) Not allow anyone renting storage space to engage in retail sales, vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises; and
- (5) Install screening along any property line abutting a residential lot with a fence/ berm and landscaping in accordance with [Section 3106](#).

3215.B Mini-storage buildings must:

- (1) Be oriented with their short side facing the road unless the Planning Commission waives this requirement upon the applicant demonstrating that it is not feasible due to site specific conditions (grade, lot depth, etc.);
- (2) Be compatible in design, materials and colors with one another when there will be multiple buildings on a site; and
- (3) Use dark, muted and/or neutral exterior colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant exterior colors or patterns that would call attention to the buildings.

3215.C Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 3 contiguous days and a total of 12 days in any calendar year.

**3216 TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES**

3216.A Tank farm or fuel storage and distribution services must:

- (1) Be registered with the state and in compliance with all applicable state and federal regulations;
- (2) Meet the performance standards of [Section 3105](#);
- (3) Locate all storage tanks (above or below ground) at least 100 feet from all property lines;
- (4) Locate all aboveground tanks on a hard, level surface;
- (5) Provide a containment system for any aboveground tank that is:
  - (a) Capable of holding at least 125% of the volume of the tank, and
  - (b) Designed to appropriately treat and release any rainwater that accumulates within the containment area;
- (6) Be designed to prevent contact between vehicles and any aboveground tank (i.e., provision of fencing or bollards); and
- (7) Not display any signs on an aboveground tank except for identification and warning signs required by state or federal regulations.

3216.B Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any property line unless all the standards of [Subsection 3216.A](#) will be met.

3216.C The provisions of this section do not apply to storage of fuels or other materials for on-site use.

**3217 COMMUNICATIONS ANTENNAS AND TOWERS**

3217.A **Purpose.** The purpose of this subsection is to:

- (1) Minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- (2) Accommodate the need and demand for communications facilities;
- (3) Encourage the location and collocation of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers;
- (4) Provide for the replacement and/or removal of nonconforming or discontinued antennas and towers; and



- (5) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Dorset.

3217.B **Applicability.** Except as specifically exempted in Subchapter 110, the standards of this subsection apply to the installation, construction or modification of the following communications facilities:

- (1) Existing and proposed antennas and towers;
- (2) Replacement antennas and towers;
- (3) Broadcast antennas and towers;
- (4) Collocated and combined antennas on existing towers;
- (5) Roof-mounted antennas and supporting structures;
- (6) Surface-mounted antennas;
- (7) Antennas mounted on utility poles, including utility poles located within public rights-of-way;
- (8) Stealth wireless communications facilities; and
- (9) Amateur radio antennas and towers with an overall height greater than 50 feet.

3217.C **De Minimis Impact.** The Zoning Administrator may approve and issue a zoning permit for an application for a communication facility if it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Zoning Administrator will only consider an application to have a de minimis impact if it meets all of the following:

- (1) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase;
- (2) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet;
- (3) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower as currently configured; and
- (4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more than 75 square feet, and will not exceed the loading capacity of the support structure.

3217.D **Temporary Communication Facilities.** The Zoning Administrator may approve and issue a zoning permit for a temporary communication facility in accordance with Section 3019.



- 3217.E **Height Restrictions.** Communication facilities are not subject to the height restrictions of these regulations.
- 3217.F **Application Requirements.** In addition to all other requirements, applicants must submit the following to demonstrate compliance with the provisions of this section:
- (1) A signed statement from the facility's owner or owner's agent stating that the radio frequency emissions will comply with Federal Communications Commission (FCC) standards;
  - (2) Proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph;
  - (3) Proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located;
  - (4) An FCC license, and construction development approval if applicable, to transmit radio signals in Town of Dorset;
  - (5) The name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change;
  - (6) A stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower;
  - (7) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace;
  - (8) A map and description of the coverage area planned for the cell to be served by the proposed facility;
  - (9) A map and description of the search area used to locate the proposed facility;
  - (10) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility; and
  - (11) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.
- 3217.G **Siting Priorities.** The Planning Commission will only approve a new tower upon the applicant demonstrating that the proposed antenna cannot be accommodated on an existing tower, building or other structure or by construction of a stealth facility. In order to justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:
- (1) Collocated or combined antennas;
  - (2) Surface-mounted antennas;
  - (3) Roof-mounted antennas; and

- (4) Stealth wireless communications facility.

3217.H **Prohibited Locations.** A new tower must not be located:

- (1) Closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, surface waters and aboveground utility line rights-of-way;
- (2) Within 500 feet of an existing dwelling; and
- (3) Within 1,000 feet from any designated historic district, historic structure or scenic road.

3217.I **Antenna Types.** Antennas must be designed and configured in a manner that minimizes adverse visual impacts as follows:

- (1) Antennas must be one of the types below (listed in order of preference):
  - (a) Flush-mounted;
  - (b) Panel;
  - (c) Whip; or
  - (d) Dish.
- (2) In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.

3217.J **Surface-Mounted Antennas.** Surface-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

- (1) Maintain a color that is the same as the surface to which they are attached unless the Planning Commission finds that another color will be more contextually compatible;
- (2) Be placed at least 15 feet above the ground; and
- (3) Be placed so that no portion of the antenna is less than 3 feet below the roof line, where proposed to be mounted on a building.

3217.K **Roof-Mounted Antennas.** Roof-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

- (1) Be placed only on commercial, industrial or non-residential institutional buildings that are at least 30 feet in height;
- (2) Be placed as near to the center of the roof as possible;
- (3) Not extend above the roof line of the building to which they are attached by more than 20 feet;

- (4) Have a monopole-type construction;
- (5) Maintain a galvanized gray or brown finish unless the Planning Commission finds that another color will be more contextually compatible;
- (6) Be screened by a parapet or other structure in order to minimize their visual impact as viewed from the road; and
- (7) Not have signs.

3217.L **Stealth Wireless Communications Facilities.** A stealth facility must:

- (1) Not have antennas or ancillary equipment that are readily identifiable from a public vantage point as wireless communications equipment; and
- (2) Be designed so that they are reasonably consistent with the scale and character of nearby structures in the built or surrounding vegetation in the natural environment.

3217.M **Towers.** New communication towers must:

- (1) Not be built on speculation as evidenced by a letter of commitment from one or more FCC-licensed communication carriers;
- (2) Allow for co-location as documented in a letter of intent from the facility owner;
- (3) Be accessed via a driveway that meets the standards of Subsection 3306.D;
- (4) Have a monopole-type construction except that:
  - (a) Broadcast structures taller than 200 feet, amateur radio antennas and AM broadcast antennas may have a lattice-type construction;
- (5) Maintain a galvanized gray or brown finish or other contextually-compatible color as determined by the Planning Commission (this includes ancillary appurtenances), except if otherwise required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC);
- (6) Not have lights, signals or other illumination unless the applicant demonstrates that lighting is required by the FAA or FCC; and
- (7) Not have signs except for hazard notification signs as required by state or federal regulations.

3217.N **Security and Screening.** The facility must be secured by fencing or other appropriate means. All structures to be located at ground level must be screened in accordance with Section 3103.

## **3218 PROPERTY SERVICE, CONTRACTOR'S YARD OR UNENCLOSED STORAGE**

3218.A Property service, contractor's yard or unenclosed storage must:

- (1) Be located, landscaped and screened in accordance with Section 3103;

- (2) Be fenced in accordance with Subsection 3010.G unless otherwise approved by the Planning Commission;
- (3) Control erosion and sediment transport from any materials stored outdoors in accordance with Section 3010;
- (4) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil (such a use will be considered waste storage); and
- (5) Conduct equipment or vehicle maintenance or repair activities within an enclosed building in accordance with the provisions of Section 3211.

**3219 COMMERCIAL OUTDOOR RECREATION**

3219.A Commercial outdoor recreation must:

- (1) Be located on a parcel at least 6 acres in size;
- (2) Meet the performance standards of Section 3105; and
- (3) Obtain conditional use approval and be located on a parcel at least 12 acres in size if the recreational activity:
  - (a) Involves use of motorized vehicles, firearms or a sound amplification system outside an enclosed building; or
  - (b) Is intended to accommodate more than 20 participants and/or spectators at one time.

3219.B Outdoor shooting ranges will be considered a commercial outdoor recreation use and must be designed and operated in accordance with the standards below. The provisions of this section do not apply to landowners with shooting ranges on their own property for their own private use.

- (1) The minimum lot size for a shooting range will be 25 acres.
- (2) The applicant must submit a list of the types of firearms, ammunition and shooting to be allowed at the range. The use of explosives is prohibited.
- (3) The applicant must submit a site plan prepared by a qualified professional showing:
  - (a) Contours at a minimum interval of 2 feet and a written description of how natural topographic features will affect safety and impact on adjoining property.
  - (b) All site improvements, including but not limited to, safety measures such as backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles.
  - (c) The extents of the direct fire zone, safety zones and ricochet zones.

- (4) The applicant must demonstrate that the range, which includes direct fire zones, safety zones and ricochet zones sized to accommodate the ballistics of the highest powered firearms or ammunition to be used on the range, will be entirely located within an area on the parcel that is not closer than 200 feet to any property line.
- (5) To the maximum extent feasible given site-specific conditions, ranges must be located so that firing will be into upward sloping land with natural backstops.
- (6) The perimeter of the range must be fenced with warning signs identifying the range posted.
- (7) The range must be sited so that there are no surface waters or wetlands located between any firing positions and any targets or within any shotgun shotfall zone.
- (8) A 50-foot wooded buffer must be maintained or established along the frontage and any lot line within 1,000 feet of the range.
- (9) Ranges must not be lit and no firearms use may occur between 6 p.m. and 8 a.m. unless otherwise approved by the Planning Commission.
- (10) Sound levels beyond the property line must not exceed the general standards of [Subsection 3105.C](#) and the sound levels generated by the discharge of firearms on the range must not exceed a 90 dB peak impulse response at the property line. It will be the burden of the permit holder to provide evidence of compliance with sound level standards in the case of a noise complaint.
- (11) A shooting range operator must maintain a current certificate of insurance for the facility on file with the Zoning Administrator.

**3220 CHILD DAY CARE**

3220.A A child day care must:

- (1) Be registered or licensed by the state;
- (2) Not have outdoor play areas except as specifically shown on an approved site plan;
- (3) Enclose all outdoor play areas with fencing of a suitable height and design in accordance with [Subsection 3010.G](#) unless otherwise approved by the Planning Commission; and
- (4) Set all outdoor play areas back at least 50 feet from any adjoining residential lot unless otherwise approved by the Planning Commission.

3220.B Child day care includes summer camp and recreation programs for children irrespective of whether those programs require state registration or licensure. A permit is required and the provisions of Paragraphs (2)-(4) above apply will apply to such uses.

**3221 FIREWOOD PROCESSING**

3221.A Firewood processing must:

- (1) Be located on a parcel at least 6 acres in size;
- (2) Not have outdoor use and storage areas except as specifically shown on an approved site plan in accordance with [Section 3103](#);
- (3) Not locate processing equipment closer than 200 feet to an existing dwelling that is not in common ownership with the business;
- (4) Operate only between the hours of 8 a.m. and 6 p.m., including all trucking operations; and
- (5) Meet the performance standards of [Section 3105](#).

**3222 EXTRACTION AND QUARRYING**

3222.A Extraction and quarrying must:

- (1) Be located on a parcel at least 25 acres in size;
- (2) Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands unless otherwise approved by the Planning Commission;
- (3) Retain and stockpile any topsoil removed for reapplication to disturbed areas during reclamation;
- (4) Submit and implement professionally prepared erosion control and stormwater management plans;
- (5) Not cause the permanent lowering of the water table on surrounding properties;
- (6) Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 a.m. and 6 p.m. (or dusk if earlier) unless otherwise approved by the Planning Commission;
- (7) Install warning signs and fencing as necessary to protect public safety;
- (8) Meet the performance standards of [Section 3105](#);
- (9) Obtain all necessary town and state permits; and
- (10) Reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:
  - (a) Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort;
  - (b) Design any water body to be created on the site as a result of the extraction or quarrying use to have a natural form with variation in shoreline and depth;

- (c) Maintain or establish a final slope that does not exceed a grade of 2:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas excluding any areas of exposed ledge;
- (d) Evenly spread at least 4 inches of topsoil capable of sustaining vegetation on all disturbed areas excluding any areas of exposed ledge;
- (e) Stabilize and seed disturbed areas at the earliest possible time following completion of extraction or quarrying operations in an area;
- (f) Replant disturbed areas with groundcover and not less than 4.0 EPU's per acre disturbed (see [Figure 3-07](#)); and
- (g) Keep erosion control measures in place until permanent vegetation has been established.

3222.B The provisions of this section do not apply to removal of earth resources associated with approved land development.

### 3223 ACCESSORY ON-FARM BUSINESS AND AGRICULTURAL ENTERPRISE

3223.A **Applicability.** Accessory on-farm businesses are permitted with site plan review in all zoning districts on any farm (as defined in these regulations). Agricultural enterprises may be allowed in specified districts.

3223.B **Accessory On-Farm Business.** An accessory on-farm business must be:

- (1) A small business that forms as a natural extension of the farm (as defined in these regulations) and the ongoing, active agricultural use of the property, and that engages in:
  - (a) The storage, preparation, processing and sale of qualifying products provided that more the 50% of the total annual sales are from qualifying products (as defined in these regulations)) that are principally produced on the farm at which the business is located; or
  - (b) Educational, recreational, or social events that feature agricultural practices and/or qualifying products including but not limited to farm tours, farm stays, tastings and meals, or classes or exhibits.
- (2) Subordinate to and integrated with the agricultural operation.
- (3) Located within or adjacent to other developed areas or activity centers on the farm, except that the Planning Commission may waive this requirement upon the applicant demonstrating that the proposed use needs greater separation from agricultural activities or residential areas.
- (4) Sited so that associated development (buildings, parking, etc.) will be located off primary agricultural soils to the maximum extent feasible.
- (5) Sited and designed to maintain a rural and agricultural character, and not a commercial or industrial character.

- (6) In conformance with all applicable standards of these regulations, including but not limited to the parking and loading standards of [Section 3104](#), the performance standards of [Section 3105](#), the applicable specific use standards providing meals, hosting events or offering lodging.

3223.C **Agricultural Enterprise.** An agricultural enterprise must be:

- (1) A business principally engaged in the storage, preparation and processing of qualifying products (as defined in these regulations) that are produced in Vermont. The business may include related accessory uses such as direct retail sales of its products, facility tours and educational programs.
- (2) Located on a parcel at least 6 acres in size.
- (3) Sited so that associated development (buildings, parking, etc.) will be located off primary agricultural soils to the maximum extent feasible.
- (4) Sited and designed to maintain a rural and agricultural character, and not a commercial or industrial character.



## **330 Subdivision Standards**

### **3301 APPLICABILITY**

3301.A All division of land into two or more lots must conform to the standards of this chapter.

### **3302 SUITABILITY OF THE LAND**

3302.A The applicant must demonstrate that the land to be subdivided into lots is suitable for development without:

- (1) Endangering public health or safety; and
- (2) Adversely impacting the environment, adjoining properties or the character of the area.

3302.B Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided into developable lots unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.

3302.C Grading, excavating and/or filling of land to create developable lots must meet the standards of [Section 3012](#).

### **3303 PROTECTION OF NATURAL, AGRICULTURAL AND SCENIC RESOURCES**

3303.A The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on the following natural resources identified on the subject property in the Dorset Town Plan, in the Vermont Agency of Natural Resources Natural Resources Atlas or in the field by a qualified professional:

- (1) Streams and riparian buffers (see [Section 3016](#))
- (2) Wetlands and wetland buffers (see [Section 3022](#))
- (3) Vernal pools (see ANR Atlas Confirmed Vernal Pool layer)
- (4) Rare, Threatened and Endangered Species (see ANR Atlas)
- (5) Significant Natural Communities (see ANR Atlas)
- (6) Steep slopes (see [Section 3017](#))
- (7) Land above ~~2,000~~ [1,600](#) feet in elevation (see ANR Atlas)

3303.B The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on primary agricultural soils.

3303.C The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on the scenic character of ridgelines, hillsides and open meadows that are visible from public roads.

3303.D The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on interior forest blocks located 500 feet or more from maintained public roads.

3303.E All major subdivisions of land in the Rural Mixed Use, Rural Residential or Rural Resource Protection zoning districts must be designed as PUDs in accordance with Section 3307.

### **3304 CAPABILITY OF COMMUNITY FACILITIES AND UTILITIES**

3304.A The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and infrastructure including, but not limited to:

- (1) School facilities and educational services;
- (2) Police, fire protection and ambulance services;
- (3) Road infrastructure and maintenance;
- (4) Parks and recreation facilities; and
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.

3304.B The Planning Commission may require that development be phased and/or condition approval on the applicant upgrading or contributing to upgrading public facilities, services and infrastructure that would be disproportionately or unreasonably burdened by the proposed subdivision.

### **3305 LOT DESIGN AND CONFIGURATION**

3305.A **Lot Arrangement.** The applicant must design the subdivision:

- (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features;
- (2) To connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features;
- (3) So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots in accordance with the standards of these regulations (this will not apply to lots intended for conservation purposes);
- (4) So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned road (this will not apply to lots intended for conservation purposes);
- (5) To minimize the number of new curb cuts along arterial streets or state highways;

- (6) So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision in accordance with [Section 3018](#);
- (7) So that there will be no privately-owned reserve strips (a strip of land located between a subdivision and other property that is not dedicated to public use); and
- (8) To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.

3305.B **Lot Dimensions.** The applicant must design the subdivision:

- (1) So that all lots front on a road in accordance with [Subsection 2008.C](#) (this will not apply to lots intended for conservation purposes);
- (2) So that lot dimensions meet the minimum standards for the zoning district;
- (3) Except as otherwise approved by the Planning Commission to allow lot lines to respond to the site's topography and natural features:
  - (a) So that side lot lines are at right angles to straight roads or radial to curved roads;
  - (b) So that rear lot lines are parallel to front lot lines;
  - (c) So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4;
- (4) To avoid flag and other irregularly shaped lots, except that the Planning Commission may waive or modify this requirement to respond to the site's topography and natural features or to allow for shared driveways;
- (5) To minimize the number of lots with frontage on more than one road; and
- (6) To minimize the number of lots with a rear lot line that abuts the side lot line of an adjacent lot.

3305.C **Building Envelopes.** The applicant must designate one or more building envelopes on each lot that is more than 2 acres in size within the subdivision in accordance with the following:

- (1) Building envelopes must not include any unbuildable land including, but not limited to, setbacks, rights-of-way, easements, wetlands, wetland buffers, surface waters, riparian buffers, flood hazard areas, steep slopes; land above 1,600 feet in elevation in the Rural Resource Protection district and land above 2,000 feet in elevation in all other districts;
- (2) The total area within the building envelope(s) on lots intended for single-unit residential development must not be more than 65,000 square feet;
- (3) Building envelopes must be sited downslope from hilltops and ridgelines and existing vegetation outside the envelope must be retained as needed to provide a visual and physical backdrop to the building site as viewed from public roads;

- (4) Building envelopes must be located along the edges of fields and meadows, and must minimize fragmentation and conversion of primary agricultural soils;
- (5) All non-agricultural structures with a footprint in excess of 200 square feet must be located within a designated building envelope unless otherwise specified in these regulations;
- (6) Driveways, trails, paths, sidewalks, utilities, water, wastewater and stormwater infrastructure, fences, agricultural structures and small accessory structures may be located outside a designated building envelope;
- (7) The Planning Commission may limit clearing of healthy, mature trees on all or a portion of the lot outside the designated building lot to protect significant wildlife habitat, forest blocks or scenic resources; and
- (8) The Planning Commission may require maintenance of open fields or meadows on all or a portion of the lot outside the designated building lot to protect significant wildlife habitat, farmland or scenic resources.

3305.D **Waiver of Building Envelope Requirement.** The Planning Commission may waive the building envelope requirement if the applicant obtains an exemption from the state Wastewater System and Potable Water Supply Rules and notes on the plat that the lot cannot be developed and may only be used for agriculture, forestry or open space purposes without amending the approved subdivision plat to establish a building envelope.

3305.E **Screening and Buffers.** The applicant must design the subdivision to maintain existing mature vegetation and/or install additional landscaping as necessary to:

- (1) Preserve existing specimen trees, tree lines or wooded areas of significant ecological or scenic value;
- (2) Provide a buffer between developed and undeveloped portions of the site, or between incompatible uses; and
- (3) Provide screening to protect privacy and mitigate off-site impacts on/from adjacent properties both within the subdivision and between the subdivision and abutting parcels.

### 3306 DESIGN AND LAYOUT OF NECESSARY IMPROVEMENTS

3306.A **Public Works Specifications.** Applicants must construct new or extended roads, utilities and other improvements in accordance with any public works specifications duly adopted by the Town of Dorset. In the case of a conflict between a provision of these regulations and a provision of the public works specifications, the public works specifications will take precedence.

3306.B **Technical Review.** The Zoning Administrator may forward subdivision applications to town or state employees, as applicable, for review and comment upon receipt of a complete application. The Planning Commission or Zoning Administrator may condition or deny any approval or permit based on those comments.

- 3306.C **Engineering Requirements.** A professional engineer must certify that all new or extended roads, utilities and other improvements were designed and constructed in accordance with all applicable public works specifications, provisions of these regulations and any conditions of approval prior to the Zoning Administrator granting a zoning permit for development on lots to be served by such roads, utilities or other improvements.
- 3306.D **Roads.** Applicants must design and construct all new or extended roads within a subdivision in accordance with this subsection.
- (1) **Applicability.** Any vehicular way that will be used to provide access to more than 3 lots, 6 dwelling units, or 3 non-residential principal uses will be considered a road and must conform to the standards of this section irrespective of whether the road will be public or private. (A vehicular way that provides access to not more than 3 lots, 6 dwelling units, or 3 non-residential principal uses is a driveway and must conform to the standards of Section 3008.)
  - (2) **General Standards.** Applicants must design and construct all new or extended roads within a subdivision to:
    - (a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic);
    - (b) Calm traffic and discourage travel speeds in excess of the posted speed limit;
    - (c) Avoid congestion on existing roads;
    - (d) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles;
    - (e) Logically extend and improve the connectivity of the town's existing road network;
    - (f) Provide efficient access to property;
    - (g) Minimize the amount of impervious surface necessary to provide convenient and safe access to property;
    - (h) Be graded and laid out to conform as closely as possible to the pre-existing topography;
    - (i) Provide adequate drainage in accordance with Paragraph (9) below;
    - (j) Be located the maximum distance feasible from surface waters (at least 150 feet is preferred and additional stormwater management practices may be required if that separation distance cannot be achieved) and meet the riparian buffer standards of Section 3016 as applicable; and
    - (k) Minimize the number of stream crossings.

- (3) **Access Management.** Applicants must implement proper access management techniques in the design of subdivisions. Subdivision does not create a right to more than one access onto an existing road. The Planning Commission may require that lots within a subdivision be accessed from a new road or shared driveways.
- (4) **Connectivity.** New single-outlet (dead-end) roads:
  - (a) Must not exceed 600 feet in length (this will not include stubs);
  - (b) Must terminate in a branch, T, Y or cul-de-sac turnaround (listed in order of preference from most to least) adequately sized to accommodate emergency and service vehicles; and
  - (c) Will only be approved if the applicant demonstrates one of the following applies:
    - (i) The proposed road includes a stub designed to be extended or interconnected when adjacent property is subdivided or developed;
    - (ii) Pre-existing development patterns on adjacent property, topography or other physical conditions make construction of a through road impractical or undesirable; or
    - (iii) The proposed road will serve not more than 9 lots or principal buildings.
- (5) **Design Speed.** Applicants must design new or extended roads for a speed of 25 miles per hour or less.
- (6) **Right-of-Way.** A road must:
  - (a) Have a right-of-way at least 60 feet in width if new;
  - (b) Have a right-of-way at least 50 feet in width if an extension of an existing road with less than a 60-foot right-of-way; and
  - (c) Be located in the center of the right-of-way.
- (7) **Design and Construction Standards.** Applicants must design and construct new or extended roads in accordance with the Town of Dorset Road and Bridge Specifications as most recently adopted.
- (8) **Intersections.** Applicants must design new or extended roads in accordance with the following unless otherwise approved by the Planning Commission to respond to site-specific physical conditions or anticipated traffic flows:
  - (a) With sight distances that are not less than 150 feet;
  - (b) To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees;
  - (c) With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet);

- (d) With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting road; and
  - (e) With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way.
- (9) **Drainage.** Applicants must design new or extended roads:
- (a) With green stormwater practices consistent with the *Vermont Stormwater Manual* and the *Vermont Green Streets Guide* to the maximum extent feasible given the physical characteristics of the property (ex., soils and slopes);
  - (b) To not block or restrict the flow of drainage in existing ditches, swales or gutters;
  - (c) To not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure;
  - (d) With culverts that are sized to convey anticipated peak stormwater flows; and
  - (e) With culverts that are installed to minimize erosion damage at the inlet and outlet.
- (10) **Grade.** New or extended roads must generally conform to the topography and must not exceed a maximum grade of 12% as measured over any 100-foot section. The Planning Commission may allow segments less than 100 linear feet in length to have a grade of up to 15% to minimize the amount of disturbance required to construct the road.
- (11) **Cross-Slope.** All new or extended roads must have a cross-slope of at least 1% and not more than 3%.
- (12) **Road Names and Signs.** The applicant must name new or extended roads and install road signs in accordance with state and town requirements.

3306.E

**Pedestrian and Bicycle Facilities.** The applicant must integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

- (1) **Public Sidewalks.** The applicant must install sidewalks along both sides of a new or extended road in the village zoning districts.
- (2) **Sidewalk Design and Construction.** Public sidewalks must:
  - (a) Be at least 5 feet wide;
  - (b) Be surfaced with concrete if along a public road (otherwise may be surfaced with asphalt);
  - (c) Meet Americans with Disabilities Act standards, including provision of curb ramps with a tactile warning surface;
  - (d) Be separated from the street either vertically with at least a 6-inch curb or horizontally with at least a 5-foot tree belt;



- (e) Terminate at a crosswalk when there is a connecting sidewalk on the other side of the road.

3306.F **Street Trees.** The applicant must install street trees in accordance with Subsection 3101.E.

3306.G **Firefighting Facilities.** The Planning Commission may require an applicant to provide water for fire protection.

3306.H **Public and Private Utilities.** The applicant must design the subdivision to provide utility service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

- (1) All utilities must be located underground unless prevented by ledge or other physical conditions that make burying lines impractical;
- (2) Utilities must be located within road rights-of-way to the maximum extent feasible; and
- (3) The applicant must provide the town with a maintenance and access easement for any utilities not located within a public right-of-way.

3306.I **Water and Wastewater.** The applicant must design the subdivision to provide water and wastewater service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use). The applicant must demonstrate that the proposed subdivision conforms to the Vermont Wastewater System and Potable Water Supply Rules (see Section 3021).

3306.J **Erosion Control.** The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 3010.

3306.K **Soil Preservation.** The applicant must:

- (1) Stockpile any topsoil removed during the course of construction on-site;
- (2) Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted;
- (3) Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments in accordance with Subsection 3018.H; and
- (4) Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

3306.L **Debris Removal.** The applicant must remove any debris generated during the course of construction from the site in accordance with state regulations. Burying debris on-site or using it as fill is prohibited.

3306.M **Stormwater Management.** The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure in accordance with Section 3018.



3306.N **Monuments and Lot Corner Markers.** The applicant must:

- (1) Show the locations of all right-of-way monuments and lot corner markers on the final subdivision plat;
- (2) Install permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with state statutes and rules; and
- (3) Install lot corner markers at corners and angle points of all lots in accordance with state statutes and rules.

3306.O **Construction and Maintenance of Necessary Improvements.** The applicant must:

- (1) Construct the necessary improvements in accordance with all conditions of approval under these regulations and the town's public works specifications before the Zoning Administrator may issue any zoning permits for further development within the subdivision.
- (2) Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.
- (3) Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.
- (4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Planning Commission may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements, easements or other legal documents for review prior to final approval of the subdivision and to record such documents with the town along with the final plat.

3306.P **Acceptance of Roads or Other Necessary Improvements.** No provision of these regulations will be interpreted to require the Town of Dorset to accept new or extended roads or other necessary improvements serving a subdivision. Acceptance is subject to the approval of the Dorset Selectboard.

### **3307 PLANNED UNIT DEVELOPMENTS (PUDS)**

3307.A **Purpose.** The purpose of this section is to provide flexibility for residential subdivisions or developments in the rural areas of town to protect natural resources and conserve open space and working lands.

3307.B **PUDs Required.** Major subdivisions in the Rural Mixed Use, Rural Residential or Rural Resource Protection district must be designed and approved as PUDs.

3307.C **PUDs Optional.** Any property owner may propose to develop three or more acres of land in any zoning district except the General Business district as a PUD.

3307.D **Modification of District Standards.** Zoning district standards may be modified within a PUD as follows:

- (1) The density of the development must not exceed the maximum density as determined based on the applicable zoning district standards (total lot area divided by the residential density).
- (2) The development must meet all setback requirements of the zoning district around the perimeter of the development site.
- (3) The lot coverage for the entire development must not exceed the maximum allowed in the zoning district.
- (4) Structures must meet all applicable height and footprint requirements of the zoning district.
- (5) The dimensional standards for lots and setbacks in the zoning district will not apply internally within the development site.
- (6) One-, two-, and multi-unit dwellings may be approved provided the density standard in Paragraph (1) above is met.

3307.E **Multiple Districts and/or Parcels**

- (1) An applicant may propose a single PUD for a site with land in more than one zoning district.
- (2) An applicant may propose a single PUD for a project composed of multiple parcels. The parcels must be under common ownership, but do not have to be contiguous or within the same zoning district.
- (3) Density may be transferred within and/or between parcels provided that building rights are not transferred from a higher-density zoning district to a lower-density zoning district.

3307.F **Conservation Land Set Aside.** A minimum of 70% of the land with a PUD must be set aside as permanently protected conservation land in accordance with the standards below:

- (1) **Design Process and Intent.** The overall function, design and location of protected conservation land within a PUD must serve to fit the development compatibly into the surrounding natural environment. Protected conservation land must not be “leftover” land and should be delineated prior to locating roads/driveways, lots or building sites. Small “islands” or narrow strips of protected conservation land must be avoided except as necessary to accommodate the primary resources identified in Paragraph (2) below.
- (2) **Primary Resources.** The following will be considered primary conservation resources and must be included in the protected conservation land:
  - (a) Flood hazard areas (see Section 2201);
  - (b) Steep slopes (see Section 3017);

- (c) Riparian buffers (see [Section 3016](#));
  - (d) Wetlands (see [Section 3022](#));
  - (e) Rare, threatened and endangered species; and
  - (f) Significant natural communities.
- (3) **Secondary Resources.** The following will be considered secondary conservation resources and must be included in the protected conservation land to the maximum extent feasible:
- (a) Primary agricultural soils;
  - (b) Open fields and meadows visible from public roads; and
  - (c) Wildlife habitat blocks and travel corridors located more than 1,000 feet from public roads.
- (4) **Coordination with Adjoining Land.** Protected conservation land must abut existing public or conserved lands, parks, open space or farmland on adjacent parcels to the maximum extent feasible.
- (5) **Legal Protection.** Conservation land must be permanently protected through a conservation easement that:
- (a) Will be held by the town, state and/or a land trust or conservancy;
  - (b) Prohibits further subdivision or development except as specifically allowed under Paragraph (6) below; and
  - (c) May establish other standards to safeguard or maintain the conservation resources.
- (6) **Allowed Development.** Protected conservation land must not be cleared, graded, filled or subject to construction except as follows and in accordance with the terms of the easement:
- (a) Roads and above ground utilities may cross conservation lands provided that the Planning Commission finds that reasonable access cannot otherwise be provided to the portions of the site to be developed and that disturbance within the conservation area will be the minimum necessary to provide adequate access;
  - (b) Underground utilities may be located within conservation lands provided that the Planning Commission finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area;
  - (c) Community gardens, trails and passive recreation amenities will be allowed within conservation areas;
  - (d) Green stormwater and renewable energy infrastructure will be allowed within conservation areas; and

- (e) Farming and forestry, including construction of farm structures, will be allowed within conservation areas.

3307.G **Development Areas.** A maximum of 30% of the land within a PUD may be developed for residential and community use in accordance with the following:

- (1) The development must be designed as one or more clusters composed of 3 to 12 lots or buildings separated by open space;
- (2) All lots or buildings must have direct pedestrian access to any open space area(s) intended to accommodate passive recreational use from a continuous system of sidewalks, paths or trails;
- (3) Access to the PUD must be from a single curb cut unless otherwise approved by the Planning Commission to provide adequate emergency access or to minimize disturbance of conservation resources;
- (4) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads); and
- (5) A PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

## **4 ADMINISTRATION**

### **400 Roles and Responsibilities**

#### **4001 ZONING ADMINISTRATOR**

- 4001.A The Planning Commission will nominate and the Selectboard will appoint a Zoning Administrator in accordance with state statute. The Selectboard may appoint an Acting or Assistant Zoning Administrator to act under the supervision of the Zoning Administrator, in the Zoning Administrator's absence, and/or if the Zoning Administrator has a conflict of interest.
- 4001.B The Zoning Administrator will:
- (1) Assist applicants in determining whether and which town permits and/or approvals will be needed for the proposed land development;
  - (2) Provide applicants with application forms;
  - (3) Review applications for zoning permits and development approvals as specified in these regulations;
  - (4) Inspect projects during construction when required as a condition of approval or to ensure compliance with these regulations;
  - (5) Maintain public records;
  - (6) Respond to complaints and violations; and
  - (7) Perform all other tasks necessary to administer these regulations.
- 4001.C The Zoning Administrator must enforce the provisions of these regulations strictly and may only issue a zoning permit or other approval for development that conforms to these regulations.
- 4001.D The Zoning Administrator will refer applications to the Planning Commission or Zoning Board of Adjustment as required under these regulations.

#### **4002 PLANNING COMMISSION**

- 4002.A The Selectboard appoints members to the Planning Commission in accordance with state statute.
- 4002.B The Planning Commission may prepare amendments to these regulations and make recommendations to the Selectboard on the amendment of these regulations.
- 4002.C The Planning Commission reviews applications for subdivisions, planned unit developments, site plan approval, conditional use approval and waivers as specified in these regulations, state statute and its adopted rules of procedure.

**4003 ZONING BOARD OF ADJUSTMENT**

4003.A The Selectboard appoints members to the Zoning Board of Adjustment in accordance with state statute.

4003.B The Zoning Board of Adjustment reviews applications for appeals of Zoning Administrator decisions and variances, as specified in these regulations, state statute and its adopted rules of procedure.

**4004 DESIGN REVIEW COMMITTEE**

4004.A The Selectboard appoints members to the Design Review Committee in accordance with state statute. To the maximum extent feasible, members should be professionals in the fields of architecture, landscape architecture, urban planning, historic preservation, and related disciplines.

4004.B The Design Review Committee is an advisory committee that reviews applications for development that involves exterior modifications to buildings and sites within the Design Review Overlay District as specified in these regulations, state statute and its adopted rules of procedure.

## **410 Fees and Filing Requirements**

### **4101 PERMIT FEES**

- 4101.A The Selectboard will establish reasonable fees for the Zoning Administrator or other town employees to charge for administering these regulations. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting inspections.
- 4101.B An applicant must pay the applicable permit fees when submitting an application. The Zoning Administrator will not deem an application complete until all applicable permit fees are paid in full.

### **4102 IMPACT FEES**

- 4102.A Upon adoption of an impact fee ordinance, the Town of Dorset may require applicants to pay impact fees in accordance with that ordinance and state statute.
- 4102.B An applicant must pay the applicable impact fees in full prior to obtaining a zoning permit or filing a subdivision plat.

### **4103 TECHNICAL OR LEGAL REVIEW COSTS**

- 4103.A The Selectboard may establish procedures and standards authorizing the Zoning Administrator, Planning Commission or Zoning Board of Adjustment to hire qualified professionals to provide an independent technical and/or legal review of an application when deemed necessary to ensure compliance with these regulations.
- 4103.B The Zoning Administrator, Planning Commission or Zoning Board of Adjustment must notify the applicant prior to hiring a consultant to conduct a technical or legal review.
- 4103.C The applicant must pay the reasonable cost of any required technical or legal review prior to obtaining a zoning permit or filing a subdivision plat.

### **4104 PERFORMANCE BONDS OR SURETIES**

- 4104.A The Selectboard may establish procedures and standards authorizing the Zoning Administrator, Planning Commission or Zoning Board of Adjustment to require an applicant to provide a performance bond or surety as a condition of approval to insure the:
- (1) Completion of proposed development in accordance with approved plans and applicable town or state specifications; and/or
  - (2) Protection of any public facilities that may be affected by proposed development.
- 4104.B The Zoning Administrator, Planning Commission or Zoning Board of Adjustment may require an applicant to provide a quote prepared by a qualified professional for the full project cost and then may base the amount of any bond or surety on that quote.

- 4104.C The Town of Dorset will only release a required bond or surety after certification by the applicant and determination by the Zoning Administrator that the proposed development has been satisfactorily completed.

**4105 MONITORING OR INSPECTION COSTS**

- 4105.A The Selectboard may establish procedures and standards authorizing the Zoning Administrator, Planning Commission or Zoning Board of Adjustment to condition approval upon monitoring and inspection during construction or once the use has commenced when deemed necessary to ensure compliance with these regulations. The applicant must pay the reasonable cost of any required monitoring or inspection.

**4106 AS-BUILT DRAWINGS**

- 4106.A The Zoning Administrator, Planning Commission or Zoning Board of Adjustment may require an applicant to file as-built drawings as a condition of approval.
- 4106.B The Town of Dorset will require as-built drawings for any infrastructure to be built within town rights-of-way or to be turned over to the town.
- 4106.C The Zoning Administrator will require an applicant to file revised plans or as-built drawings when approved site or subdivision plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

**4107 OTHER PERMITS, APPROVALS AND CERTIFICATIONS**

- 4107.A The Zoning Administrator, Planning Commission or Zoning Board of Adjustment may condition approval upon the applicant filing other permits, approvals or certifications required by the Town of Dorset, the State of Vermont or other regulatory entities prior to the issuance of a zoning permit, the start of construction, and/or the issuance of a certificate of compliance.



## 420 Zoning Permits

### 4201 SUBMITTING A ZONING PERMIT APPLICATION

4201.A **Zoning Administrator.** The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require a zoning permit, and any associated development approvals, under these regulations and keeping written documentation of any such determinations as part of the Zoning Administrator's office records;
- (2) Providing applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s);
- (3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development;
- (4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the State Permit Specialist at the Regional Office of the Vermont Department of Environmental Conservation; and
- (5) Providing applicants with copies of the state energy standards for residential or commercial buildings as applicable and informing them of the need to file energy certificates (see Subsection 4206.E).

4201.B **Applicant.** The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a zoning permit, and any associated development approval, under these regulations;
- (2) Provide all the information necessary to demonstrate compliance with these regulations; and
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge. The Zoning Administrator, Planning Commission or Zoning Board of Adjustment may:
  - (a) Reject an application that misrepresents any material fact; and
  - (b) Award reasonable attorney's fees and costs to anyone who has incurred attorney's fees and costs in connection with an application that misrepresents any material fact in accordance with the procedures established in state statute.

4201.C **Application Requirements.** The Zoning Administrator:

- (1) May waive an application requirement upon finding the information is not necessary to determine compliance with these regulations;

- (2) May require an applicant to provide additional information as necessary to demonstrate compliance with these regulations; and
- (3) Must keep written documentation of any application requirement waived or additional information requested as part of the Zoning Administrator's office records.

4201.D **Determination of Completeness.** The Zoning Administrator must:

- (1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it unless the applicant agrees to a longer period; and
- (2) Inform the applicant of the determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.

## 4202 ACTING ON A COMPLETE ZONING PERMIT APPLICATION

4202.A **Time to Act.** Once the Zoning Administrator determines that an application for a zoning permit is complete, the Zoning Administrator must act within 30 days to approve, deny or refer it to the Planning Commission or Zoning Board of Adjustment except that the time period within which the Zoning Administrator must act will not commence for a zoning permit application that requires:

- (1) One or more development approvals under these regulations until the applicant has obtained all those necessary approvals for the proposed development; or
- (2) Notification of a state agency until the agency comments or the comment period elapses, whichever occurs first.

4202.B **Deemed Approval.** If the Zoning Administrator does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4202.C **Review Criteria.** The Zoning Administrator must administer these regulations strictly and must not approve an application for a zoning permit unless it conforms to all applicable provisions of these regulations.

4202.D **Amended Regulations under Consideration.** The Zoning Administrator must act on any application submitted while the Selectboard is considering amendments to these regulations in accordance with state statute, which requires that applications be reviewed under both the adopted and proposed regulations for a specified period of time.

4202.E **Decisions.** The Zoning Administrator must approve or deny applications in writing and specifically provide the following information:

- (1) **Approval.** When approving an application, the Zoning Administrator must inform the applicant that the applicant must:
  - (a) Post a notice of the zoning permit (to be provided by the Zoning Administrator) within view from the public right-of-way on the subject property or if no visible location is available within the public right-of-way most nearly adjacent to the subject property throughout the 15-day appeal period; and
  - (b) Not commence the development authorized by the permit until the 15-day appeal period has ended and the applicant provides the Zoning Administrator with copies of any state permits or approvals as per Subsection 4202.F.
- (2) **Denial.** When denying an application, the Zoning Administrator must:
  - (a) Inform the applicant that the denial may be appealed to the Zoning Board of Adjustment within 15 days of the date of the decision; and
  - (b) Include a copy of Section 4402 explaining the appeal process.

4202.F **Permit Issuance.** The Zoning Administrator:

- (1) **Conditions of Approval.** May issue a zoning permit with conditions as necessary to ensure compliance with these regulations.
- (2) **Temporary Permits.** May issue a zoning permit to allow a temporary use or structure for a specified period not to exceed 2 years with conditions requiring the use to terminate or the structure to be removed, or that applicant obtain a zoning permit for a permanent use or structure, prior to the expiration of the permit.
- (3) **Notification Prior to Use or Occupancy.** Must condition any zoning permit on the applicant notifying the Zoning Administrator when construction is completed and/or the use will be commencing (some proposed development will require a Certificate of Compliance in accordance with Subsection 4204.E).
- (4) **Energy Certificates.** Must condition any zoning permit for proposed development that is subject to the state's residential or commercial building energy standards on the applicant providing the Zoning Administrator with a copy of an energy certificate for the building when construction is completed.
- (5) **Wastewater Permits.** Must condition any zoning permit for proposed development that requires the construction, modification or replacement of a potable water supply or wastewater system, or that increases the design flow or modifies the operational requirements of a potable water supply or wastewater system on the applicant obtaining and providing the Zoning Administrator with a copy of a state Wastewater System and Potable Water Supply Permit prior to the start of construction.

- (6) **Stormwater Permits.** Must condition any zoning permit for proposed development that requires a state stormwater permit on the applicant obtaining and providing the Zoning Administrator with a copy of that permit prior to the start of construction.
- (7) **Highway Access Permits.** Must condition any zoning permit for proposed development that requires a new or modified access on the applicant obtaining and providing the Zoning Administrator with a copy of the state or town highway access permit, as applicable, prior to the start of construction.

4202.G **Posting Requirements.** The Zoning Administrator must post a copy of the zoning permit in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.

4202.H **Filing Requirements.** The Zoning Administrator must:

- (1) Provide a copy of the permit to the Listers within 3 days after issuing it;
- (2) Deliver an original, signed copy of the zoning permit or the notice of zoning permit to the Town Clerk for recording within 30 days after issuing it, except that temporary permits do not have to be recorded; and
- (3) File a copy of the permit as part of Zoning Administrator's office records within 30 days after issuing it.

#### 4203 OBTAINING A ZONING PERMIT

4203.A **Permit Takes Effect.** A zoning permit takes effect on the 16<sup>th</sup> day after the Zoning Administrator issues it provided that no appeal is filed during the previous 15 days (see [Section 4402](#)) or that the applicant has not requested a delay (see [Subsection 4203.B](#)). If an interested person files an appeal, the zoning permit will not take effect until the appeal is decided.

4203.B **Delay in Effect.** The applicant may request that a zoning permit and any associated development approvals not take effect until all permits and approvals necessary to commence the development are obtained in accordance with the following:

- (1) The Zoning Administrator may delay the effective date of a permit and any associated development approvals for no more than 12 months unless the Planning Commission approves a longer delay due to factors beyond the applicant's control (e.g., extended or contested Act 250 proceedings or litigation).
- (2) It will be the applicant's responsibility to request that the zoning permit and any associated development approvals take effect.

4203.C **Permit Timeframe and Extension.** Zoning permits and any associated development approvals expire 2 years from the date the permit takes effect unless:

- (1) The Planning Commission specifies otherwise as a condition of approval;

- (2) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration; or
- (3) Prior to the zoning permit's expiration, the applicant requests and receives from the Zoning Administrator an extension of not more than 12 months. The Zoning Administrator may only grant one such extension upon the applicant demonstrating that any improvements completed to date conform to the conditions of the permit and any associated development approvals.

4203.D **Phased Projects.** If the Planning Commission approves a project to be developed in phases, the Zoning Administrator will issue zoning permits for that project in accordance with the approved phasing plan and schedule. Each zoning permit will be separately issued and administered in accordance with the provisions of these regulations.

4203.E **Projects with Multiple Units or Structures.** The Zoning Administrator may issue a zoning permit for each unit or structure within a project with multiple units or structures. If so, each zoning permit will be separately administered in accordance with the provisions of these regulations.

4203.F **Transfer of Permit.** Zoning permits and any associated development approval remain in effect as specified in these regulations irrespective of any change in change in ownership or tenancy of the subject property. All subsequent landowners or tenants are subject to the requirements and conditions of any zoning permit and associated development approvals.

4203.G **Expired Permits.** If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

4203.H **Posting of Permit.** A copy of the permit or permit notice provided by the Zoning Administrator must be visible from a public portion of the subject property (i.e., along the road or driveway, at the front door or in a front window) during the course of construction.

#### 4204 AMENDING PERMITS OR APPROVALS PRIOR TO PROJECT COMPLETION

4204.A An applicant may submit a written request for the Zoning Administrator to amend a zoning permit, and any associated development approval, prior to project completion. The applicant must demonstrate that the proposed changes to the development:

- (1) Are in conformance with the dimensional standards for the zoning district, the approved building envelope on the lot (if required under these regulations), and all other applicable provisions of these regulations;
- (2) Do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approvals; and

- (3) Do not change the scale, location, type, character or intensity of the approved development or use to a greater extent than specified below:
- (a) Any proposed increase in structure height must not exceed 15 feet;
  - (b) Any proposed decrease in setback resulting from a change in the structure's footprint or location must not exceed 25 feet;
  - (c) Any proposed net increase in building footprint must not exceed 200 square feet;
  - (d) Any proposed net increase in the total amount of impervious surface on the lot must not exceed 2,500 square feet;
  - (e) Any proposed modification must not result in an increased requirement for parking or loading spaces;
  - (f) Any proposed substitution of exterior materials or fixtures must be in-kind with what was originally approved (if exterior materials or fixtures were specified in the original application or approval); and
  - (g) Any proposed substitution of required plant materials must not change the overall landscape design concept and function (if plant materials were specified in the original application or approval).

4204.B The scope of the review will be limited to those aspects of the development affected by the proposed changes.

4204.C The Zoning Administrator may:

- (1) Approve a request to amend a permit, and any associated development approval, in writing and may condition any approval on the applicant submitting as-built plans when construction is complete;
- (2) Refer the request to the Planning Commission for review under [Section 4312](#); or
- (3) Deny the request and require the applicant to submit a new application for the proposed development.

4204.D No notice or posting is required for an administratively-approved amendment.

4204.E The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

#### **4205 INSPECTING DEVELOPMENT DURING CONSTRUCTION**

4205.A The Zoning Administrator may inspect any development during construction as necessary to ensure compliance with these regulations and any permit or approval conditions.

**4206 OBTAINING A CERTIFICATE OF COMPLIANCE**

- 4206.A **When Required.** An applicant must request a certificate of compliance from the Zoning Administrator before occupying or commencing the use of any development subject to a zoning permit or prior to land development within a subdivision approved on condition that the applicant construct public or private improvements.
- 4206.B **Application.** The Zoning Administrator will provide applicants with the necessary form to apply for a certificate of compliance. The applicant must submit the completed form prior to the expiration of the associated zoning permit or prior to submitting an application for land development on lots within a subdivision, as applicable.
- 4206.C **Time to Act.** The Zoning Administrator must act on a complete application for a certificate of compliance promptly and in all cases within 30 days. The Zoning Administrator may:
- (1) Require the applicant to submit as-built plans or other documentation from a qualified professional certifying that the development as constructed conforms to the approved plans; and/or
  - (2) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance.
- 4206.D **Deemed Approval.** If the Zoning Administrator does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- 4206.E **Criteria.** Before receiving a final certificate of compliance, the applicant must certify and demonstrate to the Zoning Administrator that:
- (1) The development is substantially complete and conforms to the requirements of the zoning permit and/or development approvals, the filed plans, and the applicable provisions of these regulations;
  - (2) All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable town or state specifications, the requirements of the zoning permit and/or development approvals, the filed plans, and the applicable provisions of these regulations;
  - (3) The applicant has recorded all required documents with the town including, but not limited to, as-built drawings, energy certificate, wastewater and potable water supply permit, access permit, and stormwater permit; and
  - (4) The applicant has paid all required fees.
- 4206.F **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:



- (1) The Zoning Administrator may require the applicant to submit a performance bond in accordance with Section 4104 to insure full completion of the outstanding work;
- (2) The Zoning Administrator will require the applicant to submit a performance bond in accordance with Section 4104 if any commonly-owned or shared improvements or infrastructure connections remain incomplete; and
- (3) The applicant must apply for a final certificate of compliance prior to the expiration of the temporary certificate.

4206.G **Phased Development.** If the development will be phased, Zoning Administrator may issue certificates of compliance for individual phases as they are completed in accordance with the permit and associated conditions of approval.

4206.H **Decisions.** The Zoning Administrator must approve or deny applications for a certificate of compliance in writing as follows:

- (1) **Approval.** When approving an application, the Zoning Administrator must inform the applicant that the issuance of a certificate of compliance will not preclude the Town of Dorset taking enforcement action in accordance with Subchapter 460 for any violation of the zoning permit or associated development approvals.
- (2) **Denial.** When denying an application, the Zoning Administrator must:
  - (a) State the reasons for the denial;
  - (b) Inform the applicant that the denial may be appealed to the Zoning Board of Adjustment within 15 days of the date of the decision;
  - (c) Include a copy of Section 4402, which explains the appeal process; and
  - (d) Commence appropriate enforcement action under Subchapter 460 if a violation of these regulations is found.
- (3) **Reapplication.** The applicant may submit another application for a certificate of compliance, including all applicable fees, after remedying any conditions identified as the reason for the denial.

4206.I **Posting Requirements.** The Zoning Administrator must post a copy of the certificate of compliance in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.

4206.J **Filing Requirements.** The Zoning Administrator must:

- (1) Provide a copy of the certificate of compliance to the Listers within 3 days after issuing it;
- (2) Deliver an original, signed copy of the certificate of compliance to the Town Clerk for recording within 30 days after issuing it, except that temporary certificates do not have to be recorded; and



- (3) File a copy of the certificate of compliance as part of their office records within 30 days after issuing it

**4207 REVOKING PERMITS OR APPROVALS**

4207.A The Zoning Administrator may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant:

- (1) Omitted or misrepresented a material fact on an application or at a hearing; or
- (2) Violates the terms of the permit and any associated development approvals.

**4208 APPEALING ADMINISTRATIVE ACTIONS OR DECISIONS**

4208.A The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under these regulations to the Zoning Board of Adjustment as specified in Section 4402.

## 430 Development Approvals

Figure 4-01. Development Approvals Table

Section	Approval Type and Applicability	Approval By	Public Hearing	Review Criteria
<u>4303</u>	<b>Design Review.</b> Exterior modification to sites or structures in the Design Review Overlay District (Section 2203).	DRC	No	Subsection 4303.D
<u>4304</u>	<b>Site Plan Approval, Minor.</b> Proposed development other than single- or two-unit residences and any associated accessory structures or uses to such a residence that does not meet any of the criteria for major site plan.	ZA	No	Figure 4-02
<u>4304</u>	<b>Site Plan Approval, Major.</b> Proposed development other than single- or two-unit residences and any associated accessory structures or uses to such a residence that involves: (a) new conditional use; (b) construction or major renovation of a structure with a footprint greater than 200 square feet; (c) 5 or more dwelling units in a building; (d) constructing a new access; or (e) net increase in impervious surface of 2,500 sf or more.	PC	Yes	Figure 4-02
<u>4305</u>	<b>Conditional Use Approval.</b> All uses listed as conditional in Section 2109 or as otherwise specified in these regulations. Major changes to existing conditional uses as defined in Subsection 4305.A also require approval.	PC	Yes	Figure 4-02
<u>4306</u>	<b>Planned Unit Development (PUD) Approval.</b> Required for major subdivisions (5 or more lots) in the Rural Mixed Use, Rural Residential and Rural Resource Protection districts. May be proposed on any parcel that is three acres or more where residential uses are allowed. A PUD is commonly called a cluster or conservation subdivision where residences are grouped together and common land is conserved as open space around the development.	PC	Yes	Figure 4-02
<u>4307</u>	<b>Lot Line Adjustments and Lot Mergers.</b> Modification or elimination of lot lines between existing parcels that does not result in the creation of any additional lots.	ZA	No	Subsection 4307.B
<u>4308</u>	<b>Footprint Lots, on existing lots.</b> May be legally necessary when property will be in condominium ownership.	ZA	No	Subsection 4308.C
<u>4308</u>	<b>Footprint Lots, on new lots.</b> May be legally necessary when property will be in condominium ownership. To be approved as part of a subdivision.	PC	Yes	Subsection 4308.D
<u>4309</u>	<b>Building Envelopes, on existing lots.</b> Required for undeveloped lots larger than 6 acres in the Rural Residential district and for all undeveloped lots in the Rural Resource Protection district.	ZA	No	Subsection 4309.A
<u>4309</u>	<b>Building Envelopes, on new lots.</b> Required for all lots being created through subdivision that will be more than 2 acres in size. To be approved as part of a subdivision.	PC	Yes	Subsection 3305.C
<u>4310.C</u>	<b>Subdivision Approval, Sketch Plan.</b> Required for all subdivisions. ZA will classify subdivision as minor or major.	ZA	No	Figure 4-02
<u>4310.D</u>	<b>Subdivision Approval, Preliminary.</b> Required for major subdivisions (creation of 5 or more lots or a road).	PC	Yes	Figure 4-02
<u>4310.E</u>	<b>Subdivision Approval, Final.</b> Required for all subdivisions.	PC	Yes	Figure 4-02

**4301 APPLICATION PROCESS**

4301.A **Pre-Application Conference.** A prospective applicant may request a pre-application conference with the Zoning Administrator prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant and will not be deemed binding in the preparation or review of any subsequent application for development approval.

4301.B **Zoning Administrator.** The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require one or more development approvals under these regulations;
- (2) Providing applicants with the necessary form(s) to apply for the required approval(s);
- (3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development; and
- (4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the state permit specialist at the Regional Office of the Vermont Department of Environmental Conservation.

4301.C **Applicant.** The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a development approval under these regulations;
- (2) Provide all the information necessary to demonstrate compliance with these regulations; and
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge.

4301.D **Determination of Completeness.** The Zoning Administrator must:

- (1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it; and
- (2) Inform the applicant of their determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.

4301.E **Application Requirements.** The Zoning Administrator:

- (1) **General Waiver.** May waive an application requirement upon written request by the applicant and upon the applicant demonstrating that the information is not necessary to determine compliance with these regulations.

- (2) **Site Plan Drawings.** Will waive requirements for site plan drawings (see [Subsection 4302.A](#)) for minor site plan applications that do not involve physical changes to the exterior of a structure or to the site.
- (3) **Boundary Survey.** Will waive the requirement for submitting a full boundary survey of a:
  - (a) Lot subject to a lot line adjustment or lot merger if the lot is more than 10 acres in size.
  - (b) Parent parcel provided that the retained portion is more than 10 acres in size and is not less than 70% of the total acreage before subdivision.
- (4) **Additional Information.** May require an applicant to provide additional information as necessary to determine compliance with these regulations.
- (5) **Recordkeeping.** Must keep written documentation of any application requirement waived or additional material requested as part of their office records and submit that information to the Planning Commission or Zoning Board of Adjustment with the application. The Planning Commission or Zoning Board of Adjustment may require an applicant to provide additional information, including an application requirement waived by the Zoning Administrator, if necessary to determine compliance with these regulations (see [Subsection 4503.G](#)).

4301.F **Referral to Planning Commission or Zoning Board of Adjustment.** Once the Zoning Administrator determines that an application is complete and the applicable fees have been paid, the Zoning Administrator must warn a public hearing on the application by the Planning Commission or Zoning Board of Adjustment at their next available regularly scheduled meeting following the warning period required under [Section 4501](#).

4301.G **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Zoning Board of Adjustment as specified in [Section 4402](#).

## 4302 APPLICATION REQUIREMENTS

4302.A **Site or Subdivision Plan.** Applicants must submit a site or subdivision plan with any application for a development approval that at a minimum conforms to the specifications below and any application checklists provided by the Zoning Administrator unless a specific requirement is waived in accordance with [Subsection 4301.E](#). It is the applicant's responsibility to provide the information necessary to demonstrate compliance with these regulations. As per [Section 4301](#) and [Subsection 4503.G](#), the Zoning Administrator, Planning Commission or Zoning Board of Adjustment may require an applicant to provide additional materials.

- (1) **Scale and Sheet Size.** All plan drawings must be to scale. Site plan drawings should be at a scale of 1 inch = 30 feet or less whenever possible. Full-size plan drawings must not exceed a sheet size of 24" x 36". If the full-size drawings are larger than 11" x 17", the applicant must provide reduced sized drawings that are legible and to scale at a sheet size not to exceed 11" x 17". The applicant must also provide electronic files for all plan drawings at full and reduced scale (Adobe PDF or other format as agreed to by the Zoning Administrator).
- (2) **Project Narrative.** The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of these regulations by listing the facts and reasons why the application meets each of the applicable criteria of [Figure 4-03](#).
- (3) **Deed of Record.** The applicant must provide a copy of the current deed of record filed in the town land records for the subject parcel.
- (4) **Site or Subdivision Plan Drawing(s).** The applicant must submit a site or subdivision plan drawing(s) that includes the following information:
  - (a) **Boundaries and Setbacks.** The location of all existing and proposed lot lines, building envelopes, setbacks, easements or rights-of-way, monuments or survey pins;
  - (b) **Resources and Hazards.** The location of natural, historic or archaeological resources including but not limited to: watercourses, wetlands, flood hazard areas, fluvial erosion hazard areas, steep slopes, priority forest blocks, critical wildlife habitat, and rare, threatened or endangered species (applicants may rely on the information available from the Vermont Natural Resource Atlas or may provide field assessments and delineations prepared by a qualified professional);
  - (c) **Landform and Grading.** Existing and proposed contours (applicants may rely on lidar generated contours available from the Vermont Center for Geographic Information or may provide a topographic survey prepared by a qualified professional);
  - (d) **Structures and Impervious Surfaces.** The use, location, distance from setbacks, height and footprint of all buildings, structures and impervious surfaces;
  - (e) **Greenspace.** The location and use of all greenspace, open space and green stormwater management practices;
  - (f) **Access and Infrastructure.** The location and dimensions of all existing and proposed roads, sidewalks, walkways, bikeways, paths, trails, driveways, parking facilities, loading spaces, mechanicals and utilities (on-site generators, substations, utility cabinets, utility poles, etc.), dumpster or waste storage locations, snow storage locations, points of access to surrounding roads, points of access to surrounding bike, sidewalk and trail networks, and associated easements.

- (5) **Lighting Plan Drawing(s).** When outdoor lighting will be installed or modified, applicants must submit a lighting plan drawing(s) that includes the following information:
  - (a) Location, height and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained; and
  - (b) Specifications of all proposed light fixtures including any shields, mounting hardware, pole types and heights, and bases demonstrating compliance with the requirements of [Section 3102](#).
- (6) **Landscape Plan Drawing(s).** When landscaping will be installed or modified, applicants must submit a landscape drawing(s) that includes the following information:
  - (a) Location and species of all plant materials that will be used to meet landscaping or screening requirements under these regulations;
  - (b) Existing and proposed amenities associated with the landscape plan (hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks, other site furniture, public art, etc.).
- (7) **Architectural Drawing(s).** When the project involves construction of a new principal building or exterior modifications to an existing principal building, applicants must submit building elevations and other architectural drawings and specifications for exterior materials and colors as necessary to demonstrate compliance with the applicable standards of these regulations.
- (8) **Erosion Control and Stormwater Management Plan Drawing(s).** When the provisions of [Section 3010](#) and/or [Section 3018](#) apply to proposed development, applicants must submit erosion control and/or stormwater management plan drawing(s) that demonstrate compliance with [Section 3010](#) and/or [Section 3018](#) as applicable.

4302.B **Signage Plan.** Applicants must submit a signage plan with any application for a zoning permit or development approval that involves the installation or modification of a sign that includes all required elements listed below unless a specific requirement is waived in accordance with [Subsection 4301.E](#):

- (1) Type, location, height and area of all existing and proposed signs;
- (2) Design, materials and colors of all existing and proposed signs; and
- (3) Location, type and initial output (measured in lumens) of all existing and proposed sign lighting.

4302.C **State Highways.** Applicants must submit a letter of intent or an access permit from the Vermont Agency of Transportation with any application for proposed development that involves access to a state highway.

**4303 DESIGN REVIEW**

- 4303.A **Applicability.** Development within the Design Review Overlay District that involves exterior modifications to a structure or site will require design review under this section before the Zoning Administrator may issue a zoning permit or the Planning Commission or Zoning Board of Adjustment may grant a development approval, as applicable. Interior alterations and changes of use that do not involve exterior modifications will not require design review.
- 4303.B **Purpose.** The purpose of design review is to ensure that proposed development maintains and enhances those aspects of the built environment that contribute to Dorset's historic character, architectural heritage, aesthetic quality and sense of place.
- 4303.C **Review Process.** Applications will be reviewed based on the following process:
- (1) **Pre-Application Meeting.** An applicant may request a meeting with the Design Review Committee to obtain advice on project design prior to submitting a complete application.
  - (2) **Time to Act.** The Design Review Committee must meet to review all complete applications subject to design review within 21 days of the Zoning Administrator deeming the application complete.
  - (3) **Meetings.** Meetings of the Design Review Committee are subject to Vermont's open meeting law (1 V.S.A. § 312), but are not subject to the hearing and notice requirements of Subchapter 450. Design Review Committee meetings must be announced at least 24 hours before the meeting by:
    - (a) Notifying all committee members and the applicant (orally or in writing, including electronic service); and
    - (b) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least two other public places within Dorset.
  - (4) **Comments and Recommendations.** The Design Review Committee is authorized to advise and make recommendations to the applicant, Zoning Administrator, Planning Commission and Zoning Board of Adjustment. Such advice and recommendations will not be deemed binding and may not be appealed under Subchapter 440.
  - (5) **Administrative Permit.** When the proposed development does not need a development approval from the Planning Commission or Zoning Board of Adjustment, the Zoning Administrator will review and act upon the application in accordance with Subchapter 420. The Zoning Administrator may deny or condition approval of an application based on the Design Review Committee's advice and recommendations. The applicant may appeal those conditions to the Zoning Board of Adjustment as specified in Section 4402.



- (6) **Development Approval.** When the proposed does require a development approval from the Planning Commission or Zoning Board of Adjustment, the advice and recommendations of the Design Review Committee will be forwarded to the Planning Commission or Zoning Board of Adjustment with the application. The Planning Commission or Zoning Board of Adjustment may deny or condition approval of an application based on the Design Review Committee's comments and recommendations.

4303.D

**Review Criteria.** The applicant must demonstrate that:

- (1) **District Standards.** The proposed development conforms to the standards of Section 2203.
- (2) **Historic Preservation.** Exterior modifications to historic structures are in conformance with the practices recommended in the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.
- (3) **Location.** A building is sited and designed to be compatible with the setback of existing buildings from the street, spacing between existing buildings, and alignment of existing buildings in the immediate area.
- (4) **Height.** The height of a new or modified building is appropriate in relation to the average height of existing adjacent buildings.
- (5) **Proportion.** The width and height of the front elevation of a new or modified building is appropriate in relation to the width and height of the front elevations of existing adjacent buildings.
- (6) **Fenestration.** The fenestration pattern of the front elevation of a new or modified building is appropriate in relation to the fenestration pattern of the front elevation of existing adjacent buildings, and creates a compatible rhythm of alternating solid walls to window/door openings along the street.
- (7) **Roofs.** The shape, pitch, and direction of the roof on a new or modified building is appropriate in relation to the design of roofs of existing buildings in the immediate area.
- (8) **Materials and Textures.** The proposed exterior materials and textures are high quality, durable and appropriate in relation to the materials and textures of existing development in the immediate area.
- (9) **Architectural Features.** New or modified buildings incorporate architectural features that are raised above the wall plane to create shadow lines such as cornices, entablatures, friezes, pilasters, lintels or moldings and that are compatible with the architectural features of existing buildings in the immediate area.
- (10) **Signs.** The type, size, location, design, materials and lighting of new or modified signs will be complementary to the building, site and neighboring properties.



- (11) **Utilities and Mechanicals.** Utility lines will be installed underground whenever feasible given site conditions, and any above ground utilities or mechanicals will be located, designed and screened to minimize their visual impact from the street and neighboring properties.
- (12) **Accessory Structures.** The materials, scale, design, and placement of accessory structures on the site is complementary to the principal building and neighboring properties.
- (13) **Site Design and Landscaping.** The materials, design and location of site features and landscaping is complementary to the principal building and neighboring properties and preserves mature trees and landscape plants that contribute to the character of the property as viewed from the street to the maximum extent feasible.

#### 4304 SITE PLAN REVIEW

4304.A **Applicability.** All proposed development other than a single-unit or two-unit dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval before the Zoning Administrator may issue a zoning permit.

4304.B **Purpose.** The purpose of site plan review is to ensure that:

- (1) The physical aspects of proposed development comply to all applicable provisions of these regulations;
- (2) Proposed development is appropriately sited, and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible;
- (3) Proposed development is of high quality and designed with landscaping, screening, outdoor lighting, signage, building form and mass, and architectural details that will be compatible with and enhance its setting;
- (4) Access, driveways, parking facilities, emergency access, utilities and other infrastructure are adequately provided and engineered to support the proposed development;
- (5) Proposed development is designed and constructed to conserve energy and be energy efficient; and
- (6) Proposed development is designed and constructed to avoid, mitigate and/or minimize (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4304.C **Classification.** The Zoning Administrator will classify a site plan application for proposed development as follows:

- (1) **Minor Site Plan.** The Zoning Administrator reviews minor site plans in accordance with Subsection 4304.D. Proposed development that does not meet the definition of a major site plan in Paragraph (2) below will be a minor site plan.

- (2) **Major Site Plan.** The Planning Commission reviews major site plans in accordance with Subsection 4304.E. Proposed development that includes any of the following will be a major site plan:
- (a) Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use);
  - (b) Construction or major renovation of a structure with a footprint greater than 200 square feet;
  - (c) Any increase in the number of units within a building resulting in the total number of units in the building being 5 or more;
  - (d) Construction of a new access (this will not be interpreted to include modification of existing access); or
  - (e) Any increase of 2,500 square feet or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces).

4304.D **Minor Site Plans.** The Zoning Administrator:

- (1) Must act on a complete minor site plan application following the same process established for zoning permit applications in Subchapter 4107;
- (2) May approve, deny or refer minor site plan applications to the Planning Commission;
- (3) Must find that the proposed development meets all of the applicable criteria specified in Figure 4-03 before approving a site plan application; and
- (4) May approve a minor site plan application with conditions as necessary to ensure compliance with these regulations.

4304.E **Major Site Plans.** The Planning Commission:

- (1) Must hold a public hearing and issue a decision on a site plan application in accordance with Subchapter 450;
- (2) Must find that the proposed development meets all of the applicable criteria specified in Figure 4-03 before approving a site plan application; and
- (3) May approve a major site plan application with conditions as necessary to ensure compliance with these regulations.

4304.F **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Zoning Board of Adjustment as specified in Section 4401.B.

**4305      CONDITIONAL USE REVIEW**

- 4305.A      **Applicability.** A landowner must obtain a development approval from the Planning Commission and then a zoning permit from the Zoning Administrator prior to commencing a new conditional use or making a major change to an existing conditional use. Proposed development that includes any of the following will be considered a major change to a conditional use:
- (1)    Modification of any limits on off-site impacts established as a condition of approval such as hours of operation, noise, lighting, traffic generation, etc.;
  - (2)    Expansion of the floor area occupied by the conditional use by more than 500 square feet;
  - (3)    Increase in the number of dwelling units (this will not be interpreted to include accessory dwellings in accordance with [Subsection 3201.B](#)); or
  - (4)    Construction of additional parking spaces or loading areas (this will not be interpreted to include construction of previously approved reserve parking or loading spaces).
- 4305.B      **Purpose.** The purpose of conditional use review is to ensure that a proposed use will not have undue adverse effects off the property on the character of the area, the environment and natural resources, and public roads, infrastructure, facilities or services.
- 4305.C      **Acting on a Conditional Use Application.** The Planning Commission must hold a public hearing and issue a decision on a conditional use application in accordance with [Subchapter 450](#).
- 4305.D      **Review Criteria.** To approve a conditional use application, the Planning Commission must find that the applicant has demonstrated that the proposed development meets all of the applicable standards specified in [Figure 4-03](#).
- 4305.E      **Conditions of Approval.** The Planning Commission may approve a conditional use application with conditions as necessary to ensure compliance with these regulations.

**4306      PLANNED UNIT DEVELOPMENT REVIEW**

- 4306.A      **Review Process.** A planned unit development (PUD) will require subdivision approval under these regulations in accordance with [Section 4310](#). If proposed development within a PUD also requires site plan approval under these regulations, the Planning Commission will conduct site plan review concurrently with subdivision review in accordance with [Section 4311](#).
- 4306.B      **Planning Standards.** A PUD must be designed in accordance with the standards of [Section 3307](#).

**4307 REVIEW OF LOT LINE ADJUSTMENTS AND LOT MERGERS**

4307.A **Purpose.** The provisions of this section are intended to allow landowners to modify or eliminate the lot lines between existing, lawful parcels. This process is the only means to modify or eliminate lot lines shown on an approved plat lawfully filed in the town land records (filing a revised deed alone will not modify or eliminate lot lines).

4307.B **Administrative Review.** The Zoning Administrator may approve the realignment, relocation or elimination of a boundary line between abutting lots following the same process established for zoning permit applications in [Subchapter 4107](#) provided that the proposed change:

- (1) Will not result in an increase in the number of lots;
- (2) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity);
- (3) Will not increase the degree of nonconformity of a pre-existing nonconforming lot or structure by more than 25%; and
- (4) Will not violate any conditions of a prior permit or approval.

4307.C **Referral for Subdivision Review.** The Zoning Administrator may refer applications to the Planning Commission for review as a minor subdivision. The Planning Commission may approve lot line adjustments that will increase the degree of nonconformity of a pre-existing nonconforming lot or structure upon the applicant demonstrating that the proposed modification meets the criteria for a waiver in [Figure 4-03](#).

4307.D **Filing Requirements.** Within 180 days after the Zoning Administrator or Planning Commission approves an application, the applicant must file a final subdivision plat for recording in the town's land records in accordance with [Subsection 4310.F](#).

**4308 REVIEW OF FOOTPRINT LOTS**

4308.A **Purpose.** The provisions of this section are intended to allow landowners to create one or more footprint lots on a parcel if required for legal or financing reasons.

4308.B **Interpretation.** A footprint lot will not be considered a separate lot for the purpose of administering these regulations.

4308.C **Footprint Lots on Existing Parcels.** The Zoning Administrator may approve the creation of footprint lots on existing parcels following the same process established for zoning permit applications in [Subchapter 4107](#) provided that the proposed change will:

- (1) Conform to the requirements of 27 V.S.A. Chapter 15 for the formation and governance of condominiums; and
- (2) Not violate any conditions of a prior permit or approval.

4308.D **Footprint Lots on New Parcels.** The Planning Commission may approve footprint lots on new parcels being created through subdivision or within a planned unit development provided that the proposed plan conforms to the requirements of 27 V.S.A. Chapter 15 for the formation and governance of condominiums.

4308.E **Filing Requirements.** Within 180 days after the Zoning Administrator or Planning Commission approves an application, the applicant must file a final subdivision plat for recording in the town's land records in accordance with [Subsection 4310.F](#).

#### 4309 REVIEW OF BUILDING ENVELOPES

4309.A **Administrative Review.** The Zoning Administrator may approve modifications or relocations of a previously approved building envelope, may approve the designation of a building envelope on a pre-existing lot when one is required under these regulations, and may approve the designation of a building envelope on a lot created through subdivision when the designation of the building envelope has been deferred under [Subsection 3305.D](#). Building envelope review will follow the process established for zoning permit applications in [Subchapter 420](#) and must be in accordance with the standards of [Subsection 3305.C](#).

4309.B **Referral to the Planning Commission.** The Zoning Administrator may refer applications to the Planning Commission for review as an amendment to an approved plan under [Section 4312](#).

4309.C **Filing Requirements.** Within 180 days after the Zoning Administrator or Planning Commission approves an application, the applicant must file a final subdivision plat for recording in the town's land records in accordance with [Subsection 4310.F](#).

#### 4310 SUBDIVISION REVIEW

##### 4310.A **Applicability**

- (1) A lot must be lawfully established by recording an approved subdivision plat in the town's land records in full conformance with these regulations prior to being sold, transferred or leased except that a landowner may:
  - (a) Lease land for farming or forestry purposes in accordance with [Section 1103](#); or
  - (b) Sell or grant rights-of-way or easements that do not result in the subdivision of land.
- (2) A landowner must not commence any clearing, site preparation, construction or land development for purposes other than farming or forestry in accordance with [Section 1103](#) on land to be subdivided prior to recording an approved subdivision plat in the town's land records in full conformance with these regulations.
- (3) The Zoning Administrator must not issue any permits for land development on a lot created by subdivision until the landowner has recorded a subdivision plat in the town's land records in conformance with these regulations.

4310.B **Purpose.** The purpose of subdivision review is to ensure that:

- (1) Subdivided lots are suitable for development without endangering public health, safety or welfare;
- (2) Appropriate provisions are made for necessary improvements including, but not limited to, water supply, sewage disposal, stormwater management, fire and emergency protection and access, and utilities;
- (3) Proposed subdivisions are complimentary to and functionally integrated with surrounding development and the town's road network to the greatest extent feasible;
- (4) Proposed subdivisions are designed to conserve energy and be energy efficient; and
- (5) Proposed subdivisions are designed to avoid, mitigate and/or minimize (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4310.C **Sketch Plan Review and Classification (Step 1)**

- (1) **Application.** The applicant must file a complete application and sketch plan for review by the Zoning Administrator.
- (2) **Notification.** The Zoning Administrator must notify the owners of all properties adjacent to the subject property (includes those across the road) in writing of the applicant's intent to subdivide the subject property. The notification must include a description of the proposed subdivision and must clearly explain to the recipient where to obtain additional information.
- (3) **Classification.** The Zoning Administrator will classify an application for a proposed subdivision as follows:
  - (a) **Major Subdivision.** An applicant for a major subdivision approval must submit a preliminary and then a final plan for review and approval by the Planning Commission in accordance with the provisions of this section. A subdivision that includes any of the following will be a major subdivision:
    - (i) The creation of 5 or more lots from one or more contiguous tracts of land under common ownership in any 5-year period (inclusive of the parent parcel);
    - (ii) The re-subdivision of a lot within 5 years (will not be interpreted to include lot line adjustments, lot mergers or the creation of footprint lots); or
    - (iii) The construction of a new, extended or upgraded road.
  - (b) **Minor Subdivision.** An applicant for a minor subdivision approval may skip the preliminary approval process and submit a final plan for review and approval by the Planning Commission in accordance with the provisions of this section. A subdivision that does not meet the definition of a major subdivision will be a minor subdivision.

- (4) **Written Response.** The Zoning Administrator must send the applicant a written response to a complete sketch plan application within 30 days of its filing that:
  - (a) Indicates whether the subdivision as proposed generally conforms to the standards of these regulations;
  - (b) Makes recommendations to guide the applicant in preparation of more detailed plans;
  - (c) Requests any additional application materials deemed necessary to determine compliance with these regulations; and
  - (d) Classifies the proposed subdivision as either a major or minor subdivision in accordance with Paragraph (3) above.
- (5) **Deadline to Act.** After the Zoning Administrator issues the written response, the applicant will have 180 days to file the materials required for the next step of the subdivision review process.
- (6) **Appeals.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Zoning Board of Adjustment as specified in [Section 4402](#). However, the Zoning Administrator's written response to the sketch plan application will not constitute a formal decision on the subdivision plan for the purposes of any subsequent appeal to the Environmental Division of the Vermont Superior Court.

4310.D

**Preliminary Plan Review (Step 2 for major subdivisions only)**

- (1) **Application.** An applicant for major subdivision approval must file a complete application and preliminary subdivision plan for consideration by the Planning Commission.
- (2) **Hearing and Notice.** The Planning Commission must hold a public hearing and act on a preliminary subdivision plan in accordance with [Subchapter 450](#).
- (3) **Written Response.** The Planning Commission must issue a written response to the preliminary plan that includes:
  - (a) Findings of fact that address each of the applicable criteria in [Figure 4-03](#);
  - (b) Any proposed conditions of approval to be placed on the final plan;
  - (c) Any specific changes requested in the final subdivision plan;
  - (d) The issues to be analyzed and addressed in the final subdivision plan review;
  - (e) Any modification or waiver of application requirements for final plan review. The Planning Commission may:
    - (i) Request any additional application materials deemed necessary to determine compliance with these regulations; and
    - (ii) Modify or waive application requirements deemed unnecessary to determine compliance with these regulations.



- (4) **Deadline to Act.** Following the Planning Commission issuing a written response, the applicant will have 180 days to file the final subdivision plan.
- (5) **Appeals.** The written response to a preliminary subdivision plan is intended to provide direction to the applicant in preparing the final subdivision plan. It is not a binding decision on the subdivision application and therefore cannot be appealed under [Section 4403](#).

4310.E

**Final Plan Review (Step 2 for minor subdivisions and Step 3 for major subdivisions)**

- (1) **Application.** The applicant must file a complete application and final subdivision plan for consideration by the Planning Commission.
- (2) **Purpose.** The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and, for major subdivisions, to assure that the applicant has addressed the issues raised during the preliminary plan review.
- (3) **Hearing and Notice.** The Planning Commission must hold a public hearing and act on a final subdivision plan in accordance with [Subchapter 450](#). If a proposed subdivision will be located within 500 feet of the town line, a copy of the hearing notice must be sent to the clerk of the adjoining municipality.
- (4) **Acceptance of Improvements.** The Planning Commission's approval of a final plan will not constitute the town's acceptance of any road, easement, open space or other feature shown on the plan. Action by the Selectboard is required to accept any road, easement, open space or other feature.

4310.F

**Filing Requirements (Step 3 for minor subdivisions and Step 4 for major subdivisions)**

- (1) If the Planning Commission approves the final plan, the applicant will have 180 days to submit a final subdivision plat for recording in the town's land records. If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the conditions of approval.
- (2) The Zoning Administrator may grant a 90-day extension to the filing deadline upon written request by the applicant if other local or state permits are still pending.
- (3) The final subdivision plat must meet all state requirements (see 27 V.S.A. § 1403).
- (4) The Zoning Administrator or the Chair of the Planning Commission must sign the final subdivision plat before it is recorded in the town land records.
- (5) No one must make any changes, erasures, modifications or revisions to a final plat after it has been signed.
- (6) Once lawfully filed, a final subdivision plat will not expire.



- (7) The applicant must also provide the Zoning Administrator with a digital copy of the final subdivision plat as an Adobe PDF or other file type approved by the Zoning Administrator.
- (8) Landowners are advised to file new or revised deeds in accordance with state law for all lots created or modified by a development approval when filing a plat to ensure the lots have clear, marketable titles.

4310.G      **Modification of Approved Subdivisions**

- (1) Except for lot line adjustments or lot mergers approved under [Section 4307](#) or footprint lots approved under [Section 4308](#), the Planning Commission must review any request to amend an approved subdivision plat.
- (2) The process for applying for an amendment will be the same as for the original approval.
- (3) The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.
- (4) The applicant must file an approved, amended plat in accordance with the provisions of [Subsection 4310.F](#).

**4311      COMBINED REVIEW**

4311.A      When proposed development requires more than one approval from the Planning Commission, a single hearing may be held for the purpose of reviewing and acting on the application unless the applicant requests separate hearings for each development approval.

4311.B      The Zoning Administrator will identify applications appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.

4311.C      The Planning Commission must hold a public hearing and act on an application for combined review in accordance with [Subchapter 450](#). In addition, the hearing notice must:

- (1) Include a statement that the hearing will be a combined review of the proposed development; and
- (2) List each type of review the Planning Commission will conduct.

4311.D      The standards specified in [Figure 4-03](#) for each review process will apply.

4311.E      All hearing and decision requirements and deadlines applicable to each review process will apply.

4311.F      The Planning Commission must issue separate written decisions for each review conducted as part of the combined hearing.

**4312 AMENDING APPROVED SITE PLANS**

- 4312.A The Planning Commission must review any request to amend an approved site plan that the Zoning Administrator cannot approve under Section 4204 (for amendment of subdivision plats, see Subsection 4310.G).
- 4312.B The process for applying for an amendment will be the same as for the original approval.
- 4312.C The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the approved development affected by the proposed amendment.
- 4312.D The applicant must demonstrate that the proposed amendment is justified due to changes:
- (1) In factual or regulatory circumstances that were beyond the applicant's control; or
  - (2) In the construction or operation of the proposed development that were not reasonably foreseeable at the time of the original application.
- 4312.E The Planning Commission may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a new application, and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated development approvals.
- 4312.F The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

Figure 4-02. **Development Review Criteria**

REVIEW CRITERIA		SITE PLAN	CONDITIONAL USE	SUBDIVISION OR PUD
<b>1</b>	The dimensional standards of the proposed development conform to the standards of the applicable district or of <u>Subchapter 130</u> if a pre-existing nonconformity.	Yes	No	Yes
<b>2</b>	The impacts of the proposed development will not exceed the levels established in <u>Section 3105</u> and outdoor use and activity areas associated with the proposed development will meet the standards of <u>Section 3103</u> .	Yes	No	No
<b>3</b>	The proposed development will provide safe and adequate access and circulation for motorists (including service vehicles), bicyclists and pedestrians that conforms to the standards of <u>Section 3001</u> and <u>Subsection 3007.D</u> .	Yes	No	Yes
<b>4</b>	The proposed development will provide sufficient parking and loading areas that conform to the standards of <u>Section 3104</u> .	Yes	No	No
<b>5</b>	The proposed development will provide exterior lighting where necessary for public safety and nighttime use that conforms to the standards of <u>Section 3102</u> .	Yes	No	Yes
<b>6</b>	The proposed development will include landscaping, screening and buffers to add visual appeal and mitigate impacts that conform to the standards of <u>Section 3101</u> and <u>Section 3106</u> .	Yes	No	Yes

REVIEW CRITERIA	SITE PLAN	CONDITIONAL USE	SUBDIVISION OR PUD
<b>7</b> The proposed development will implement erosion control and stormwater management practices that conform to the standards of <u>Section 3010</u> and <u>Section 3018</u> .	Yes	No	Yes
<b>8</b> The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements (roads, sidewalks, driveways, utilities, etc.), building codes, and standards for emergency access.	Yes	No	Yes
<b>9</b> The proposed development will conform to any standards for the use specified in the applicable district or <u>Subchapter 320</u> .	Yes	Yes	No
<b>10</b> The demand for water supply, wastewater, educational, recreation, public safety, emergency response and other municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned (as established in any duly adopted capital budget and program) community facilities or services.	No	Yes	Yes
<b>11</b> The proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in <u>Subsection 5003.C</u> , and will not substantially or permanently impair the lawful use or development of adjacent property.	No	Yes	Yes
<b>12</b> Traffic generated by the proposed development will not exceed the capacity of, unreasonably reduce the service level of, create congestion on, and/or contribute to unsafe conditions for motorists, bicyclists and pedestrians on roads, highways and intersections in the vicinity.	No	Yes	Yes
<b>13</b> The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and the environment.	No	Yes	Yes
<b>14</b> The proposed development will incorporate appropriate energy conservation and efficiency measures (including the use of renewable energy), and will meet or exceed state energy code requirements.	No	Yes	Yes
<b>15</b> The proposed development will not result in an undue adverse impact on the ability of adjacent landowners to utilize renewable energy resources.	No	Yes	Yes
<b>16</b> The proposed development will logically extend existing settlement patterns and create interconnected road networks to the maximum extent feasible given the terrain and other characteristics of the land.	No	No	Yes
<b>17</b> The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of roads and other infrastructure necessary to serve the lots.	No	No	Yes
<b>18</b> Lots within the proposed development will vary in size and frontage, and buildings will vary in design and placement (i.e., not a 'cookie-cutter' subdivision).	No	No	Yes

## 440 Appeals

### 4401 WHO MAY APPEAL

4401.A An applicant or other interested person may appeal an action taken or decision made under these regulations as specified in this subchapter.

4401.B For the purposes of these regulations, an interested person is:

- (1) An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of their property.
- (2) The Town of Dorset or any adjoining municipality.
- (3) A person owning or occupying property in the immediate area of proposed development who can demonstrate:
  - (a) A physical or environmental impact on the person's interests; and
  - (b) That the action taken or decision made under these regulations is not in accord with the policies, purposes, or terms of these regulations or the *Dorset Town Plan*, as most recently adopted.
- (4) Any combination of at least 10 voters, residents or landowners in Dorset who by signed petition allege that the relief an applicant is requesting under this subchapter is not in accord with the policies, purposes, or terms of these regulations or the *Dorset Town Plan*, as most recently adopted.
- (5) Any department or administrative subdivision of the state that owns property or interest in property in Dorset, and the Vermont Agency of Commerce and Community Development.

4401.C In accordance with 24 V.S.A. § 4465(b), an interested person may not appeal a decision made on an application that includes affordable housing on the grounds that the project is not compatible with the character of the area.

### 4402 APPEALS OF ZONING ADMINISTRATOR DECISIONS

4402.A An interested person may appeal any action or decision of the Zoning Administrator to the Zoning Board of Adjustment by filing two copies of a notice of appeal and any applicable fees with the Dorset Town Clerk within 15 days of the date of the Zoning Administrator's action or decision.

4402.B The Town Clerk will forward one copy of the notice of appeal to the Zoning Board of Adjustment and the other to the Zoning Administrator.

4402.C A notice of appeal must be in writing and must include all of the following information:

- (1) The name and address of the appellant (the person filing the appeal);
- (2) A statement that indicates how the appellant meets the definition of an interested person as established in [Section 4401](#);

- (3) A copy of the Zoning Administrator's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application);
- (4) A brief description of the subject property;
- (5) A reference to the section(s) of these regulations that the appellant alleges the Zoning Administrator has not properly followed or applied; and
- (6) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.

4402.D If an appeal is filed by a group of interested persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.

4402.E The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irreparable damage will directly result if the Zoning Board of Adjustment does not grant the stay.

4402.F Upon receipt of a notice of appeal, the Zoning Board of Adjustment must either:

- (1) Hold a public hearing and act on the appeal in accordance with Chapter 450; or
- (2) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Zoning Board of Adjustment determines that:
  - (a) It decided the issues in an earlier appeal;
  - (b) The appellant failed to establish interested person status in accordance with Section 4401; or
  - (c) The notice of appeal does not meet the requirements of Subsection 4402.C.

4402.G An appeal to the Zoning Board of Adjustment is the exclusive remedy for an interested person with respect to an action or decision of the Zoning Administrator.

4402.H If no interested person appeals the Zoning Administrator's action or decision to the Zoning Board of Adjustment within 15 days, the action or decision will not be able to be contested at a later time.

#### **4403 APPEALS OF PLANNING COMMISSION OR ZONING BOARD OF ADJUSTMENT DECISIONS**

4403.A Any interested person who participated in a hearing on a matter before the Planning Commission or Zoning Board of Adjustment may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.

4403.B All final hearings for site plan, conditional use and subdivision applications, and for appeals (including variances and waivers) before the Planning Commission or Zoning Board of Adjustment will be subject to on the record appeal in accordance with the Vermont Rules of Civil Procedure.

- 4403.C The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The Zoning Administrator must provide a prospective appellant with the interested person list upon request.
- 4403.D If the Zoning Administrator has issued a zoning permit based on a Planning Commission or Zoning Board of Adjustment approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of [Section 4401](#) to appeal the Zoning Administrator's issuance of a zoning permit implementing a Planning Commission or Zoning Board of Adjustment approval.
- 4403.E An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Planning Commission or Zoning Board of Adjustment except as otherwise provided by state statute.
- 4403.F If no interested person appeals a Planning Commission or Zoning Board of Adjustment action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

#### **4404 WAIVERS**

4404.A The Planning Commission:

- (1) May approve waivers as specifically authorized in these regulations;
- (2) May approve waivers that authorize an adjustment of up to 30% to a dimensional standard (as established for the applicable zoning district) of these regulations for proposed development on a single- and two-unit residential property;
- (3) Must not approve waivers within the Flood Hazard Overlay District;
- (4) Must not approve waivers to reduce any riparian or wetland setback or buffer required under these regulations; and
- (5) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

4404.B The applicant must file a complete zoning permit application and a written request for a waiver with the Zoning Administrator that includes all of the following:

- (1) A brief description of the subject property and proposed development;
- (2) A reference to the dimensional standard(s) of these regulations that the applicant is requesting a waiver from;
- (3) The specific modification(s) that the applicant is requesting; and

- (4) A response to each of the criteria that the Planning Commission will use to decide whether to approve the waiver (see [Figure 4-03](#)).

4404.C The Planning Commission must hold a public hearing and act on the waiver request in accordance with [Chapter 450](#). If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4404.D To approve a waiver, the Planning Commission must find that all the applicable criteria specified in [Figure 4-03](#) have been met.

#### **4405 VARIANCES**

4405.A The Zoning Board of Adjustment:

- (1) May approve variances that authorize adjustments to the dimensional standards of these regulations under the specific circumstances described in this section.
- (2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

4405.B The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:

- (1) A brief description of the subject property and proposed development;
- (2) A reference to the specific provision(s) of these regulations that the applicant is requesting a variance from;
- (3) The specific modification(s) that the applicant is requesting; and
- (4) A response to each of the criteria that the Zoning Board of Adjustment will use to decide whether to approve the variance (see [Figure 4-03](#)).

4405.C The Zoning Board of Adjustment must hold a public hearing and act on the variance request in accordance with [Chapter 450](#). If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4405.D To approve a variance, the Zoning Board of Adjustment must find that all of the applicable criteria specified in [Figure 4-03](#) have been met as follows:

- (1) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply;
- (2) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply; or
- (3) For all other variances, the general variance criteria apply.

Figure 4-03. Waiver and Variance Review Criteria

CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
1 The proposed development will not alter the essential character of the area in which the property is located.	Yes	Yes	Yes	Yes
2 The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.	Yes	Yes	Yes	Yes
3 The proposed development will not be detrimental to public health, safety or welfare.	Yes	Yes	Yes	Yes
4 The proposed development is beneficial or necessary for the continued reasonable use of the property.	Yes	No	No	No
5 The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.	Yes	No	No	No
6 The applicant has not created the unnecessary hardship.	No	Yes	Yes	Yes
7 The applicant is proposing the least deviation possible from these regulations that will afford relief.	No	Yes	Yes	Yes
8 There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.	No	Yes	No	Yes
9 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.	No	No	Yes	No
10 The proposed development will not reduce access to renewable energy resources on adjacent property.	No	No	Yes	No
11 The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program.	No	No	No	Yes



## **450 Notice, Hearings and Decisions**

### **4501 NOTICE OF HEARING**

4501.A The Zoning Administrator must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision or planned unit development applications by all of the following:

- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Dorset.
- (2) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least one other public place within Dorset.
- (3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted within view from the public right-of-way most nearly adjacent to the subject property.
  - (a) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.
- (4) Notifying the owners of all properties adjoining the subject property (including those across the road) in writing.
  - (a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that participating in the hearing is a prerequisite to having the right to any subsequent appeal.

4501.B The Zoning Administrator must notify the public at least 7 days before a hearing for site plan, waiver, preliminary subdivision and any other applications before the Planning Commission by all of the following:

- (1) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least two other public places within Dorset.
- (2) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing by standard mail or electronic service. The notification must:
  - (a) Include a description of the proposed project;
  - (b) Identify where the recipient can obtain additional information; and
  - (c) Explain that the recipient must participate in the hearing in order to have the right to any subsequent appeal.

4501.C A defect in the form or substance of the public notice requirements will not invalidate any action or decision under these regulations when a reasonable effort has been made to provide adequate posting and notice.

**4502 SITE VISITS**

- 4502.A The Zoning Administrator, Planning Commission or Zoning Board of Adjustment may require an applicant to grant access to a site in order to better understand the proposed development and its potential impacts prior to making a decision on an application.
- 4502.B Planning Commission or Zoning Board of Adjustment members may visit a site individually or as a group. A site visit must be noticed in accordance with [Section 4501](#) and open to the public if a quorum of Planning Commission or Zoning Board of Adjustment members will be present.
- 4502.C Observations made and information obtained during the site visit will not be part of the evidentiary record of a Planning Commission or Zoning Board of Adjustment hearing unless the Planning Commission, Zoning Board of Adjustment or an interested person requests to have the observations or information entered into the record during the hearing on the application.

**4503 CONDUCTING A HEARING AND TAKING EVIDENCE**

- 4503.A The Planning Commission or Zoning Board of Adjustment must conduct public hearings, hear testimony and take evidence according to the Municipal Administrative Procedures Act (24 V.S.A. Chapter 36), the provisions of this section and their adopted rules of procedures. All hearings must be recorded.
- 4503.B The Planning Commission or Zoning Board of Adjustment must hold a public hearing within 60 days of the Zoning Administrator determining that an application is complete unless otherwise specified in these regulations or the applicant agrees to a later hearing date.
- 4503.C All hearings must be open to the public as follows:
- (1) Any individual or group may appear and participate in a public hearing in person, through electronic means or by authorized representative or counsel, or may submit written testimony in advance of the hearing. All testimony must be made under oath or affirmation.
  - (2) The Planning Commission or Zoning Board of Adjustment must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
  - (3) The Planning Commission or Zoning Board of Adjustment must give all those wishing to establish interested person status the opportunity to do so and must record the name, address and participation of each of those people. Only an interested person (as defined in [Section 4401](#)) who has participated in a hearing by presenting oral or written testimony will have a right to appeal the resulting Planning Commission or Zoning Board of Adjustment decision under [Section 4403](#).
- 4503.D In taking evidence during a hearing, the Planning Commission or Zoning Board of Adjustment may:
- (1) Exclude irrelevant, immaterial, or unduly repetitious evidence;

- (2) Receive evidence in written form, including copies and excerpts;
- (3) Allow parties to conduct cross-examinations and compare copies of written evidence with the original; and
- (4) Take notice of generally recognized facts.

4503.E The applicant or an authorized representative must be present (in person or by electronic means) at any public hearing on their application.

- (1) The Planning Commission or Zoning Board of Adjustment may recess or continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
- (2) In the case of such a recess or continuation, the intervening days will not be counted as part of any time period within which the Planning Commission or Zoning Board of Adjustment is required to act.

4503.F Planning Commission or Zoning Board of Adjustment members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed site visit or hearing.

4503.G It is the applicant's responsibility to demonstrate compliance with the applicable standards and review criteria of these regulations. The Planning Commission or Zoning Board of Adjustment may recess or continue a hearing and require an applicant to provide additional information as necessary to determine compliance with these regulations.

4503.H The Planning Commission or Zoning Board of Adjustment must close the hearing promptly, once all information has been submitted and all those wishing to give testimony have been heard.

#### **4504 RECESSING OR CONTINUING A HEARING**

4504.A The Planning Commission or Zoning Board of Adjustment may recess or continue a hearing on any application pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.

4504.B If the Planning Commission or Zoning Board of Adjustment recesses or continues a hearing to a specific time, date and location, the hearing will not have to be warned again when resumed.

#### **4505 DECISIONS**

4505.A **Deliberations.** The Planning Commission or Zoning Board of Adjustment must deliberate and make a decision on an application in a closed deliberative session.

- 4505.B **Time to Act.** Within 45 days of closing a hearing, the Planning Commission or Zoning Board of Adjustment must issue a written decision to approve, approve with conditions or deny the application.
- 4505.C **Deemed Approval.** If the Planning Commission or Zoning Board of Adjustment does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.
- 4505.D **Findings.** The written decision must include a statement of the facts upon which the Planning Commission or Zoning Board of Adjustment is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.
- 4505.E **Conditions of Approval.** In accordance with 24 V.S.A. § 4464(b), the Planning Commission or Zoning Board of Adjustment:
- (1) Except as specified in (3) below, may attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
    - (a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
    - (b) Required improvements to public facilities or infrastructure to serve the proposed development;
    - (c) Scheduling or phasing of development;
    - (d) Inspection or monitoring; and/or
    - (e) Performance bonds.
  - (2) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Planning Commission or Zoning Board of Adjustment approval will be considered part of any subsequent zoning permit issued by the Zoning Administrator for the approved development.
  - (3) Unless necessary to comply with a non-discretionary standard of these regulations, may not condition approval of an application for residential development or for the housing portion of a mixed-use development to:
    - (a) Require a larger lot size than the minimum required in the applicable zoning district;
    - (b) Require more parking spaces than the minimum required under Section 3104;
    - (c) Limit building size to less than allowed in the applicable district including reducing the building footprint or height;
    - (d) Limit the residential density below that allowed in the applicable district; or

- (e) Otherwise disallow development that abides by the applicable standards of these regulations.

4505.F **Submittal of Revised Plans.** If the Planning Commission or Zoning Board of Adjustment attaches conditions on an approval that require amendments to a plan, the applicant must submit an amended plan that satisfies those conditions prior to Zoning Administrator issuing a zoning permit for the proposed development.

4505.G **Notification and Filing.** The Planning Commission or Zoning Board of Adjustment must:

- (1) Send a copy of the decision to applicant by certified mail unless the applicant agreed to electronic service;
- (2) Send a copy of the decision to all others who participated in the hearing by standard mail unless the person agreed to electronic service; and
- (3) File a copy of the decision with the Zoning Administrator.

4505.H **Effect and Expiration.** If the approved development is:

- (1) Not substantially completed or commenced before the zoning permit expires as established in Subsection 4203.C, the development approval will expire with the zoning permit, except that approved subdivision plats lawfully filed in accordance with Subsection 4310.F will not expire.
- (2) Substantially completed or commenced before the zoning permit expires as established in Subsection 4203.C, the development approval will remain in effect unless the use is discontinued as established in Section 1206. Development approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

## 460 Violations and Penalties

### 4601 APPLICABILITY

4601.A The Zoning Administrator must enforce these regulations in accordance with state law and the provisions of this chapter. Violations of these regulations include, but are not limited to:

- (1) Commencing land development for which zoning permit or development approval is required without first obtaining such an approval or permit;
- (2) Failing to comply with all requirements, representations and conditions of any approved plan or permit;
- (3) Commencing or continuing land development if the permit or approval authorizing the work has expired;
- (4) Commencing clearing, site preparation or other land development prior to subdivision approval; and
- (5) Selling, transferring or offering to sell or transfer land unless a subdivision plat has been approved and filed in full compliance with these regulations.

4601.B A violation of these regulations will constitute a civil offense enforced in accordance with the provisions of 24 V.S.A. §1974(a) or 24 V.S.A. §4451.

4601.C Nothing in this chapter will prevent the Town of Dorset from exercising its authority to abate or remove risks or hazards to public health, safety and welfare, or to respond to emergencies or disasters.

### 4602 COMPLAINTS, INVESTIGATION AND ACTION

4602.A **Complaints.** Complaints about alleged violations of these regulations must be made in writing (electronic service is acceptable). Complaints must include:

- (1) The name and address of the complainant;
- (2) The address of the property subject to the alleged violation;
- (3) A description of the alleged violation; and
- (4) A reference to the specific provision(s) of these regulations and/or the conditions of a permit or development approval that the complainant alleges are being violated.

4602.B **Investigation.** The Zoning Administrator must investigate alleged violations of these regulations.

4602.C **Inspection.** The Zoning Administrator may ask the landowner for permission to inspect the property. If the landowner refuses to grant permission to inspect the property, the Zoning Administrator:

- (1) May enter the public portions of any property in town (i.e., drive up driveway, walk to the door, etc.) and may use any observations made as evidence;
- (2) May enter private portions of the property if invited by anyone who is lawfully on the premises (i.e., occupant, tenant, etc.) and may use any observations made as evidence; and
- (3) May obtain a search warrant to inspect the property and gather evidence in accordance with 13 V.S.A. § 4701.

4602.D **Burden of Proof.** The Zoning Administrator does not have to directly observe that a violation exists and may enforce these regulations as long as there is reason to believe a violation exists (i.e., complaint from a neighbor, evidence of materials being hauled/delivered, observations made from adjacent property or the road, refusal to allow inspection, etc.).

4602.E **Action.** Upon determining that a violation exists or is reasonably believed to exist, the Zoning Administrator must take appropriate action in an effort to enforce these regulations including, but not limited to any combination of the following:

- (1) Contacting the landowner to resolve the violation informally;
- (2) Issuing a municipal civil complaint ticket (see [Section 4604](#)) or a notice of violation (see [Section 4605](#));
- (3) Issuing a stop-work order;
- (4) Requiring the landowner to apply for a curative zoning permit;
- (5) Requiring the immediate removal of a violating structure or cessation of a violating use;
- (6) Denying a certificate of compliance; and/or
- (7) Imposing fines and penalties to the maximum extent allowed under state law until the landowner remedies the violation.

4602.F **Limitations on Enforcement.** The Zoning Administrator must not enforce any violation:

- (1) That has existed for more than 15 years; or
- (2) Of a zoning permit that was issued after July 1, 1998 and was not filed in the town's land records.

## 4603 LIABILITIES AND PENALTIES

4603.A The landowner will be held responsible for any violation and be subject to any penalties imposed under these regulations.

4603.B Each day that a violation exists constitutes a separate offense under [Section 4604](#) and [Section 4605](#). The Zoning Administrator or other authorized town staff may issue separate tickets and impose fines for each day that a violation exists.

4603.C If any enforcement action results in the need for a new or amended zoning permit or development approval, the Town of Dorset may impose penalties in addition to the standard permit fees.

#### **4604 MUNICIPAL CIVIL COMPLAINT TICKET**

4604.A The Zoning Administrator or other authorized town staff may issue a municipal complaint ticket for any violation of these regulations in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

4604.B A violation ticketed under this section will be punishable by a fine of:

- (1) \$200 for a first offense, with a waiver fee of \$100.
- (2) \$400 for a second offense ticketed for the same violation within 12 months, with a waiver fee of \$200.
- (3) \$800 for a third and any subsequent offense ticketed for the same violation within 12 months, with a waiver fee of \$400.

4604.C Upon the fourth offense, the Town of Dorset may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

#### **4605 NOTICE OF VIOLATION**

4605.A The Zoning Administrator may issue a notice of violation for any violation of these regulations. Prior to issuing a notice of violation in accordance with Subsection 4605.B, the Zoning Administrator may seek to resolve a violation informally.

4605.B The Zoning Administrator must:

- (1) Send a notice of violation to the landowner by certified mail that:
  - (a) Describes the violation;
  - (b) Identifies the specific provision(s) of these regulations being violated;
  - (c) States the specific action required to cure the violation (see Subsection 4602.E);
  - (d) States that if the landowner has 7 days to cure the violation, after which time the town may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;
  - (e) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and
  - (f) States that the notice of violation may be appealed as per Section 4401.



- (2) Deliver a copy of a notice of violation to the Town Clerk for recording in the town's land records.
- (3) Upon failure of the landowner to cure a violation of these regulations, the Town of Dorset may institute appropriate court action.

4605.C A notice of violation issued under this section will be punishable by a fine of up to \$200 for each offense (each day a violation continues to exist beyond the 7-day notice period counts as a separate offense).



## **5 DEFINITIONS**

### **500 General**

#### **5001 INTERPRETATION**

- 5001.A The words used in these regulations have their normal dictionary meaning unless they are specifically defined in these regulations. The Zoning Administrator, Planning Commission or Zoning Board of Adjustment, as applicable, will interpret the meaning of any term used in these regulations. That interpretation may be appealed in accordance with the provisions in [Section 4401](#) or [Section 4403](#).
- 5001.B The words defined in these regulations have the specified meaning stated unless the context clearly indicates that they have another meaning.
- 5001.C The definitions identified as being from state statute are intended to be consistent with that statute.
- 5001.D These regulations use:
- (1) “Must” and “will” to express that something is required;
  - (2) “Must not” and “will not” to express that something is prohibited;
  - (3) “May” and “may not” for discretionary actions; and
  - (4) “Should” and “should not” when something is encouraged or discouraged.
- 5001.E These regulations use:
- (1) “Parcel” and “lot” interchangeably to refer to areas of land delineated in a recorded subdivision plat or, if no recorded plat, in a deed;
  - (2) “Site” or “property” to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels;
  - (3) “Property owner”, “landowner”, “applicant”, “subdivider” or “developer” to refer to the party responsible or authorized to act under these regulations and those terms may include any individual designated to act on behalf of the responsible party;
  - (4) “Business” to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise; and
  - (5) “Home”, “residence” or “dwelling” to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

5001.F Any illustrations in these regulations are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a written provision of these regulations, the written provision will take precedence.

5001.G Unless specifically stated otherwise, the calculation of time periods defined these regulations:

- (1) As a specific number of days will be based on calendar days;
- (2) As a specific number of months will be based on calendar months (ex. January 1 to July 1 is 6 months);
- (3) As a specific number of years will be based on calendar years (ex. January 1 to January 1 is one year); and
- (4) Will not include the first day (i.e., the day an application was submitted or a permit issued) but will count the final day (i.e., the day a hearing was held or a permit took effect).

## 5002 USE AND DIMENSIONAL STANDARDS

5002.A All uses allowed in one or more zoning districts are defined in [Section 2107.E](#).

5002.B Dimensional standards and their method of measurement are defined in [Section 2008](#).

## 5003 DEFINED TERMS

5003.A

- (1) **ABANDONED DEVELOPMENT** means any improvement to land, construction, demolition or alteration of a structure that is not substantially completed prior to the expiration of the zoning permit authorizing the improvement. See [Section 1207](#).
- (2) **ACCESS** means a defined area designed to allow vehicles to enter/exit property from/to a road. Also referred to as a curb cut. See [Section 3001](#).
- (3) **ADVERSE EFFECT OR IMPACT** means that proposed development will result in a substantial and material negative effect or impact that will prevent or diminish the reasonable use of property in the area, cause environmental damage or pollution, not conform to the performance standards of [Section 3105](#), or damage or exceed the capacity of public infrastructure, services or facilities.
- (4) **ADVERSE EFFECT OR IMPACT, UNDUE** means an adverse effect or impact that an applicant or property owner has not taken reasonable measures to avoid, minimize or mitigate (stated in order of preference).
- (5) **AIRCRAFT** means a contrivance used or designed for navigation of or flight in the air. It specifically includes ultra-light aircraft and excludes drones.

- (6) **ALTERATION** means any addition or structural change to, or relocation of, a structure including, but not limited to, any change in the structure's dimensions or the number of units (residential or non-residential). This definition specifically excludes normal repair and maintenance.
- (7) **APPLICANT** means the owner of land to be developed under these regulations or a representative who has been duly authorized in writing by the owner to act as an authorized agent on the owner's behalf. Any other party with an interest in the proposed development may only apply for a permit or approval jointly with the property owner or authorized agent.

## 5003.B

- (1) **BEDROOM** as defined by state regulation means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.
- (2) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.
- (3) **BUILDING, PRINCIPAL.** See definition of STRUCTURE, PRINCIPAL.
- (4) **BUILDING ENVELOPE** means a specific area of a lot that is delineated on a subdivision plat and in accordance with the standards of Subsection 3305.C.

## 5003.C

- (1) **CHARACTER OF THE AREA** means an area's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the Dorset Town Plan and the zoning district purpose statements) elements including, but not limited to:
  - (a) The pattern, type, scale and intensity of land use;
  - (b) Traffic conditions, street design, streetscaping and walkability;
  - (c) The bulk, form, size, scale, placement and arrangement of buildings;
  - (d) Historic resources, landmarks, views and scenic resources;
  - (e) The type, size, arrangement, use and accessibility of undeveloped land; and
  - (f) Noise, light, odors, vibration and other impacts perceptible off-site.
- (2) **CLEARING** means the removal of existing, healthy woody vegetation from land to the extent that it creates or enlarges openings in the canopy for purposes other than farming or forestry in accordance with state regulations. This definition specifically excludes:

- (a) The removal of diseased, hazard, invasive or nuisance vegetation;
  - (b) The removal of vegetation associated with routine road or utility maintenance activities;
  - (c) The non-commercial harvesting of trees on a property for the owner's personal use (i.e., firewood or lumber).
- (3) **CONVERSION** means a change of use (see [Section 1204](#)).
- (4) **CURB CUT**. See definition of [ACCESS](#).

## 5003.D

- (1) **DAMAGED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring.
- (2) **DECK** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.
- (3) **DEGREE OF NONCONFORMITY** means the extent to which a structure or portion of a structure encroaches over a minimum setback or above a maximum height, exceeds a maximum footprint, or otherwise does not conform to a dimensional requirement of these regulations.
- (4) **DEMOLITION** means the destruction and physical removal of a structure or portion of a structure from a lot.
- (5) **DESTROYED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring.
- (6) **DEVELOPMENT**. See definition of [LAND DEVELOPMENT](#).
- (7) **DEVELOPMENT APPROVAL** means an approval granted for a site plan, conditional use, subdivision or other application under [Subchapter 430](#) of these regulations.
- (8) **DRIVEWAY** means a vehicular travel way that provides access to not more than 3 lots, 6 dwelling units, or 3 non-residential principal uses.
- (9) **DRONE** means a powered aerial vehicle that does not carry a human operator and is able to fly autonomously or to be piloted remotely in accordance with 20 V.S.A. Chapter 205. These devices are also referred to as Unmanned Aircraft Systems (UAS) by the FAA.
- (10) **DWELLING UNIT** means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (11) **DWELLING UNIT, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. See [Subsection 3201.B](#).

## 5003.E

- (1) **ENLARGEMENT** means any increase in the footprint or height of a structure.
- (2) **ESSENTIAL SERVICES** means the infrastructure used to provide a single lot or customer with a utility service such as electricity, gas, telephone, cable, water or sewer. This definition specifically excludes facilities or infrastructure requiring a Certificate of Public Good (see [Section 1102](#)).

## 5003.F

- (1) **FACADE** means the front of a building or any of its sides facing a road or other public space.
- (2) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).
- (3) **FLOOR AREA** means the sum total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine or attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more.
- (4) **FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.
- (5) **FRANCHISE OR CORPORATE DESIGN** means a standardized design that is trademarked or identified with a particular franchise or corporation and that is replicated in multiple locations with minimal variation.
- (6) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular franchise or corporation and that are used in various applications to identify or promote that franchise or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.
- (7) **FRONTLINE** means a line extending parallel from the exterior front wall of a building.

## 5003.G

- (1) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (2) **GRADE, FINISHED** means the completed, post-construction surface elevation of land disturbed by development.

- (3) **GRADE, NATURAL** means the original, pre-construction surface elevation of land prior to its being disturbed by proposed development.

5003.H

- (1) **HANDICAP OR DISABILITY** as defined in state statute means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.
- (2) **HARD SURFACE** means soil that has been compacted and covered with a material such as concrete, asphalt, stone, brick, gravel, stone dust or wood that allows it to be used for vehicular or pedestrian access, parking, storage or similar purposes without resulting in soil erosion or muddiness.
- (3) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gases, or any substance defined by the state or federal government as a hazardous material.
- (4) **HAZARDOUS WASTE** as defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.
- (5) **HEAVY VEHICLE OR EQUIPMENT** means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more, or machinery such as excavators, loaders, bulldozers, backhoes, cranes or forklifts.
- (6) **HISTORIC STRUCTURE** means a structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.



- (7) **HOUSEHOLD** means one or more people who live together as a single housekeeping unit and share meals, expenses and common use of the property. The residents of a group home that meets the requirements of [Section 1105](#) will be considered a household for the purposes of these regulations. A household may include not more than two boarders or roomers for the purposes of these regulations.

5003.I

- (1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, exposed ledge, constructed ponds and pools, buildings and other structures, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition excludes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious (see [Section 3018](#)).
- (2) **INTERESTED PERSON** as defined in state statute means:
- (a) The applicant;
  - (b) The Town of Dorset or any adjoining municipality;
  - (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under this ordinance is not or will not be in accord with the *Dorset Town Plan* or these regulations.
  - (d) Any 10 people, who may be any combination of Dorset voters or landowners, who allege that a decision or act made under this ordinance is not or will not be in accord with the *Dorset Town Plan* or these regulations by a signed petition. The petition must designate one person to serve as the group's representative.
  - (e) Any department and administrative subdivision of the state owning property or any interest in property in Dorset; or
  - (f) The Vermont Agency of Commerce and Community Development.
- (3) **JUNK** as defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.

5003.J

- (1) **JUNK MOTOR VEHICLE** as defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5003.K

[reserved for future use]

5003.L

- (1) **LAND DEVELOPMENT** as defined in state statute means:
  - (a) The division of a parcel into two or more parcels;
  - (b) The construction, reconstruction, conversion, structural alteration, demolition, relocation or enlargement of any structure;
  - (c) Mining, excavating or filling; or
  - (d) Any change in, or extension of, the use of land or a structure.
- (2) **LANDING AREA** means an area of land designed and maintained for the landing and take-off of aircraft that the State of Vermont regulates as a designated restricted landing area under 5 V.S.A. Chapter 9. Landing areas are prohibited in the Town of Dorset.
- (3) **LIGHT FIXTURE** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.
- (4) **LIGHT FIXTURE, FULL CUT-OFF** means a light fixture that only projects light in a downward direction and does not emit any light upward.
- (5) **LIGHT FIXTURE, FULLY SHIELDED** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.
- (6) **LOT** means an area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state roads or road rights-of-way, the Mettawee River, West Branch Batten Kill, Batten Kill, Otter Creek or other surface waters with a drainage area of greater than 10 square miles will be considered separate lots for the purposes of these regulations.

5003.M

- (1) **MAJOR RENOVATION** means any structural alteration to the foundation, roof, floor, or exterior walls of a building.

- (2) **MANUFACTURED HOME** means a building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities, and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles.
- (3) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (4) **MINI-STORAGE BUILDING** means a single-story building divided into individual, self-contained units each of which is accessed solely from outside the building and which are intended to be leased to individuals, organizations or businesses for the self-storage of personal property.
- (5) **MIXED-USE BUILDING** means a building that includes at least one dwelling unit and one principal nonresidential use.
- (6) **MIXED-USE DEVELOPMENT** means a single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.
- (7) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials that requires the vehicle to be registered and the operator to be licensed to lawfully operate on public roads under state law.

## 5003.N

- (1) **NOISE** means an unwanted sound that may disturb or annoy the average person.
- (2) **NONCONFORMITY** means a lot, structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations (see [Subchapter 130](#)).
- (3) **NORMAL MAINTENANCE AND REPAIR** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

## 5003.O

- (1) **OPEN SPACE** means land not occupied by structures, including but not limited to buildings, roads, driveways and parking areas, and not actively managed for farming or forestry.
- (2) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.
- (3) **OUTDOOR RECREATION, ACTIVE** means a recreational activity that involves:

- (a) Specialized facilities, fields, courts, ranges and/or related structures;
  - (b) Outdoor lighting or sound systems;
  - (c) Competitions, teams or spectators;
  - (d) Groups of animals;
  - (e) Motorized vehicles; and/or
  - (f) Shooting of firearms.
- (4) **OUTDOOR RECREATION, PASSIVE** means a recreational activity that:
- (a) Can be conducted in a minimally developed open space;
  - (b) Can be conducted by individuals or informal, small groups; and
  - (c) Does not have undue adverse environmental or off-site impacts.
- (5) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5003.P

- (1) **PARCEL**. See definition of LOT.
- (2) **PAVE** means to cover the ground with asphalt, concrete, stones, gravel, stone dust, brick, tile, wood, or other impervious materials used to cover the ground in order to make a firm, level surface suitable for vehicular or pedestrian use.
- (3) **PATIO** means a level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.
- (4) **PERMANENT FOUNDATION** means a slab, walls and/or footings constructed of concrete, masonry or other materials and construction techniques used to form a secure, stable base to which a structure may be attached.
- (5) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that is:
- (a) Visible from public vantage points;
  - (b) Intended for the enjoyment of the general public; and
  - (c) Not designed or located to identify or draw attention to a business and the type of products sold, manufactured or assembled, or the type of services or entertainment offered or available on the premises.

5003.Q

[reserved for future use]

5003.R

- (1) **REASONABLE USE** means a use that is allowed within the zoning district, provides a benefit to the owner, does not prevent or interfere with the reasonable use of other properties in the area, and does not result in adverse environmental or off-site impacts. Reasonable use does not mean the highest, best or most profitable use.
- (2) **RECONSTRUCT** means to rebuild a structure that was damaged, destroyed or demolished in accordance with these regulations.
- (3) **RECREATIONAL VEHICLE** means a registered motor vehicle or trailer designed and used for recreational travel and camping that can be legally driven or towed without a commercial driver's license or a special permit for an oversize or overweight vehicle, and that is maintained in a condition that allows it to be legally and readily driven or towed off the site. This definition includes but is not limited to motor homes, converted buses, camper vans, truck campers, fifth wheels, pop-up campers and travel trailers.
- (4) **REDEVELOPMENT** means new development, including but not limited to new construction and additions to, or reconstruction of, existing structures, on a previously developed lot.
- (5) **ROAD** means a vehicular travel way that provides the principal means of access to more than 3 lots, 6 dwelling units, or 3 non-residential principal uses.
- (6) **ROAD, MAINTAINED** means a road that is kept open and maintained so as to be safe and suitable for use by a passenger vehicle on a year-round basis.
- (7) **ROAD, PRIVATE** means a road that is not owned by the state or town.
- (8) **ROAD, PUBLIC** means a road that is owned by the state or town.

5003.S

- (1) **SIGNIFICANT WILDLIFE HABITAT** means deer wintering areas, wetlands, habitat for rare or endangered species, and black bear habitat as mapped by the Vermont Agency of Natural Resources.
- (2) **SMART GROWTH PRINCIPLES** as defined in state statute means growth that:
  - (a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside;
  - (b) Develops compact mixed-use centers at a scale appropriate for the community and the region;
  - (c) Enables choice in modes of transportation;
  - (d) Protects important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;

- (e) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;
  - (f) Balances growth with the availability of economic and efficient public utilities and services;
  - (g) Supports a diversity of viable businesses in downtowns and villages;
  - (h) Provides for housing that meets the needs of a diversity of social and income groups in each community; and
  - (i) Reflects a settlement pattern that, at full build-out, is not characterized by:
    - (i) Scattered development located outside compact urban and village centers that is excessively land consumptive;
    - (ii) Development that limits transportation options, especially for pedestrians;
    - (iii) The fragmentation of farmland and forestland;
    - (iv) Development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; and
    - (v) Linear development along well-traveled roads and highways that lacks depth, as measured from the highway.
- (3) **STREAM** See definition of SURFACE WATER.
- (4) **STREET** See definition of ROAD.
- (5) **STRUCTURE** as defined in state statute means an assembly of materials for occupancy or use, including but not limited to, a building, driveway, wall, or fence.
- (6) **STRUCTURE, ACCESSORY** means a structure that is clearly incidental and subordinate to the principal structure on the lot.
- (7) **STRUCTURE, PRINCIPAL** means the main or predominate structure associated with the principal use on the lot.
- (8) **STRUCTURE, TEMPORARY** means a structure that is not attached to a permanent foundation and that can be easily relocated after which there will be no evidence remaining of the structure. See Section 3019.
- (9) **SUBSTANTIALLY COMPLETE** means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.
- (10) **SURFACE WATER** means a river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources.

- (11) **SURVEY** means a map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, road, right-of-way or easement.

## 5003.T

- (1) **TEMPORARY** means a use or structure that will be occurring or located on a lot for a limited and fixed period after which there will be no evidence remaining of the use or structure.
- (2) **TOP OF BANK** as defined by state regulation means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.
- (3) **TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.
- (4) **TRUCK, TRAILER** means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

## 5003.U

- (1) **USE** means the purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.
- (2) **USE, ACCESSORY** means a use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use.
- (3) **USE, PRINCIPAL** means the main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single- or two-unit dwelling will be considered residential.
- (4) **UTILITY FACILITY** means sites, structures and infrastructure used to produce, transmit or distribute a utility service such as electricity, gas, telephone, cable, water or sewer, which directly or indirectly serves the public. This definition specifically excludes essential services.

## 5003.V

[reserved for future use]

5003.W

- (1) **WETLAND** as defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds.

5003.X

[reserved for future use]

5003.Y

- (1) **YARD** means an at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under these regulations.
- (2) **YARD, FRONT** means the yard that is located between the street and the frontline of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.
- (3) **YARD, REAR** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.
- (4) **YARD, SIDE** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.

5003.Z

[reserved for future use]