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<b>ARTICLE I</b>
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**ENACTMENT AND PURPOSE****SECTION 100: Enactment**

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117 (hereinafter referred to as T-24 VSA) §4401 as may be amended from time to time, there are hereby established Zoning Regulations for the Town of Winhall which are set forth in the text, tables and maps that constitute these Regulations. These Regulations shall be known as the "Town of Winhall Zoning Regulations."

**SECTION 101: Purpose**

- a. To guide the future growth and development of the Town in accordance with the duly adopted Town Plan.
- b. To encourage land uses that are in the best interest of the area, community, county, and state.
- c. To protect and conserve the character of the community and to encourage the orderly social and economic development of the Town.
- d. To assure that development takes place in an amount commensurate with the availability of present and future public facilities and services, schools, highways, police protection and other public requirements.
- e. To prevent the pollution of watercourses and watersheds, safeguard water tables and avoid hazardous conditions and damage resulting from run-off.
- f. To serve as a guide for the building of public and community needs and for private enterprise in building developments, investments and other economic activity relating to uses of land and buildings.
- g. To conserve the Town's natural beauty and topography in such a way as to preserve the integrity, stability, and value of land and buildings.

**SECTION 102: Application of Regulations and Requirement for Zoning Permit**

No land development shall commence and no building, structure, or sign shall be erected, constructed, enlarged, altered, moved, occupied or used unless in conformity with the Regulations herein specified for the district in which it is located, and a zoning permit has been issued by the Zoning Administrator as provided for in T-24 VSA §4449 as may be amended.

SECTION 103: Interpretation

Except for T-24 VSA §4413(c) as may be amended, and where these Regulations specifically provide to the contrary, it is not intended to repeal, annul or in any way impair any regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, easement, or agreement, the provisions of these Regulations shall control.

SECTION 104: Severability

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

SECTION 105: Official Zoning Map

The boundaries of zoning districts shall be established and clearly indicated upon an Official Zoning Map (Map) adopted as part of these Regulations. The Map shall be kept and maintained at the Winhall Town Office. Any copies of the Map shall be for reference purposes only. The Planning Commission and the Selectboard shall approve and adopt any changes to the Map.

## ARTICLE II

### **DEFINITIONS**

For the purpose of these Regulations, certain terms or words shall be defined as below. Any doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Zoning Administrator with the Right of Appeal as outlined in Article V, §509.

**Accessory Use:** A use subordinate to and incidental to the principal use of land or building.

**Accessory Building:** Any building which is subordinate to and which use is incidental and accessory to the use of the principal building on the same lot.

**Accessory Dwelling Unit:** One efficiency or a one-bedroom apartment that is clearly subordinate to a single-family dwelling, is within or appurtenant to the single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following as well as T-24 VSA- 4412(1)(E).

- a. The property has sufficient wastewater capacity.
- b. The unit does not exceed 30 percent of the total habitable floor area of the principal single-family dwelling.
- c. Applicable setback, coverage, and parking requirements specified in this Regulation are met.

**Affordable Housing:** Affordable housing means either of the following as may be amended:

- a. Housing that is **owned** by its inhabitants, whose gross annual household income does not exceed eighty (80) percent of the state median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than thirty (30) percent of the household's gross annual income.
- b. Housing that is **rented** by its inhabitants whose gross annual household income does not exceed eighty (80) percent of the state median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than thirty (30) percent of the household's gross annual income.

**Affordable Housing Development (AHD):** Affordable housing development means a housing development of which at least fifty (50) percent of the units are permanently affordable housing units.

**Agriculture:** The cultivation or other use of land for farming purposes, growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding, or

management of livestock, poultry, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm; the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines. Land or structures used for the growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar bushes; the sale of agricultural produce on the premises where raised; the processing or storage of products raised on the premises, as defined by the Commissioner of Agriculture, Food and Markets and the use of agricultural structures and the storage of agricultural equipment incidental to the above.

**Agricultural Structures:** Farm structures mean buildings, enclosures or fences housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices but excludes all human habitation. Farm structures shall abide by all zoning setbacks. No municipal permit for farm structures will be required.

**Bed & Breakfast:** A dwelling in which up to six (6) bedrooms are rented on a daily or weekly basis to transients. Distinguished from a hotel/motel in that the owner lives in the Bed & Breakfast and the use does not change the residential character of the neighborhood or area, and the food service is for guests only.

**Bedroom:** A room in a residential structure that has at least one window, one closet, and one entry/exit that can be closed for privacy; adding a bedroom may alter the effect of the septic capacity requirements.

**Building:** Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. Any other structure more than eight (8) feet high shall be considered a building including a fence or wall, but excluding an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole.

**Building Height:** Distance from ground to top of roofline measured at front entrance.

**Building, Mixed Use:** A single structure wholly containing within the structure a separate single-family residence and a separate permitted commercial operation.

**Business and/or Commerce:** The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, office, recreation enterprises or the maintenance and use of offices or professions and trades rendering service.

**Camp & Campground:** An organized camp facility for adults, families or children with supervised indoor and outdoor activities, such as Scouts BSA, 4-H or used on a transient basis for recreational purposes.

**Camp, Primitive:** Primitive or hunting camps may be allowed on their own individual lots with no interior plumbing consisting of more than a sink with water that is used for no more than three (3) consecutive weeks per year and no more than a total of sixty (60) days per year.

**Camper:** A self-propelled or towable unit designed as a temporary dwelling for recreational purposes, camping, travel, or seasonal use. A **camper** may remain on its own lot for up to (120) days in a calendar year either consecutively or intermittently at which point it **must** be moved off-site.

**Church:** A structure or group of structures, which by design and construction are primarily intended for the conducting of organized religious services.

**Conditional Use:** A use or occupancy of a structure or use of land, permitted only upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein.

**Conservation Easement:** A legal covenant that permanently limits development on a parcel of land while allowing the property to remain in private ownership. The Conservation Easement is an easement in gross, runs with the land and is enforceable by Grantee against Grantor, Grantor's successors and assigns, lessees, agents and licenses.

**Dates:**

- a. **Effective Date:** A zoning permit is in effect fifteen (15) days after the Zoning Administrator has posted the zoning permit. No zoning permit issued pursuant to this Regulation shall take effect until the time for appeal has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
- b. **Issuance Date:** Date zoning permit is signed by the Zoning Administrator.
- c. **Posting Date:** Date Zoning Administrator posts a permit in a public place. Officer has three days to post a zoning permit once the zoning permit has been signed (Issuance Date).
- d. **Receipt Date:** Date an application is stamped received at the Town Offices during normal business hours by the Zoning Administrator, Town Clerk or Town Manager for any permitted or conditional use found in these Regulations.
- e. **Application Date:** Date Zoning Administrator receives a completed application with all required information as noted in Article V- §504 of these Regulations.

**Density:** A unit of measurement; the number of dwelling units per acre of land as required in the zoning district.

**Density Increase:** The allocation of development rights from a sending area that allows a lot to accommodate additional density beyond the maximum normally allowed in the underlying zone.

**Development Rights:** Those rights to develop expressed only as the number of density units that could be permitted on a designated sending parcel under the applicable zoning and subdivision bylaws in effect on the date of the transfer of development rights.

**Distillery:** A place where liquor is manufactured.

**District:** A geographic unit established by the provisions of Article III, §300 of these Regulations.

**Dwelling Unit:** A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants.

**Dwelling, Single-Family:** A detached building designated for or occupied solely as a dwelling by one family.

**Dwelling, Multifamily:** A building containing separate dwelling units for two (2) or more families having separate or joint entrances, services, or facilities. The number of families in residence shall not exceed the number of dwelling units provided.

**Employee:** A person over the age of sixteen (16) who is employed for more than twenty (20) hours a week.

**Employee Housing:** Housing provided for employees, which includes more than six (6) bedrooms and includes at least one (1) common onsite cooking facility. Employee housing is limited to two (2) employed persons per bedroom and must meet the State requirements for the health, safety and welfare of all occupants.

**Excessive Noise:** Shall mean excessive or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any person. Elements to be considered in determining whether noise is excessive in a given situation include, but are not limited to the following: intensity of the noise; whether the noise is usual or unusual; whether the origin of the noise is natural or unnatural; the intensity of the ambient noise; the proximity of the noise to sleeping facilities; the zoning district in which the noise emanates; the time of day or night the noise occurs; the duration of the noise; whether the noise is continuous or intermittent; and/or whether alternate methods are available to achieve the objectives of the sound producing the activity.

**Family:** One (1) or more persons occupying a single dwelling unit and living as a single household unit.

**Family Childcare or Home Facility:** A family childcare home or facility providing care to up to six children on a full-time basis within a single-family dwelling; reference T-24 VSA 4412(5).

**Forestry:** The developing, caring for or cultivating of forests, or the management and harvesting of timber.



**Frontage:** The length of a lot along its front, bordering on and parallel with a public or private right of-way. A corner lot has two (2) fronts.

**Gas Station:** Parcel of land and structure used for the sale of petroleum products, motor fuel, oil or other fuel for the propulsion of motor vehicles.

**Hospital:** An institution providing primary health care services and medical or surgical care, primarily to inpatients, and may provide other services such as laboratories, outpatient facilities and training facilities.

**Hotel:** A building providing lodging for persons with or without meals and intended for the accommodation of transients, on a short-term basis of less than thirty (30) consecutive days, and so designed that normal access and egress are controlled from a central point. Food services can be for the general public. A hotel is not a dwelling unit.

**Itinerant Vendor:** Shall include persons or business entities engaged in a seasonal business not to exceed six (6) months. (See Article IV 405)

**Land Development:** The division of a parcel into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill, ponds, grading, or any change in the use of any building or other structure, or land, or extension of use of land.

**Lot:** A plot or parcel of land occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by the Regulation. (See also the Subdivision Regulations of the Town of Winhall for specific requirements on development of subdivision lots.)

**Manufacturing, Light:** Industry of an inoffensive nature that does not cause noxious fumes, smoke, dust, or excessive levels of noise and which has few, if any, impacts related to the manufacturing process itself or affiliated aspects of the process.

**Microbrewery:** A processing facility used for commercial purposes for the production and packaging of beer or similar fermented malt beverages for distribution either retail or wholesale.

**Mobile Home:** A dwelling unit that is substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. Recreational vehicles shall not be considered to be mobile homes and shall not be permitted as a permanent dwelling.

**Motel:** A building or group of buildings providing lodging for persons, intended primarily for the accommodation of transients on a short-term basis of less than thirty (30) consecutive days and having a private outside entrance for each room or suite of rooms. Food services can be for the general public. A motel is not a dwelling unit.

**Municipal Entity:** Shall mean Winhall Planning Commission; Zoning Board of Adjustment; Zoning Administrator; and Selectboard.

**Municipal Facility:** Land or structure owned, rented or leased by the Town to provide a governmental service to the public.

**Nonconforming Lots or Parcels:** Lots or parcels that do not conform to the present Regulations covering dimensional requirements, but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

**Nonconforming Structure:** A structure or part of a structure that does not conform to the present Regulations, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a structure improperly authorized as a result of error by the Zoning Administrator.

**Nonconforming Use:** A use of land that does not conform to the present Regulations, but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a use improperly authorized as a result of error by the Zoning Administrator.

**Nonconformity:** A nonconforming use, structure, lot, or parcel.

**Non-Profit Organization** shall mean any association or organization, which in accordance with United States Internal Revenue Service regulations is established for a civic, educational, mutual benefit, cultural, religious, social, political, scientific, philanthropic, or charitable purpose.

**Off-Premises Recreational Facility:** Any building or outdoor area that is not actually located on the parcel of lands being subdivided or containing the planned residential development, and used for purposes of recreation or athletic activity, including ski areas, and also including all equipment and related facilities such as cafeterias, restaurants, and parking areas.

**Office Building:** A building used primarily for conducting the affairs of one (1) or more businesses, professions, services, studios or governmental agencies and shall include off-street parking and other facilities necessary to conduct routine daily business.

**Office, Professional:** A professional office shall be for the conduct of business and shall be limited to one (1) profession. Employee(s) may or may not be permitted depending on the location of the professional office.

**Open Space:** A space, not occupied by a building or other roofed structure.

**Person:** An individual, a corporation, a partnership, an association and any other incorporated or unincorporated organization or group.

**Planned Unit Development (PUD):** An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units or dwelling units and commercial uses, if any; the plan for which does not correspond in lot size, bulk or type of dwelling, commercial use, lot coverage and required space to the Regulations established in any one or more districts created, from time to time, under the provisions of a municipal zoning regulation adopted under the authority of T-24 VSA §4417 as may be amended.

**Plat:** A map or chart of a subdivision with surveyed lot lines and dimensions.

**Principal Building:** The building on the lot containing the major permitted use or uses.

**Private Club:** A structure and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, education, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership.

**Private Outdoor Recreation:** Non-commercial recreation which is normally conducted out-of-doors, does not require any habitable structures, is not made available to the general public and meets all of the requirements set forth in Article IV- §414.

**Public Indoor Commercial Recreation:** A commercial recreational activity conducted wholly within a permitted structure and is made available to the general public and meets all of the requirements set forth in Article IV- 414.

**Public Outdoor Recreation:** Commercial recreation which is normally conducted out-of-doors, is made available to the general public and meets all of the requirements set forth in Article IV- §414.

**Public Outdoor Recreational Building:** A structure used to provide services to a permitted outdoor recreational use.

**Public Way:** The entire area legally open for public use within the boundary lines of any government or municipally owned or maintained road, trail, street, alley, sidewalk, walkway, parking lot, park, river, or piece of land.

**Receiving Area:** An area identified by an overlay district to which development rights are transferred from a sending area.

**Repair Garage:** Structures used for the maintenance, servicing, washing, and repairing of vehicles.

**Residential Care Home or Group Home:** Any residential facility operating under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined by 9 V.S.A. 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home; reference T-24 VSA 4412(1)(G).

**Restaurant:** An establishment, the primary function of which is to serve food and beverages to the public.

**Retail Business or Service:** A business wholly contained within a structure selling or delivering goods, in small quantities or providing services directly to the customer.

**Right of Way:** A town or state highway, a street of an incorporated village or a street shown on a subdivision plan approved by the Planning Commission. If a boundary of the right-of-way has not been surveyed and so recorded and is not marked by fence line or other physical feature, the boundary shall be deemed to be one-half the width of the right-of-way from the center line of the traveled way. The term “right of way” includes also the terms street, trail, highway, route, thoroughfare, road, avenue and boulevard.

**River Corridor:** Includes the stream and adjacent lands necessary to accommodate the slope and planform requirements of a geomorphically stable channel and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the current River Corridor Maps. Refer to T-24 VSA 4303(8)(J).

**School:** A public or private structure intended specifically for educational purposes, as certified by the Vermont Department of Education.

**Sending Area:** An area identified by an overlay district from which development rights are transferred to a receiving area.

**Setback Area:** The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this by-law, or by delineation on a recorded subdivision map. Distance shall be measured perpendicularly from the edge of any right-of-way or property line. (Caution: A right-of-way line is not necessarily the edge of the traveled portion of the road.)

**Shall:** “Shall” means that any requirement stated herein is mandated.

**Should:** “Should” means an activity that is encouraged but is not mandated.

**Sign:** Anything made of any material on any surface, the purpose of which is to visually call attention to, or advertise, a person, building, land use, service, or product made or sold on or off the premises.

**Sign Area:** The area within which the smallest square or rectangle may be drawn to encompass the extreme limits of the sign excluding the necessary supports or uprights on which the sign is placed.

**Sign, Free Standing:** A sign placed on the grounds of the property and not attached to a building.

**Sign, Off-premises:** A sign, which advertises or calls attention to a business or other activity or to a profession, commodity, product, service or entertainment not carried on, produced, sold, or offered for sale on the lot on which the sign is located.

**Sign Permit:** A written authorization issued by the Zoning Administrator authorizing a person to display a sign.

**Sign, Projecting:** A sign attached perpendicularly to a building wall.

**Sign, Real Estate:** An on-premise sign advertising a parcel of land or structure as being for sale, for rent or for lease. May only state “for sale by owner” or “call your broker.”

**Sign, Temporary:** A sign intended to be used for a period of no more than fourteen (14) days.

**Sign, Wall:** A sign attached to a building wall.

**Sign, Window:** Any sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.

**Site Plan:** A plan showing the location of buildings, water systems, septic systems, set-backs and all permanent easements. All site plans shall be drawn to scale.

**Structure:** An assembly of materials for occupancy or use.

**Subdivision:** A tract or tracts of land, owned or controlled by a person, which have been partitioned or divided for any purpose. (See also the Subdivision Regulations of the Town of Winhall for specific requirements on development of subdivision lots.)

**Temporary Structure:** Any structure placed or erected without any permanent foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was placed or erected has ceased.

**Transfer of Development Rights:** A legal covenant that permanently limits any development in a sending area and allows a density increase in the receiving area.

**Transient:** Shall mean temporary, not permanent.

**Wholesale Business:** A business wholly contained within a structure selling or delivering goods to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers.

**Wildlife Refuge:** A parcel of land set aside to provide a safe place for wildlife. This is a non-commercial use that does not include structures.

**Winery:** A processing facility used for commercial purposes for the processing of grapes, other fruit products or vegetables to produce wine or similar non-distilled spirits for distribution either retail or wholesale.

**Wireless Telecommunication and Telecommunication Facilities:** All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves, which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

<b>ARTICLE III</b>
--------------------

**ZONING DISTRICT, DESCRIPTIONS, USES AND REGULATIONS****SECTION 300: Establishment of Zoning Regulations**

The Town of Winhall is hereby divided into nine (9) zoning districts as shown on the Official Zoning Map.

Districts	Districts
<b>F</b> Forest	<b>C</b> Commercial
<b>RRA</b> Rural Residential	<b>R</b> Residential
<b>REC</b> Recreational	<b>V</b> Village
<b>TL</b> Transient Lodging	<b>SP</b> Special Purpose
<b>TDR</b> Transfer of Development Rights Overlay District	

**300.1: Zoning District Uses: Permitted Use (P), Conditional Use (C), Not Permitted (-), Planning Approval (W).**

*Uses Not Provided For:* Other uses are permitted upon a finding by the Planning Commission that such use is of the same general character as those permitted within the district and will not be detrimental to the other uses within the district or to the adjoining land uses. After a finding is made by the Planning Commission that a use is similar to a Permitted Use, then the applicant shall proceed with securing a Zoning Permit from the Zoning Administrator. If a finding is made by the Planning Commission that a use is similar to a Conditional Use, approval from the Zoning Board of Adjustment is required.

300.1(a): Refer to Section 301-Forest District; 308-Special Purpose Zoning Districts; 308.1-Conservation & Recreational Protection Areas; 308.2-Conservation & Recreational Protection Uses; and Section 309-Transfer of Development Rights Overlay District for description, area, and uses.

300.1(b): Use Chart

USES	RR	REC	TL	C	R	V
Accessory Uses to Permitted Uses	P	P	P	P	P	P
Accessory Uses to Conditional Uses	C	C	C	C	C	C
Affordable Housing Development	-	W	W	W	W	W
Agriculture	P	P	P	P	P	P
Bed & Breakfast	C	C	C	C	C	C
Building, Mixed Use	-	C	-	C	-	C
Camp	C	C	C	C	-	-
Campground	C	C	C	C	-	C
Cemetery	P	P	P	P	P	P
Church	C	C	-	C	C	P
Distillery	-	-	-	C	-	C
Dwelling, Multifamily	C	C	C	C	C	C
Dwelling, Single-Family	P	P	P	P	P	P
Employee Housing	-	C	C	C	-	C
Family Childcare Facility six or less	P	P	P	P	P	P
Family Childcare Facility six or more	C	C	C	C	C	C
Forestry	P	P	P	P	C	C
Gas Station	-	-	-	-	-	C
Home Occupation I	P	P	P	P	P	P
Home Occupation II	C	C	C	C	C	C
Hospital	C	C	-	C	-	C
Hotel/Motel	-	C	C	C	-	C
Manufacturing, Light	-	-	-	C	-	C
Microbrewery	-	-	-	C	-	C
Municipal Facility, Police, Fire, Rescue	-	C	-	P	C	P
Municipal Office Facility	-	C	-	P	C	P
Office Building	-	-	-	P	-	P
Office, Professional	C	C	C	P	C	P
Planned Unit Development (PUD)	W	W	W	W	W	W
Private Club & Outdoor Recreation	C	C	C	C	C	C
Public Buildings & Outdoor Recreation	C	C	C	C	-	C
Repair Garage	-	-	-	C	-	C
Residential Home Care Facility	P	P	P	P	P	P
Restaurant	-	C	C	C	-	C
Retail Business or Service	-	C	-	C	-	C
School	C	C	-	C	-	C
Wildlife Refuge	C	C	-	-	C	-
Winery	-	-	-	C	-	C
Wireless & Telecommunications Facility	C	C	C	C	C	C

300.2: Height, Lot Line Setback and Lot Dimension Schedule:



<b>DISTRICT</b>	<b>Lot Area (min.)</b>	<b>Lot Frontage (min.)</b>	<b>Lot Depth (min.)</b>	<b>Structure Height (max.)</b>	<b>Setback Front (min.)</b>	<b>Setback Side &amp; Rear (min.)</b>
<b>F</b>	25 acres	500 feet	500 feet	25 feet	40 feet	25 feet
<b>C</b>	1 acre	75 feet	100 feet	35 feet	40 feet	25 feet
<b>V</b>	20,000 square feet	50 feet	100 feet	35 feet	0 feet	15 feet
<b>R</b> Residential Use	1 acre	150 feet	150 feet	35 feet	40 feet	25 feet
<b>R</b> Non-Residential Use	2 acres	200 feet	200 feet	35 feet	40 feet	25 feet
<b>REC</b>	1 acre	150 feet	150 feet	35 feet	40 feet	25 feet
<b>RR</b>	5 acres	200 feet	200 feet	35 feet	40 feet	25 feet
<b>TL</b> Residential Use	1 acre	150 feet	150 feet	35 feet	40 feet	25 feet
<b>TL</b> Non-Residential Use	2 acres	200 feet	200 feet	35 feet	40 feet	25 feet
<b>SP</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>TDR</b>	N/A	N/A	N/A	N/A	N/A	N/A

### 300.3: Boundaries of Districts

The boundaries of zoning districts are drawn using parcel boundary data where practical. Boundaries in the Special Purpose Areas reflect dimensional rather than parcel boundary data.

### SECTION 301: Forest District

The Forest District is established as areas that are essentially undeveloped and may lack access to improved public roads or public utilities and service. The Forest District is used primarily for forestry, recreation and open space. Residential development in the Forest District should be limited to single-family dwellings at low-density.

### SECTION 302: Rural Residential District

The Rural Residential District is established as an area used to accommodate lower density growth than the Residential District. Agriculture, forestry and open space uses within this District should be maintained and encouraged.

### SECTION 303: Recreational District

The Recreational District is established as areas to provide various recreational opportunities for residents and visitors alike, as well as a variety of housing and related commercial uses. Commercial development, where feasible, shall support residential and recreational uses and shall be clearly secondary to the commercial uses in the Bondville Village District.

SECTION 304: Transient Lodging District

The Transient Lodging District is established as areas at the intersection of Routes 11 and 30 and at the intersection of Winhall Hollow Road and Lake Road. This District provides lodging. All other uses such as eating, accessory retail sales and services shall be subordinate to the primary use.

SECTION 305: Commercial District

Commercial Districts are established as areas that will provide for well-planned and coordinated development of commercial facilities and services. In order to preserve the character of the area, all commercial development shall attempt to share access and parking facilities, shall provide landscaping between commercial and non-commercial uses and shall preserve the general character of the surrounding area. Other general commercial facilities and services that are not mentioned herein and are shown to conform to Article IV §414 may be considered through the Conditional Use process.

SECTION 306: Residential District

The Residential District is established as areas primarily intended for single-family dwellings.

SECTION 307: Village District

The Village District is established to preserve the existing character of the varying density and mixed-use area and to encourage a prosperous and attractive town center for shopping, employment and community activities. Village District development can be at any combination of low density, moderate density and/or high density with one curb cut per lot.

SECTION 308: Special Purpose Zoning Districts

Special Purpose Districts are established to include areas for which special consideration shall be given to the preservation of natural, recreational and scenic resource values. Specifically, these areas include highly fragile ecological areas surrounding Winhall's lakes and ponds (Conservation Protection Areas), unique recreational areas bordering the Appalachian and Long Trails (Recreational Protection Areas) and scenic areas along the Stratton Mountain Access Road (Scenic Restriction Area). Special Purpose areas shall provide a buffer zone to surrounding land uses.

308.1: Conservation and Recreational Protection Areas

- a. Lands within five hundred (500) feet from the shoreline of Gale Meadows Lake measured from all points along the shoreline.
- b. Lands within five hundred (500) feet of the shoreline of Little Pond and Little Mud Pond.
- c. Lands within five hundred (500) feet of the Long Trail and Appalachian Trail.

308.2: Conservation & Recreational Protection Uses:

- a. The following uses are permitted: Agricultural uses such as farming, grazing, nurseries, horticulture, and forestry, provided that a buffer strip (of vegetation which will contribute to erosion and sediment control) of at least one hundred (100) feet be maintained between the area of use and the shoreline. No structures will be permitted.
- b. One-family dwelling situated as far back as possible, but no closer than two hundred (200) feet from the shoreline of Gale Meadows on lots legally in existence on December 30, 1974 (effective date of original Town Plan) provided the Zoning Administrator determines that no suitable building site exists outside the designated five hundred (500) foot shoreline district.

308.3: Scenic Restriction Area:

These are lands abutting Stratton Mountain Access Road one hundred fifty (150) feet from centerline. The purpose of the area is to act as a buffer; therefore, any trees between 3 inches and 8 inches in diameter four (4) feet from grade shall not be removed. Prior to any tree removal of any size, the Planning Commission must grant Site Plan Approval. No permanent structure other than signs as specified in Article IV, §415 are permitted.

SECTION 309: Transfer of Development Rights Overlay District

The Transfer of Development Rights Overlay District is established per T-24 VSA §4423 to conditionally permit the sending of development rights from one or multiple parcels to one or more receiving parcels in the Overlay District. No area outside the Overlay District shall be considered a sending parcel or a receiving parcel.

309.1: Sending and Receiving areas shall be located in the Overlay District and may be non-contiguous.

309.2: Development rights shall be those received from sending areas in the Overlay District and shall not include any areas outside the Overlay District.

309.3: The density increase for receiving areas shall be determined by the Planning Commission and shall correspond to the possible number of density units developable in the underlying district of the sending area.

309.4: No receiving area shall be less than five (5) acres and shall be capable by virtue of availability of existing infrastructure to receive the transferred development rights.

309.5: The transfer of development rights from a sending area to a receiving area shall be a legal covenant that permanently limits any development on the sending area while allowing the property to remain in private ownership.

309.6: The transfer of development rights shall take the form of a conservation easement held by a qualified conservation organization and is an easement in gross, runs with the land and is

enforceable by Grantee against Grantor, Grantor's successors and assigns, lessees, agents and licenses.

309.7: Upon approval by the Planning Commission of density increases to be allocated to a receiving area, an application may be considered for land development, provided:

- a. the area subject to the application is a receiving area, and the density increase is allowed by the provisions relating to transfer of development rights;
- b. the applicant has obtained development rights from a sending area which are sufficient under the regulations for the density increase sought in the receiving area; and
- c. the development rights are evidenced by a deed which recites that it is a conveyance under this Section and states the number of acres affected in the sending area; and
- d. the sending areas have restrictions on further development as set by the Planning Commission; and
- e. the sending area from which development rights have been severed has been surveyed and suitably monumented; and
- f. the receiving area is capable by virtue of the availability of existing infrastructure to receive the transferred development rights in the form of a density increase.

309.8: The Town shall maintain a map of areas (Map Inset #2) from which development rights have been severed. The Town shall:

- a. ensure that the instruments transferring the conservation easements and the development rights are recorded; and
- b. mark the development rights map showing the area from which development rights have been transferred and indicating the book and page in the land records where the easement is recorded. Failure to record an instrument or mark a map does not invalidate a transfer of development rights.

309.9: Development rights transferred under this section shall be valid notwithstanding any subsequent failure to file a notice of claim under the Marketable Record Title Act.

#### SECTION 310: Interpretation of Boundaries

The location and boundaries of zoning districts are established as shown on the Official Zoning Map, which is part of these Regulations. Where there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary shown thereon, due to scale, lack of detail or illegibility of the Official Zoning Map, the Zoning Administrator shall make an interpretation upon request of any interested party. Any party aggrieved by any such interpretation may appeal such interpretation to the Zoning Board of Adjustment.

SECTION 311: Non-Conforming Uses, Land, Lots & Structures

Non-conforming uses, land, lots, and structures legally existing at the time of the adoption of this Regulation or any pertinent amendments thereto, may be continued, subject to the following regulations:

- a. A non-conforming use may be changed to another non-conforming use only on approval of the Zoning Board of Adjustment, which shall find that such use is no more out of character with its zoning district than the existing use.
- b. A non-conforming use may be expanded by using more land area incidental to the use only upon approval of the Zoning Board of Adjustment.
- c. A non-conforming structure may be enlarged only upon approval of the Zoning Board of Adjustment.
- d. A non-conforming use of a building or lot, which has been discontinued for a period of eighteen (18) months, shall not be thereafter resumed.
- e. A non-conforming building or structure, damaged or destroyed by fire, accident or other cause, may be repaired or reconstructed to its condition prior to such damage or destruction, provided such work is undertaken within eighteen (18) months after damage or destruction. The Zoning Administrator may grant a waiver to extend the time period for insurance purposes.

SECTION 312: Existing Non-Conforming Lots

Any lot legally in existence prior to the effective date of this Regulation may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than 1/8 acre in area, with minimum width or depth dimension of forty (40) feet. If a lot not conforming to the minimum lot size requirements in the district in which it is located is or subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot(s) shall not be deemed merged and shall be considered separate lot(s).

SECTION 313: Disability Accessibility, Fire and Safety Compliance

The Zoning Administrator may grant a waiver for dimensional or setback requirements for necessary improvements to a structure to allow for disability access, fire and safety compliance, or other requirements of law T-24 VSA 4414(8)(A)(ii).

SECTION 314: Off-Premise Recreational Facility

- a. No subdivision or planned unit development shall have or provide any off-premise recreational facility, for the use of any of its owners or occupants on a preferential basis, unless all other land owners within the Town of Winhall have the same rights to use such recreational facility, and under identical conditions.
- b. The above requirement shall not apply to an off-premise recreational facility, in existence and having a restricted membership on or prior to June 1, 1987, provided that such restricted membership facility does not carry with it the right to use any other off-premise recreational facility on a preferential basis in violation of the above subsection.

#### SECTION 315: Limitations

The following uses shall be regulated with respect to size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking and loading facilities and landscaping or screening requirements and only to the extent that these Regulations do not have the effect of interfering with the intended functional use:

- a. State owned and operated institutions and facilities.
- b. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159 as may be amended from time to time.
- c. Hazardous waste management facilities for which a notice of intent to construct has been received under §6606a of Title 10 as may be amended.
- d. Public and private schools and other educational institutes certified by the state department of education.
- e. Churches and other places of worship, convents, and parish houses.
- f. Public and private hospitals.

<b>ARTICLE IV</b>
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**GENERAL REGULATIONS****SECTION 400: Dwellings on Lots**

Every single-family dwelling unit hereafter-erected shall be located on its own lot in accordance with these Zoning Regulations.

The maximum number of dwelling units in a multi-family building shall not exceed the density requirement for that zoning district.

**SECTION 401: Required Frontage on, Or Access to Public Or Private Roads**

No land development may be permitted on lots, which do not have frontage on either a public or private road with a minimum of a fifty (50) foot right of way or access to such a road, by a permanent easement of at least fifty (50) feet in width. Such easement must extend into the back lot at least the required frontage dimension for lots in that zone. When demonstrated to the Planning Commission that access is adequate, one back lot may be permitted.

**SECTION 402: Mobile Homes**

For the purpose of these Zoning Regulations, a mobile home shall be considered as a single-family dwelling and must conform to all applicable regulations. Mobile Home Parks are considered under Article IV-§416.

**SECTION 403: Site Plan**

403.1: The Planning Commission shall review permitted use site plans.

403.2: The Zoning Board of Adjustment shall review conditional use site plans.

403.3: Site Plan Review: The submission of a site plan to the Planning Commission or Zoning Board of Adjustment shall show the following: the location, height and spacing of buildings, open spaces with landscaping, streets, driveways and off-street parking spaces and all other physical features including well location and septic system location, accompanied by a statement setting forth the nature of all proposed modifications or changes in use.

403.4: Site Plan Approval: In accordance with the provisions set forth in T-24 VSA-§4416 as may be amended, and as a prerequisite to the approval of any use other than one-family dwellings, the approval of site plans by the Planning Commission or Zoning Board of Adjustment may be required. In reviewing site plans, the Planning Commission or Zoning Board of Adjustment may impose appropriate conditions and safeguards with respect to:

- a. the adequacy of parking, traffic access, and circulation for pedestrians and vehicles;
- b. landscaping and screening;

- c. the protection of the utilization of renewable energy resources;
- d. exterior lighting;
- e. the size, location, and design of signs;
- f. and other matters specified in the bylaws.

403.5: The Planning Commission or Zoning Board of Adjustment shall act to approve or disapprove any such site plan within 60 days after the date upon which it receives the proposed plan and completed application. Failure to so act within such period shall be deemed approval.

403.6: A person shall notify the Zoning Administrator of the intent to build a farm structure and shall abide by setbacks approved by the Commissioner of Agriculture, Food and Markets, T-24 VSA- §4413(D) as may be amended. A site plan showing these setbacks is required.

403.7: It shall be the responsibility of the Zoning Administrator to notify all adjoining landowners by sending a Certificate of Service and meeting notice by first class mail fifteen (15) days prior to the public hearing. All applicants shall bear the cost of the public hearing for Site Plan Reviews and cost for notification to all abutters.

#### SECTION 404: Temporary Structures and Uses

##### 404.1: Zoning Permit for Temporary Structures and Uses

All temporary structures are required to get a zoning permit from the Zoning Administrator who may require Site Plan Approval from the Planning Commission. No temporary structure shall remain in place on any parcel for more than six (6) months at which time the permit shall expire. The permit may be renewed for an additional six (6) months but will not be renewed thereafter. The Zoning Administrator may revoke a permit at any time if there is a change in circumstance under which the permit was granted. The Planning Commission may amend the Site Plan Approval at the request of the Zoning Administrator.

404.2: Site Plan: A site plan showing the location of a temporary structure shall accompany the application for a zoning permit for temporary use.

#### SECTION 405: Itinerant Vendor

This Section is adopted pursuant to the authority of T-24 VSA- 2291 (9). Itinerant Vendor shall include persons or business entities engaged in a seasonal business not to exceed six (6) months to sell goods, services or food, or other items deemed similar in nature within the Town of Winhall, but outside of any dwelling or structure. An Itinerant Vendor shall apply for a zoning permit from the Zoning Administrator prior to engaging in such business. Applications shall include the required fees.

- a. At no time shall any activity adversely affect the reasonable uses of adjoining or nearby



properties.

- b. The area of operation shall not impede pedestrian traffic and shall have enough room for customers to park, turn around and re-enter the roadway safely with clear visibility of approaching traffic.
- c. It is the responsibility of the Vendor to keep the area of operation clean and tidy. Any refuse shall be stored in secure, screened containers. Any water used to clean or rinse shall be contained within the area of operation.
- d. Hours of operation, limited to daylight, or any other particulars shall be included in the zoning permit as well as any signage requirements as reviewed and approved by the Zoning Administrator.
- e. Limited lighting shall be allowed as reviewed and approved by the Zoning Administrator.
- f. All perceptible traces of the Vendor's business must be stored away from public view when not in operation.
- g. Vendors shall be restricted to the commercial and village zones.
- h. All Vendors shall comply with the Vermont Department of Health and any other State or local requirements.
- i. A zoning permit shall be issued for a term of not more than six (6) months at which time the permit shall expire unless renewed by the Zoning Administrator after a waiting period of forty-five (45) days. The Zoning Administrator may amend or revoke a permit at any time if there is a change in circumstance under which the permit was granted.

#### SECTION 406: Dimensional Requirements

406.1: Projection not to exceed two feet of architectural features such as pilasters, columns, belt courses, sills, cornices or similar features is permitted.

406.2: No building in any district shall exceed a height applicable to the district, but this limit shall not apply to spires, cupolas, chimneys, ventilators, or similar parts of a building, occupying in the aggregate not more than ten (10) percent of the area of such building, and not used for any human occupancy.

406.3: In calculating lot area the area of the street right-of-way shall not be considered.

#### SECTION 407: Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Such activities are subject to all Standards established in Article IV, Section 414.

**Home Occupation I:** Any occupation practiced whether part time or full time which:

- a. is carried on in the dwelling unit of the resident;
- b. is carried on by any member of the family residing in the dwelling unit;
- c. is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not take up more than one thousand (1,000) square feet of the dwelling unit.
- d. does not require more than two (2) off-street parking spaces;
- e. does not change the external character of the dwelling;
- f. offers for sale only articles produced on the premises by owners' own labor, or articles incidental to the home occupation use;
- g. does not store finished products in any outdoor area;
- h. finished products may be stored indoors or in an accessory building on site;
- i. finished products not to exceed eight (8) items may be displayed outdoors in a contiguous 200 sq. ft. space;
- j. must not produce offensive noise, vibration, smoke, dust, odor, heat, light or glare according the Winhall Zoning Regulations, Article IV, Section 414.3 "Performance Standards" and must be in compliance with the standards set forth in Article IV- §414 of this Regulation.

**Home Occupation II:** Home Occupation II must meet all of the requirements of Home Occupation I and may be allowed after a conditional use permit and site plan approval is granted:

- a. No more than two (2) non-family employees;
- b. No more than four (4) off-street parking spaces;
- c. May use up to fifteen hundred (1,500) sq. ft. of an accessory building for the home occupation activity and up to one-thousand (1,000) sq. ft. of the dwelling unit.

**Home Occupation(s) Not Permitted:** Home occupation uses that are **not permitted** include: Commercial stables or dog kennels; restaurants, coffee/tea rooms; commercial garages or shops

for repair of motor vehicles or small engines; lumber pre-staining; adverse impacts on neighbors including excessive noise.

#### SECTION 408: Accessory Buildings in Residential Districts

Each residential use in a residential district shall have not more than six (6) out buildings, barns, garages, carports, storage sheds, greenhouses or similar accessory use buildings per lot. The aggregate square footage of such structures shall be up to 3,000 square feet per lot. Additional buildings shall be subject to a conditional use permit.

#### SECTION 409: Off Street Parking Requirements

Off street parking spaces shall be provided as set forth below. A required driveway shall be at least twenty (20) feet in width, except for single-family dwellings, which may be twelve (12) feet in width. Parking should be in the rear of all commercial development.

- a. Each single-family dwelling shall be provided with at least two (2) outside parking spaces.
- b. Each multifamily dwelling shall provide two (2) off-street parking spaces for each unit. No more than eight (8) spaces shall be provided in any one continuous row.
- c. Hotel, Motel and Transient Lodging: One space for every guest room plus additional space for facilities with eating establishments. (See subsection g below)
- d. Places of Public Assembly: One parking space for every three (3) seats; where there are no seats, one parking space shall be provided for every two hundred (200) square feet of floor space.
- e. Business and Professional Offices: One (1) space for every two hundred (200) square feet of office space.
- f. There shall be a minimum of one (1) parking space for each two hundred (200) square feet of floor area used for any commercial purpose except storage, but in no case shall there be provided less than two (2) parking spaces for each commercial use.
- g. Restaurants, Eating and Drinking Establishments: One (1) parking space for every three (3) seats.
- h. One parking space shall be required for each on premise employee.
- i. The Planning Commission or Zoning Board of Adjustment may adjust the total number of off street parking and loading spaces if, in their opinion, conditions warrant.

#### SECTION 410: Location of Driveways

Access permits from the Selectboard are required for all Town and private roads. Where an access will be constructed onto a State road, an Access Permit from the State shall be a part of the zoning application. An Access Permit will determine the 911 number.

#### SECTION 411: Abandonment of Structures

Within twelve (12) months after work on an excavation for a building has ended or within eighteen (18) months after any structure has been fully or partially destroyed, demolished or construction abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over and restored to the normal grade by the owner. The Zoning Administrator may grant a waiver to extend the time period for insurances purposes.

#### SECTION 412: Grading, Erosion, and Sedimentation Control

No grading, cut or fill that disturbs an area of more than 6,500 sq. ft. on slopes in excess of 15% carried out in any district **must** have an erosion control plan. All erosion control plans must include a reference to the most recent edition of the Vermont Handbook for Soil Erosion & Sediment Control on Construction Sites. All plans will include a completed questionnaire addressing the following:

- 1) Low impact development stormwater management practices to prevent erosion and contain soil on the construction site shall be required for land development that disturbs 400 sq. ft. of earth or more.
- 2) The Applicant shall address the effects from run-off that may occur when property at higher elevations is developed and existing drainage facilities downstream from the anticipated discharge of the property being developed. Diverting water by altering the natural drainage may do harm to adjacent land.
- 3) When it is established that run-off incident to development will overload the existing drainage facilities, provision must be made for improvement to the downstream facility by the applicant.
- 4) Construction General Permit (CGP) 3-9020 as may be amended is available for permitting stormwater discharges from construction activities involving one or more acres of earth disturbance where the Applicant takes steps to prevent erosion and control sediment discharge from the construction site. Permitting requirements are based upon the risk of eroded soil leaving the site in stormwater run-off. There are two categories of risk that qualify for use of CGP: Low Risk & Moderate Risk. Projects posing a special risk to water quality are not eligible for the permit and must be covered by an Individual Discharge Permit. To determine the risk of a proposed project, the Applicant must complete the question in Appendix A of the permit. This procedure involves answering a series of Yes and No questions related to site conditions and construction plans. Accurate completion of Appendix A will determine whether the project is Low Risk, Moderate Risk, or requires and Individual Discharge Permit.

*Note: Please contact the Agency of Natural Resources Water Quality Division for complete Information and an application packet.*

#### SECTION 413: Land Development

##### 413.1: Landfill

In any district, dumping of refuse and waste material for landfill is prohibited. Landfill to improve land use by depositing loam, rock, stone, gravel, sand, cinders, and soil may be approved by the Zoning Board of Adjustment for a term of three (3) years. Additional reference is Vermont Solid Waste Management Rules.

##### 413.2: Land Development

Ponds, berms, or other significant land development as defined require a questionnaire to address the applicant(s) plans for the proposed land development. This questionnaire will become part of the zoning permit process.

#### SECTION 414: General, Specific and Performance Standards

##### 414.1: General Standards

The Planning Commission and/or Zoning Board of Adjustment shall require that the proposed use shall not adversely affect:

- a. The capacity of existing or planned community facilities;
- b. The character of the area affected;
- c. Traffic on streets and highways in the vicinity;
- d. Regulations then in effect; or
- e. Utilization of renewable energy resources.

##### 414.2: Specific Standards

The Planning Commission and/or Zoning Board of Adjustment may include additional requirements with respect to:

- a. Minimum lot size;
- b. Distance from adjacent or nearby uses;
- c. Minimum off-street parking and loading facilities;

- d. Landscaping and fencing;
- e. Size, design and location of structures and service areas;
- f. Size, location, and design of signs;
- g. Such other factors as the zoning regulations may include.

#### 414.3 Performance Standards

In accordance with T-24 VSA-4414(5) in all districts the following performance standards together with applicable State standards must be met. These standards are intended to protect neighborhood character, quality of life and public safety by preventing existing uses, new nonresidential land use and development from creating or contributing to adverse off-site impacts. The appropriate municipal entity shall require that the proposed or existing uses meet these standards.

**Noise:** No proposed development or use under normal conditions shall emit excessive noise, which constitutes a nuisance at the property lines or the property on which located as measured in decibels on a meter conforming to ANSI type 1 or 2 using the A frequency. Specifically, noise must not exceed the levels in the chart below. Exceptions: these levels will not apply in the following circumstances:

- 1) Construction activity during permitted hours;
- 2) Motorized yard maintenance equipment for routine use between 7AM-8PM;
- 3) National Weather Service Storm Warning Event;
- 4) Emergency work;
- 5) Any activity that has obtained a waiver;
- 6) All safety signals and warning devices required by OSHA, VOSHA or other Federal or State agencies.

MAXIMUM NOISE LEVELS IN DECIBELS			
Receiving Property	8AM-	5PM	65
Receiving Property	5PM-	9PM	55
Receiving Property	9PM-	8AM	45

**Vibration, Blasting:** No proposed development or use under normal conditions shall cause or result in any noticeable, clearly apparent vibration on the property of another landowner that creates a displacement of two thousandths (0.002) of one (1) inch at frequencies up to 60 oscillations per second (ops). Blasting contractors and/or applicants shall be responsible for notifying all neighbors of any proposed blasting activity.

**Smoke, Dust, Odor, Noxious Gases or other forms of air pollution:** No proposed development or use under normal conditions shall cause or result in smoke, dust, odors, noxious gases or other

forms of air pollution which constitute a nuisance to any other landowner or which exceed the current Federal or State air pollution standards. Smoke may not exceed Ringlemann Chart No. 2. Dust may not exceed concentrations of 0.3 grains per cubic foot at the point of emission. Gases may not exceed the concentration of toxicity.

***Heat, Cold, or Moisture:*** No proposed development or use under normal conditions shall cause, create, or result in releases of heat, cold, moisture, fog, precipitation or condensations beyond the property lines of the property on which located or to a height likely to be detrimental to public safety, health or welfare.

***Electromagnetic Disturbances:*** No proposed development or use under normal conditions shall create, transmit, or release any electronic emission or signal which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals except as specifically licensed and regulated by the FCC beyond the lines of the property on which located.

***Glare, Lights, Reflections:*** No proposed development or use shall create, cause, or result in glare, lumen, lights or reflections which constitute a nuisance to other property owners or tenants or which are detrimental to the public safety, health, or welfare. The appropriate Municipal Entity shall be guided by lighting standards and design guidelines as detailed in “Outdoor Lighting Manual for Vermont Municipalities”. The following shall be considered when issuing Site Plan or Conditional Use Approval:

- 1) exterior fixtures should be approved by the Design Lighting Consortium;
- 2) fixtures should be internally dimmable and with a light color no greater than 3000K;
- 3) lighting for parking and circulation must be fully shielded down lighting mounted no higher than twenty (20) feet;
- 4) lighting for other surfaces must be no glare and fully shielded;
- 5) there must be no light trespass onto another property in excess of 0.03 foot-candles as measured at the property line;
- 6) the applicant should provide a sequence of light operation with automatic controls and manual override. Resources include “Guidelines for Good Exterior Lighting Plans (2009)” <http://www.darkskysociety.org>

***Liquid or Solid Waste or Refuse:*** No proposed development or use shall create, cause, or result in liquid or solid waste or refuse which cannot be disposed of by available or existing methods in certified disposal facilities without any undue burden on municipal facilities. No harmful liquid, solid waste or refuse shall be discharged into the environment. Its disposal must comply with State Environmental Protection Rules.

***Fire, Safety, Explosives or other Hazard:*** No proposed development or use shall create, cause, or result in any undue fire, safety, explosive or other hazard which endangers other property owners or which results in any undue burden on municipal facilities or municipal providers. Storage of small quantities of such material that are customary and incidental to residential use is permitted. Larger quantities of such substances may be subject to State requirements and notification to the Fire Department.

#### SECTION 415: Signs

415.1: Application of Regulations and Requirement for Sign Permit

No sign shall be erected, constructed, enlarged, altered, reworded, rebuilt or altered in any way, placed or moved unless the Zoning Administrator has issued a sign permit after review and approval of the Planning Commission. Permits shall be issued only for signs in conformance with this Regulation. Application shall be made on the zoning permit application form specifying legend, size, shape, colors, location, materials, height, supporting structures, lighting and such other information as may be necessary to determine and provide for the enforcement of this Regulation.

415.2: Signs Permitted with A Sign Permit

Signs shall be permitted in any District subject to the following:

- a. Signs for residential, rural residential, and recreational use: One (1) professional or home occupation sign not to exceed six (6) square feet on each side.
- b. Signs in the Transient Lodging, Commercial, or Village District: One (1) twenty (20) square foot sign on each side and located on the premises. Each parcel may have one (1) additional sign on the building to serve all uses; this sign may not exceed sixty (60) square feet.
- c. Permanent signs as part of a Conditional Use Permit establishing a Planned Residential Development, Planned Unit Development, Affordable Housing Development, or Subdivision may not exceed twenty (20) square feet on each side.
- d. Two (2) flags are permitted per property in the Transient Lodging, Village or Commercial District(s) but may not exceed thirty-six (36) square feet.
- e. Neon, temporary flashing, revolving or oscillating signs are not permitted.
- f. Signs shall be located and set back so as not to obstruct the view of any traffic or traffic signs. Approval of the Zoning Administrator is required for the location of all signs.

415.3: Temporary Signs Permitted with A Sign Permit

- a. Temporary signs as part of a Conditional Use Permit establishing a Planned Residential Development, Planned Unit Development, Affordable Housing Development, or Subdivision may not exceed twenty (20) square feet on each side.
- b. Sandwich board signs may be permitted as a temporary sign and shall not exceed six (6) on each side. They must be renewed annually.



- c. Signs shall be located and setback so as to not obstruct the view of any traffic or traffic signs. Approval of the Zoning Administrator is required for the location of these signs.

#### 415.4: Signs Permitted Without a Sign Permit

The following signs do not require a sign permit when located on the immediate property.

- a. Temporary signs to be maintained for not more than six (6) weeks erected by fairs.
- b. Temporary signs to be maintained for not more than two (2) weeks announcing a garage sale, tag sale, yard sale, or auction, or an event of civic, political or philanthropic service, or religious organizations, not exceeding four (4) square feet in area. All such signs are to be removed promptly by the owner following the event.
- c. Signs erected, maintained or administered by the Town or the State of Vermont under T-10 VSA, Chapter 21 as may be amended.
- d. Signs not exceeding four (4) square feet in area or smaller including those bearing property numbers, post box numbers, or names of occupants of premises.
- e. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify restrooms, posted areas of the like, with an area not exceeding two (2) square feet, provided such signs are on the premises of the activity served by the sign.
- f. Real estate signs not exceeding six (6) square feet, for sale by owner sign or call your your local broker not exceeding one (1) sign per road frontage.
- g. General contractor signs may be permitted as a temporary sign and shall not exceed six (6) square feet on each side. They may be displayed for the duration of the project and not longer. Subcontractor signs may be permitted as a temporary sign and shall not exceed four (4) square feet on each side. Subcontractor signs may be displayed for not more than thirty (30) days.

#### 415.5: Signs other than those Specified

Signs other than those specified in any district may be permitted upon approval of the Zoning Board of Adjustment after a public hearing.

#### 415.6: Off Premise Signs

Off premise signs are not permitted. Advertising billboards will be regulated by Title 10 VSA Chapter 21 and will not be permitted.

#### SECTION 416: Planned Unit Development and Affordable Housing Development

416.1: In accordance with the provisions of T-24 VSA-§4417 as may be amended, and where permitted in the zoning districts, the modification of the district regulations by the Planning Commission is permitted for, Planned Unit Development and Affordable Housing Development in accordance with following provisions and procedures. The modification of zoning regulations may be permitted simultaneously with the approval of a subdivision plat subject to the conditions set forth in this section. Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended to the plat. Except where noted in this section, any subdivision of land shall comply with the Town of Winhall Subdivision Regulations.

416.2: The purpose of the Planned Unit Development and Affordable Housing Development provision is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land through cluster development; to further the objectives of the Town Plan; to provide for the optimal location of buildings, structures, streets and utilities; to provide for a mixture and variety of residential and commercial design types; to provide for more efficient use of land and preserve the natural and scenic qualities of open land.

416.3: General Development Standards shall be satisfied before the Planning Commission approves an application for a, Planned Unit Development or Affordable Housing Development:

- a. The Planned Unit Development or Affordable Housing Development is consistent with the Town Plan.
- b. The Planned Unit Development or Affordable Housing Development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and manmade features, including historic sites and structures, watersheds, wildlife habitat, floodplains, and scenic features.
- c. The permitted number of dwelling units in a Planned Unit Development or Affordable Housing Development shall not exceed the number which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the Zoning regulations for the districts in which such land is situated, giving due consideration to physical and topographical limitations to development such as shallow depth of soil, wetness, and steep slopes as determined by the Town Plan.

- d. The phasing of the Planned Unit Development or Affordable Housing Development is proposed over a sufficient period of time in order that transportation networks, municipal facilities and/or services will not be unduly burdened.
- e. All other zoning requirements of the district, except those that may be waived or varied under the provisions of this Article shall be met.
- f. Construction permitted for a Planned Unit Development or an Affordable Housing Development shall commence within three (3) years of the permit being issued. If construction has not begun prior to the expiration date, the permit is rendered invalid. An extension may be granted if applied for.
- g. A Planned Unit Development or Affordable Housing Development shall be in one ownership or under the control of a single entity during the planning and construction stage to ensure that the development can be accomplished.
- h. No application for a Planned Unit Development or Affordable Housing Development shall be considered for approval unless all land contained in any proposal is contiguous.
- i. The standards for Conditional Use Permits as described in Article V-§503 shall be met.
- j. For the purposes of calculating density for a Planned Unit Development or Affordable Housing Development, lands allocated for existing uses shall not be used.
- k. Setback and buffer zone requirements for infrastructure (i. e. sewer and water) to serve a Planned Unit Development shall be met on the parcel being developed or by easement on adjoining property(s).

416.4: Site standard requirements may be required in addition to the general development standards outlined in Article IV-§416.3 and specific standards in the district, as a condition of the Zoning Board of Adjustment's approval of an application.

- a. More restrictive requirements for height and spacing between buildings.
- b. Greater setback requirements for parking areas and parking should be in the rear of all commercial development.
- c. Improvement to Town roads with Town approval and State roads with State approval.
- d. Provide for emergency vehicle access and allow for safe and adequate pedestrian circulation, which may include sidewalks.
- e. Maximum safety of vehicular circulation between site and the street network. Particular consideration shall be given to visibility at intersections, to traffic flow and controls, to pedestrian safety and convenience, and to access in case of emergency.

- f. Standards in Article IV- §414 shall be met.
- g. Adequacy of circulation, parking and loading facilities.
- h. The impact of lighting on the site shall be considered. Lighting that contributes to sky glow will not be permitted.
- i. Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility and protection to adjacent properties. Particular consideration shall be given to preservation of existing vegetation, minimizing the visibility of development from the road and adjoining properties, site grading, erosion control, soil conditions, and the adequacy of landscaping materials to meet seasonal conditions.
- j. Preservation of open space, recreation areas and/or parks in perpetuity.
- k. Mobile Home Parks may be considered under this Section as an Affordable Housing Development; or a Planned Unit Development.

#### SECTION 417: Wireless Telecommunications & Facilities

Telecommunications towers in the Town of Winhall are permitted by approval of the Zoning Board of Adjustment and are subject to the model of the Wireless Telecommunications Facilities Bylaw of the Vermont League of Cities and Towns as amended from time to time and by reference to T-24 VSA- 4414(12).

#### SECTION 418: Multifamily Dwellings

A multifamily dwelling shall be considered a conditional use in the Village, Commercial, Rural Residential, Transient Lodging, Recreational and Residential Districts. Multifamily dwellings shall be subject to the following conditions:

- a. Each project will be subject to the provisions of Article IV- 403- Site Plan.
- b. Multifamily dwellings, including accessory buildings, may cover no more than thirty (30) percent of the lot.
- c. Parking requirements are found in Article IV- 409. Access to any multifamily project shall not exceed one curb cut per public or private street.
- d. State potable water and wastewater permits shall be required.
- e. No building shall exceed thirty-five (35) feet in height.
- f. Each multifamily dwelling shall contain no more than eight (8) dwelling units.

- g. No exterior face of any building shall exceed fifty (50) feet in any plane (measured horizontally without an offset of at least forty-eight (48) inches.
- h. There should be set aside on each lot an area equal to one thousand square feet per dwelling unit not to be built upon or paved. The area should be left natural and/or landscaped with an acceptable balance of trees, shrubs and grass.
- i. In addition to the open space required in (h.) above, there should be provided landscaped side and rear yard buffer areas of at least ten feet in width adjacent to each property line of the lot. All buffer areas shall be planted or preserved in a natural state.

#### SECTION 419: Family Child Care Home or Facility

- a. A family child care home or facility is not permitted in a multifamily dwelling.
- b. A family child care home serving six or fewer children shall be considered to constitute a permitted single-family dwelling use of property.
- c. A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision T-33 VSA-§4902(1), shall be considered to constitute a permitted single-family dwelling use of property, but site plan approval is required by the Planning Commission.
- d. A family child care facility serving more than six full-time and four part-time children requires a conditional use permit and is subject to all applicable municipal bylaws.

#### SECTION 420: Affordable Housing

An objective of the Town Plan is to support the availability of safe and affordable housing for all residents.

**ARTICLE V****ADMINISTRATION AND PROCEEDURES****SECTION 500: Zoning Administrator**

The provisions of these Regulations shall be administered and enforced by the Zoning Administrator, recommended by the Planning Commission and appointed by the Selectboard, as provided by law. The Zoning Administrator shall literally enforce the provisions of these Regulations, inspect land developments, maintain records of actions, and perform all other necessary and required tasks to carry out the provisions of these Regulations and the duties of this position. The Zoning Administrator shall not issue a permit except in conformance with these Regulations.

**SECTION 501: Administrative Review by Zoning Administrator**

The Zoning Administrator may review and approve new development and amendments to previous approvals that would otherwise require approval by an appropriate municipal panel only in the circumstances described below. The Zoning Administrator will advise the Planning Commission at their next regularly scheduled meeting.

- a) The Zoning Administrator may grant a Zoning Permit for an addition to a pre-existing, non-conforming structure as to setbacks if the addition does not further encroach on the setback and does not exceed 40% of the footprint of the pre-existing structure.
- b) The Zoning Administrator may grant a Zoning Permit for a change of use from one permitted use to another if the parking requirement remains the same or the parking is reallocated so as not to result in an increase in the total number of spots established by a previous Site Plan Approval.
- c) The Zoning Administrator may grant a Zoning Permit for ADA compliant structures, Article III-313.

**SECTION 502: Zoning Board of Adjustment**

The legislative body hereby establishes a Zoning Board of Adjustment whose members may include members of the Planning Commission. Rules of procedure, appeals, public notices, and conditions for variance relief, shall be established as provided in T-24 VSA-§4460 as may be amended.

**SECTION 503: Vermont Environmental Protection Rules**

Some projects may require review and approval by the State of Vermont. Technical assistance is available thru the Vermont Agency of Natural Resources (ANR) from a Permit Specialist who can issue a Project Review Sheet, if needed, based on information provided by the landowner.

***This should be done in the early stages of planning a project so that regulatory requirements are addressed.***

New construction may affect existing or future septic capacity by inadvertently encroaching on the required disposal area. This may require the improvements to be removed if the existing septic/well fails.

To get started with obtaining help from the ANR go to:  
[dec.vermont.gov/environmental-assistance/permits](http://dec.vermont.gov/environmental-assistance/permits)

#### SECTION 504: Application

Application for a permit shall be made in triplicate (3) and shall be accompanied by the following:

- a. A permit application form as established by the Planning Commission which has been properly completed and submitted.
- b. Wastewater System & Potable Water Supply Permit issued by the Agency of Natural Resources for installation or alteration of any subsurface septic system where applicable.
- c. A filing fee to be established by the Selectboard as outlined by the application for a zoning permit.
- d. Access permit from the Selectboard for any installation or relocation of any access to a private or Town Road, or from the State Highway Department for any access to a State Highway. This also aids in the issuance of a 911 number.
- e. The Zoning Administrator ***will not act*** upon any application until all requested information is submitted and deemed complete.

#### SECTION 505: Conditional Use Permit

The Zoning Administrator shall not issue a zoning permit for any use or structure, which requires a Conditional Use Permit in these Regulations until the Zoning Board of Adjustment grants such approval. In considering its action, the Zoning Board of Adjustment shall review and approve site plans for conditional use permit, make findings on General Standards (414.1), Specific Standards (414.2) and Performance Standards (414.3), hold hearings, and may attach conditions as provided for in T-24 VSA-§4414(3) as may be amended.

The area, density, frontage, setback, height, and any other general requirements for the zoning district in which the proposed use will be located shall be considered minimum requirements for a Conditional Use Permit. In granting a Conditional Use Permit, the Board may attach any additional reasonable conditions and safeguards that it may deem necessary to implement the purposes of the Act and these Regulations.

It is the responsibility of the Zoning Board of Adjustment to notify all adjoining landowners by sending a Certificate of Service and meeting notice by first class mail fifteen (15) days prior to the public hearing. All applicants shall bear the cost of the public notice for Conditional Use Permits and the cost for notification to adjoining landowners. All applicants must submit a Project Review Sheet from the Agency of Natural Resources.

#### SECTION 506: Action

The Zoning Administrator shall, within thirty (30) days of submission of a complete application, either issue or deny a zoning permit. If denied, such denial shall be in writing stating the reasons for denial. If the Zoning Administrator fails to act with regard to an application for a permit within thirty (30) days a permit shall be deemed issued on the thirty-first (31) day. Within three (3) days following the issuance of a zoning permit the Zoning Administrator shall:

- a. Deliver a copy of the permit to the Listers of the municipality.
- b. Deliver a copy of the permit to the Town Clerk of the municipality for recording in the Town records.
- c. Post a copy of the permit in at least one public place in the municipality and post a “notice of permit” within view from the public right of way most nearly adjacent to the subject property until the expiration of fifteen (15) days from the posting date at which time the permit takes effect.

#### SECTION 507: Posting A Zoning Permit

Upon the effective date of a zoning permit and the commencement of land development as defined by these Regulations, the permittee shall post an official Zoning Permit in a visible place on the land or structure involved. Said Zoning Permit shall remain in place until the project has been completed.

#### SECTION 508: Notification of Compliance

The Notification of Compliance states that the project has been substantially completed as set forth in the application for a zoning permit. The Zoning Administrator shall have the right to inspect the property.

#### SECTION 509: Appeals and Variances

509.1: Appeal of decisions made by the Zoning Administrator: In accordance with T-24 VSA-§4465 as may be amended, an interested person may appeal any decision or action taken by the Zoning Administrator by filing a written notice of appeal with the Town Clerk. Such notice of appeal must be filed within fifteen (15) days of the posting date of such decision.



509.2: Variances:

- a. On an appeal under T-24 VSA- §4469 as may be amended wherein a variance from the provisions of the Regulations is requested for a structure that is not primarily a renewable energy resource structure, the Zoning Board of Adjustment shall grant variances, and render a decision in favor of the appellant, if all the following facts are found and the finding is specified in its decision.
  1. That 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, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  3. That the unnecessary hardship has not been created by the appellant;
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.
- b. On an appeal under T-24 VSA-§4465 or §4469 as may be amended wherein a variance from the provisions of a zoning regulation is requested for a structure that is primarily a renewable energy resource structure, the Zoning Board of Adjustment may grant such variances, and render a decision in favor of the appellant if all the following facts are found and the finding is specified in its decision.
  1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the regulations; and
  2. That the hardship was not created by the appellant; and
  3. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

4. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.
- c. In rendering a decision in favor of an appellant under this section, the Zoning Board of Adjustment may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect.
- d. All appeals for a variance or appeals of the decision of the Zoning Administrator shall be heard by the Zoning Board of Adjustment and shall require a public hearing.
- e. Appeals of decisions made by the Zoning Board of Adjustment may be made to the Vermont Environmental Division as provided for in T-24 VSA-4471.
- f. It is the responsibility of the Zoning Administrator to notify all adjoining landowners by sending a Certificate of Service and meeting notice by first class mail fifteen (15) days prior to the public hearing. All applicants shall bear the cost of the public notice for appeals and variances and the cost for notification to all adjoining landowners.

#### 509.3: Interested Person:

For the purposes of these regulations, an interested person is defined as set forth in T-24 VSA §4465(b)(1 thru 5) as may be amended.

#### SECTION 510: Permit Valid Time Period

A zoning permit shall be valid for a period of one (1) year from the effective date and all activities authorized by its issuance shall be completed within two (2) years of its effective date. If all authorized activities are not complete within two (2) years, the zoning permit shall be deemed invalid and a new zoning permit shall be required.

#### SECTION 511: Permit Invalid

Any permit issued on the basis of false information supplied by the applicant shall be deemed immediately invalid.

#### SECTION 512: Penalties

Violation of these Regulations shall subject the violator to the imposition of fines and remedies as prescribed by t-24-§1974(a), §4451 and §4452 as may be amended and as specified in Article V- 513 of these Regulations.

SECTION 513: Violations

513.1: Correction of Violation. Any Person found to be violating any provision of this Regulation shall be served by the Town with written Notice of Violation stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated, permanently cease and correct all violations. Time limit shall not be less than seven (7) calendar days nor more than thirty (30) calendar days.

513.2: Continued and Egregious Violations. Any person who continues any violation beyond the specified time limit provided for in 513.1 or whose violation is determined by the Town not to warrant being given time to correct the violation, shall be subject to the civil ordinance violation enforcement provisions set forth in T-24 VSA §1974(a)(d) as may be amended.

513.3: An Issuing Municipal Official is authorized to recover civil penalties.

513.4: Each day in which any violation continues or occurs shall be deemed a separate offense.

SECTION 514: Public Notice

Any public notice required for public hearings under these Zoning Regulations shall be warned by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the Town of Winhall, and the posting of a notice in three (3) or more public places within the Town including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made, and not less than fifteen (15) days prior to the date of the public hearing, and by mailing notice to any applicant not less than fifteen (15) days before the hearing. In every case in which public notice on any matter relating to written material is required, such public notice shall contain either the full text of such material or a brief summary setting forth the principal provisions and a reference to a place within the Town where copies of the proposed material may be examined.

It shall be the responsibility of the Zoning Administrator to notify all adjoining landowners by sending a Certificate of Service and meeting notice by first class mail fifteen (15) days prior to the public hearing. All applicants shall bear the cost of the public notice and notification to all adjoining landowners.

SECTION 515: Amendments

The Planning Commission may, on its own motion or on petition from the legislative body or one or more persons within the Town, amend these Regulations and Maps in accordance with the provisions set forth in T-24 VSA-§4441 and §4442 as may be amended.