

# **TOWN OF BRIDPORT ZONING REGULATIONS**

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# **ZONING REGULATIONS TOWN OF BRIDPORT, VERMONT**

## **ARTICLE I: ENACTMENT, INTENT, AMENDMENT OF FORMER ZONING REGULATIONS AND DEFINITIONS**

### **Section 100: Preamble**

These regulations are enacted for the common good of the people of the Town of Bridport. These regulations shall not be interpreted to restrict, abridge or infringe on the rights and privileges guaranteed to citizens of the United States of America or State of Vermont by their respective Constitutions. Interpretation of these regulations shall be in keeping with the spirit of independence, liberty and free enterprise protected by the Constitution of the United States of America and the Constitution of the State of Vermont.

### **Section 110: Enactment**

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117, hereinafter referred to as the “Act,” and in accordance with Sections 4402 4441, and 4442 thereof there are established Zoning Regulations for the Town of Bridport which are set forth in the text and map that constitute “these regulations.” These regulations shall be known and cited as the “Town of Bridport Zoning Regulations.”

### **Section 120: Intent**

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

### **Section 125: Repeal of Former Zoning Bylaws**

The Zoning Regulations for the Town of Bridport in effect prior to the adoption of these regulations are hereby amended in their entirety and replaced by these regulations as of the effective date of these regulations.

### **Section 130: Definitions**

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

The Board of Adjustment shall clarify doubt as to the precise meaning of any word used in these regulations.

**Accessory Use or Building:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

**Affordable Housing:** Housing that is owned or rented by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income.

**Agricultural Sales and Service Facility:** A retail establishment for the display, sales or service of agricultural equipment and supplies, including, but not limited to tractors, balers, hay wagons, bulk tanks, fertilizer and feed. The parking lot and other outdoor areas appurtenant to the main and accessory structures may be used as display and service purposes.

**Agriculture and/or Farming:** Land or structures used for raising livestock, growing agricultural or forest products or nursery stock, growing and harvesting of forest products, producing agricultural products, storing agricultural equipment and as an accessory use, selling agricultural products raised on the property; or stabling animals for private use of the owner of the property pursuant to the definition of farming contained in 10 V.S.A. §6001(22).

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

**Appurtenant:** An accessory apartment or other structure is appurtenant to a primary dwelling or other type of principal use when it satisfies both of the following tests:

1. Proximity. The accessory apartment is located within a short distance from the main structure (Generally less than 100 feet.).
2. Connectivity. The accessory apartment shares all or a portion of the same infrastructure as the main structure and is clearly subordinate to the main structure.

**Basement Story:** A story located partly or wholly underground. A basement shall be a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground on the lowest face of the building is more than six feet.

**Bed and Breakfast/Inn:** An owner-occupied residential structure that contains sleeping rooms for rent for transient occupancy.

**Boarding House:** An owner-occupied residential structure that contains sleeping rooms for rent for long-term occupancy (two weeks or greater).

**Building:** Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or personal property. Also, includes any substantial building extension, with or without a roof, such as carport, porch, terrace and deck.

**Building Area:** Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings. Any solar collection device or

related apparatus not calculated as floor area of a building is not included. All dimensions shall be measured between exterior faces of walls.

**Building Front Line:** Line parallel to the street line transecting that point in the building face that is closest to the street line. Where a lot fronts on public waters but not a street, “water line” shall replace “street line” in this definition.

**Building Height:** Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

**Building Rear Line:** Line parallel to the street line transecting that point of the building face that is furthest from the street line. Where a lot fronts on public waters but not a street, “water line” shall replace “street line” in this definition.

**Building Side Line:** Line parallel to the nearest side lot line transecting that point of the building face that is nearest the side lot line.

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

**Campground:** Any tract or parcel of land occupied by three or more campers, tents or tent sites for vacation or recreational purposes for greater than two weeks in any fiscal year.

**Clinic:** A non-residential office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

**Club:** Building or use catering exclusively to club members and their guests for recreational or service purposes.

**Communications Antenna:** A device used for transmitting and/or receiving electromagnetic waves, which is attached to a Communications tower or other structure.

**Communications Tower:** A fixed structure used for the purpose of facilitating communications antenna(s).

**Community Facility:** Any state or community owned institutions and facilities, public and private schools or other educational institutions certified by the State Department of Education; churches and other places of worship, convents or parish houses; and public and private hospitals.

**Conditional Use:** Use which may be permitted only by approval of the Board of Adjustment after public notice and public hearing to determine whether the proposed use



will conform to general and specific standards as set forth or referred to in these regulations and pursuant to Section 4414(3) of the Act.

**Daycare or Family Childcare facility:** A daycare or family childcare home or facility means a home or facility where the owner or operator is licensed or registered by the state for childcare. A family childcare home serving not more than six children shall be considered to constitute a permitted single-family residential use of property. A family childcare home serving not more than six fulltime children and four part-time children, as defined in 33 V.S.A. §4902(3)(A), shall be considered a permitted single-family residential use, but shall be subject to site plan approval. A family childcare facility serving more than 6 fulltime and four part-time children shall be subject to the portion of Article II of these regulations governing the uses allowed in each district.

**Development:** See Land Development.

**Drive-In Facility:** An establishment designed or operated to serve a patron while seated in a motor vehicle parked in an off-street parking space.

**Dwelling Unit:** Building or part thereof used as living quarters for one family. The terms “dwelling,” “one-family dwelling,” “two-family dwelling” or “multi-family dwelling” shall not include a boarding house or motor lodge.

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

1. The property has sufficient wastewater capacity to satisfy state regulations.
2. The unit does not exceed 500 sq. ft. or 30 percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

**Dwelling, One-Family:** Detached building used as living quarters by one family.

**Dwelling, Two-Family:** Building used as living quarters by two families living independently of each other.

**Dwelling, Multi-Family:** Building used as living quarters by three or more families living independently of each other.

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

**Farm:** Land and structures thereon used for agriculture. See Agriculture.

**Finished Grade:** Completed surfaces of ground, lawn, walks, paved areas and roads brought to grade as shown on plans relating thereto, or as actually completed.

**Floor Area:** Sum of the gross horizontal area of the floors of a building, excluding basement floor area not in a basement story. All dimensions shall be measured between interior faces of walls.

**Front Yard Setback:** Consists of the depth of the front yard (distance from building front line to street line) plus the distance from the street line to the centerline of the existing street. Where a lot fronts on public waters but not a street, the front yard setback shall consist only of the depth of the front yard (building front line to water line).

**Gasoline or Motor Vehicle Service Station:** Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has commercial facilities for lubricating, washing, painting, repairing or servicing motor vehicles.

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

**Group Home:** Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. Group homes shall be considered 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.

**Home Based Business:** A use conducted within a portion of a dwelling by a resident thereof, or in a separate garage or outbuilding on the resident's property. Home-based businesses may employ up to six non-resident fulltime equivalent employees. A home-based business shall be a conditional use. The purpose of allowing this use is to encourage the reuse of existing agricultural buildings, provide reasonable employment opportunities within the Town of Bridport and to accommodate reasonable growth of home businesses. The limit on the number of employees recognizes that a business may grow too large to remain in the neighborhood in which it started and will need to be relocated.

**Home Occupation:** Accessory use conducted within a minor portion of a dwelling by the resident thereof including up to two non-resident fulltime equivalent employees, which is clearly secondary to the residential uses, is customary in residential areas, and does not have an undue adverse affect upon the character of the dwelling or the neighborhood. 24 V.S.A. § 4412(4).

**Junk Yard:** Any place of outdoor storage or deposit used for the collecting, storing or selling wastepaper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storing, salvaging and selling machinery or motor vehicle parts; or the outdoor storage of four or more unregistered vehicles or vehicles not in running condition which are visible from any portion of a public highway. It does not mean a garage where wrecked or disabled motor vehicles are stored awaiting inspection or repairs, nor does it include any place used for agriculture and or farming pursuant to the definition of farming contained in 10 V.S.A. §6001(22).

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

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

**Livestock:** Any domestic animal except for dogs, cats and common household pets.

**Loading Space:** Off-street space, which is at least 12 feet wide and 40 feet long and 14 feet high, not including access driveway, and having direct access to a street or alley, used for the temporary location of one licensed motor vehicle.

**Lot:** Land and premises, with or without buildings, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street or public waters, or other means of access as may be required in Section 500B.

**Lot, Small Existing:** Any lot that is legally subdivided, greater than one-eighth acre in area and width or depth dimensions greater than 40 feet, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw.

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

**Lot, Corner:** Lot that has an interior angle of less than 135 degrees at the intersection of two streets.

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

**Lot Depth:** Mean (average as measured from a number of points) horizontal distance from the street centerline of the lot to its opposite rear line measured at right angles to the building front line. Where a lot fronts on public waters but not a street, “water line” shall replace “street center line” in this definition.

**Lot Frontage:** Distance measured across the width of the lot at the street or, in the absence of a street, the water line of public waters.

**Lot Line:** Property lines bounding a lot.

**Lot Line, Rear:** That lot line opposite and most distant from the street line. Where a lot fronts on public waters, but not a street, “water line” shall replace “street line” in this definition.

**Lot Width:** Width measured at right angles to its lot depth, at the proposed or existing building front line.

**Marina:** A place for docking, mooring, storing, selling, servicing or repairing boats, including the sale of fuel and supplies and provision of lodging, food, beverages and entertainment as accessory uses.

**Mobile Home:** A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placement on supports or foundation.

**Mobile Home Park:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adopted to accommodate, two or more mobile homes.

**Modular (or Prefabricated) Housing:** A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Motel/Hotel:** A building or group of buildings in which the majority of the rooms are used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals. Does not include boarding house.

**Motor Vehicle Facility:** A retail establishment for the display and sale of motor vehicles, including but not limited to cars, trucks, vans, campers, boats, motorcycles, or snowmobiles. Includes an enclosed showroom and a parking lot, if such exists.

**Natural Resources Extraction:** Removal, mining or excavation of soil, earth, slate, shale, sand, gravel or similar materials.

**Non-Conforming Structure:** Structure not conforming to the Zoning Regulations for the district in which it is located, where such structure conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a structure improperly authorized as a result of error of the Administrative officer.

**Non-Conforming Use:** Use of land or structure that does not comply with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a parcel improperly authorized as a result of error of the Administrative officer.

**Parking Space:** Off-street space used for the temporary location of one licensed motor vehicle, such space being at least nine feet wide and 20 feet long, not including access driveway and having direct access to a street.

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

**Personal Services:** Barber, beauty parlor, shoe repair, Laundromat, dry cleaner, photographic studio and businesses providing similar personal services, except for medical services.

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

**Plat:** A document of record depicting a plot of land.

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

**Public Water System:** Public water system approved by the Board of Water Commissioners of the Tri-Town Water District No. 1.

**Public Waters:** As used in these regulations, except Article VIII, Public Waters in the Town of Bridport shall mean Lake Champlain.

**Recreation, Indoor:** Bowling alley, theater, pool hall, skating rink, gymnasium or other similar places of indoor recreation.

**Recreation, Outdoor:** Golf course, hunting preserve, skating rink, park, beach, recreation stadium, skiing facility, playground, ball field or other similar places of outdoor recreation.

**Residential Health Care Facility:** Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, convalescent home, and hospice.

**Residential Use:** One-family dwelling, two-family dwelling or multi-family dwelling.

**Restaurant:** A public eating establishment in which the primary function is the preparation and serving of food.

**Retail Store:** Any enclosed business concerned primarily with the sale of produce, products, goods, equipment or commodities; and shall exclude any drive-in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant or junk yard.

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

**Service Area:** A designated space used for commercial or industrial waste storage or pickup, utility areas, or for the delivery of goods and services to any building or land use.

**Shop Manufacturing and Repair Uses:** Small-scale, low-intensity manufacturing and repair uses that do not generate heavy or excessive truck traffic or create objectionable noise, odor, vibration, heat, glare or waste.

**Sign:** Any device, structure, building or part thereof, used for the purpose of visual communication by attracting the attention of the public.

**Solar Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

**Solar Energy System:** A complete design or assembly consisting of a solar energy collector, or energy storage facility, where used, and components for the distribution of transformed energy. Passive solar energy systems, those that use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

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

**Street Centerline:** Presumed to be the middle of the traveled portion of the street.

**Street Line:** Right of way line of a street as dedicated by a deed or other proper instrument of record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the centerline of the street.

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

**Trailer:** Any vehicle which is customarily towed by a motor vehicle and used for storage, transporting goods, livestock, equipment, machinery, boats or similar items or is used as a temporary office.

**Variance:** A departure from the zoning bylaws that is granted or denied by the Board of Adjustment. The conditions specified in Section 4469 of the Act must exist in order for a variance to be granted.

**Veterinary Clinic/ Small Animal Hospital:** A building or premises for the medical or surgical treatment of small domestic animals or pets, including dogs and cats.

**Waiver:** An alternative to a Variance, where the Board of Adjustment may grant or deny a departure from the zoning bylaws to reduce the site dimensional requirements of the bylaws.

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

**Water Line:** Water line for the purposes of these regulations shall be 100 feet above sea level, the high water mark for Lake Champlain.

**Wind Energy Conversion System:** A device that converts wind energy to mechanical or electrical energy.

**Yard:** Space on a lot not occupied with a building or structure, except as otherwise provided for in Section 321; except for customary infrastructure such as driveways, walkways (not including manure lagoons) and except ordinary projections from the face of a building, like eaves, awnings, chimneys, etc., provided they do not extend more than three feet into any required yard.

**Yard, Front:** Yard between the street line and the building front line. Where a lot fronts on public waters, but not a street, “water line” shall replace “street line” in this definition.

**Yard, Rear:** Yard between the rear lot line and the building rear line.

**Yard, Side:** Yard between the side lot line and a building sideline.

**Yard Sale:** Auctions or similar events conducted for a period of less than four consecutive days, and not more than ten days in a calendar year and are managed in a way not to cause traffic or parking problems or other nuisances to neighbors.

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

### **Section 210: Establishment of Zoning Districts**

The Town of Bridport is hereby divided into the following Zoning Districts as shown on the “Zoning Map.”

VILLAGE RESIDENTIAL (V-1) DISTRICT  
LOW DENSITY RESIDENTIAL (R-2) DISTRICT  
RESIDENTIAL AGRICULTURAL (RA-5) DISTRICT  
NEIGHBORHOOD COMMERCIAL (NC) DISTRICT  
CONSERVATION (CON-25) DISTRICT  
SHORELAND PLANNED RESIDENTIAL (SPRD-2) DISTRICT

### **Section 220: Zoning Map**

The location and boundaries of Zoning Districts are established as shown on the official large scale Zoning Map recorded in the town clerk’s office. The Official Zoning Map is hereby made a part of these regulations, and a part of all future amendments to these regulations. The Zoning Map included herein is a non-official reproduction included for convenience only. People desiring to make decisions concerning the use of their land should consult the official map at the town clerk’s office.

### **Section 230: Interpretation of Zoning District Boundaries**

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

### **Section 240: Application of Regulations**

The application of these regulations is subject to Sections 4411 and 4413 of the Act. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended and no land development shall commence unless in conformity with the regulations herein specified for the district in which it is located.

**Any use not permitted by these regulations shall be prohibited.**

## **ARTICLE III: ADMINISTRATION AND ENFORCEMENT**

### **Section 300: Application of Regulations**

The application of these regulations is subject to all applicable provisions of Chapter 117 of the Act. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located or it is exempt as per the Act or Section 301 of these regulations.

### **Section 301: Exemptions & Exceptions 24 V.S.A. § 4413**

The following uses shall be exempt from these regulations to the extent provided below:



1. Pursuant to 24 V.S.A. § 4413(a), certain government and community facilities, as described in Section 508 of these regulations are exempt from district regulations prescribing where they may be located, but shall be regulated and subject to Site Plan Review to the maximum extent allowable under the Act and these regulations.
2. Pursuant to 24 V.S.A. § 4413(b), public utility power generating plants or transmission facilities regulated under 30 V.S.A. §248.
3. Pursuant to 24 V.S.A. §4413(d) these regulations shall not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under subsections 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.
  - a. For purposes of this section, “farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.
  - b. A person shall notify a municipality of the intent to build a farm structure and shall abide by the setback requirements contained within the zoning ordinance or within compliance with the policy of no increase in the nonconformance in constructing additions to existing structures, unless they provide lesser setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.
  - c. A municipality may enact a bylaw that imposes forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. Chapter 124 only to the extent that those changes are silviculturally sound, as determined by the Commissioner of Forests, Parks and Recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. § 3755.
4. Pursuant to 24 V.S.A. §4413(e), but subject to 24 V.S.A. §2295, these regulations shall not restrict hunting, fishing, trapping, and other activities specified under Section 2295.
5. All exemptions referenced in 24 V.S.A. § 4413 of the Act shall apply, notwithstanding any existing bylaw to the contrary.
6. Fences, hedges or walls that do not interfere with road corner visibility and which are no more than eight feet in height. Setbacks shall not apply to complying fences, walls or hedges.
7. Unroofed and unenclosed residential steps, porches, patios, entry stairs, handicap or ADA required accesses, decks or porches on the ground floor less than 48 square feet meeting all setback requirements.
8. Doghouses, sheds, tree houses, or similar accessory structures having less than 96 square feet in floor area and less than ten feet in height, at least ten feet from the property line.
9. Any sign erected by the Town or State for directional, informational, or traffic control purposes or referenced as exempt in Section 595(D) of these regulations.

10. Garage sales, yard sales, auctions or similar events conducted for a period of less than four consecutive days, and not more than ten days in a calendar year and managed in a way not to cause traffic or parking problems or other nuisances to neighbors.
11. Renovations to the interior of a building.
12. Infrastructure supporting a permitted building or structure and located primarily underground, such as drainage systems, water and wastewater systems.
13. Natural resources extraction from and for use on owned and controlled lands.

**Section 310: Administrative Officer**

The Administrative Officer is nominated by the Planning Commission and appointed by the legislative body to administer the Zoning Regulations, as provided for in Section 4448 of the Act. Said Officer shall literally enforce the provisions of these regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these regulations.

**Section 320: Zoning Permit**

Except as noted in Section 301 of these regulations, or specifically exempted in the Act, no land development may commence without a zoning permit that has been duly issued by the Administrative Officer, as provided for in Section 4449 of the Act.

**Section 321: Fees**

The Selectboard shall establish all fees to be charged with respect to the administration of these regulations with the intention of covering costs of administering all permits and proceedings regulated by them.

**Section 322: Application for a Zoning Permit**

The Administrative Officer shall not issue a Zoning Permit unless an application, site plan and any other approvals required by these regulations have been properly submitted in duplicate, including at least the following material:

1. The permit fee;
2. A completed Zoning Application identifying the applicant, the owner(s), location of the parcel to be improved, the parcel identification number, the book and page number of the deed and a description of the improvements and uses proposed. The application shall also include a Site Plan identifying the location of the parcel and accurately depicting the improvement proposed in relationship to the lot lines and other structures on the parcel. Any sheet of the Site Plan shall be not more than 24" wide x 36" long drawn to scale, with the scale clearly identified and large enough to depict the details clearly. An arrow should depict north. The drawing shall depict the shape, design, size and height of the proposed structure, plus the location of all infrastructures proposed to serve the structure, including driveways, parking areas, utilities, drainage and other proposed improvements.
3. Written approval of the Board of Selectmen or their designated agent regarding access plans to any street, including the location of the driveway, culverts, and, if required, drainage along streets.

4. Written approval of the town health officer regarding any aspect of applicant's plan over which the health officer has jurisdiction; and
5. Such other information as the Administrative Officer may require assuring compliance with these regulations.
6. The Administrative Officer may waive non-material portions of the requirements stated in sub-section #2 above as past practice and convention dictate.

**Section 323: Action by the Administrative Officer on an Application.**

The Administrative Officer shall within 30 days of submission of a complete application, data, and approvals, act with regard to the application for a permit. No action within the stipulated time shall mean deemed approval of the permit, per Section 4448 of the Act. If the Zoning Permit is approved, the Administrative Officer shall issue a permit in writing with conditions, if any. If the application is denied, the Administrative Officer shall so notify the applicant in writing, stating the reasons therefore. The Zoning Permit shall become null and void within two years of the date of issue and reapplication to complete any activities shall be required. The Administrative Officer, if requested prior to the expiration of the Zoning Permit, may grant extensions of not more than two years.

**Section 324: Posting of a Zoning Permit.**

Each permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. The applicant shall be required to post a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (15 days) has passed.

**Section 325: Effect of Issuance of a Zoning Permit.**

No permit issued pursuant to this section shall take effect until the time for appeal in 24 V.S.A. §4465 (15 days from the date of the decision or act) has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the appropriate municipal panel is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. §8504 on whether to issue a stay, or until the expiration of 15 days whichever comes first.

**Section 326: Certificate of Compliance**

Upon completion of any work or change in use requiring a permit under these regulations, the permittee shall request a Certificate of Compliance from the Administrative Officer. Within seven days after notification that a building, structure, premises or part thereof is ready for occupancy or use, the Administrative Officer shall make a final inspection of it. Upon determining that the structure conforms to the provisions of these regulations and any other conditions contained within a validly issued Zoning Permit, the Administrative Officer shall issue a Certificate of Compliance.

### **Section 330: Penalties**

Violations of these regulations shall be regulated as prescribed in Sections 4451 and 4452 of the Act.

### **Section 340: Appropriate Municipal Panel:**

Pursuant to the resolution of the Selectboard, the Appropriate Municipal Panels in the Town of Bridport shall be the Planning Commission and Zoning Board of Adjustment, whose members may consist of the members of the Planning Commission. The Appropriate Municipal Panels shall adopt rules of procedures and rules of ethics. All other matters governing the function of the Appropriate Municipal Panels shall be established as provided by the Act and as set forth in this article of these regulations. The Appropriate Municipal Panels shall constitute the Appropriate Municipal Panels in the Town of Bridport responsible for all development review functions within the Town of Bridport not listed as a permitted use reviewed by the Administrative Officer. The Zoning Board of Adjustment shall oversee the following review functions:

1. Review of proposed conditional uses;
2. Appeals from a decision of the Administrative Officer;
3. Reviews of requests for variances;
4. Review of requests for waivers;
5. Any other form of land use request for which it is the appropriate panel as authorized by these regulations and 24 V.S.A. §4460.

The Planning Commission shall be responsible for the following review functions:

1. Review of rights of way or easements for land development without frontage;
2. Site plan review;
3. Review of proposed subdivisions, including proposed planned unit developments;

If more than one review is required, for a project, the reviews, to the extent feasible, shall be conducted concurrently.

### **Section 341: Public Notice and Review Procedure**

The applicant shall submit to the Administrative Officer, at least 25 days prior to the regular meeting of the appropriate municipal panel, three copies of those materials required by the appropriate section of these regulations governing the type of action requested:

Conditional Use: See Section 350

Site Plan and other non-specified uses: See Section 360

Appeal of decision of the Administrative Officer: See Section 370

Variance: See Section 380.

Waivers: See Section 390

Subdivision: See Subdivision Regulations.

## A. Notice procedures

1. All development review applications or appeals before the appropriate municipal panel shall require notice for a warned public hearing as follows:

a. Public Notice of hearings for conditional use review, variances, appeals of decisions of the Administrative Officer, and final plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing by all the following:

- i. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Administrative Officer or clerk of the Appropriate Municipal Panel shall place the notice in the paper.
- ii. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312©(2), including posting the permit information within view from the public right-of-way most nearly adjacent to the property for which an application is made. The clerk or Administrative Officer shall post notices two places within town. The applicant shall be responsible for posting the property.
- iii. Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The town shall be responsible for all written notification and the clerk or Administrative Officer shall do so by mailing or hand delivery. At the first hearing, the town shall demonstrate compliance with this provision by producing a copy of the letter sent, and a list of recipients (The clerk or Administrative Officer need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered.

b. Public Notice of Hearings on **all other types of development review, including site plan review** shall be given not less than **7 days** prior to the date of the public hearing, and shall include, at a minimum all the following:

- i. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in compliance with the notice requirements for special meetings contained in 1 V.S.A. § 312©(2). The clerk or Administrative officer shall post notices two places within town. The applicant shall be responsible for posting the property.
- ii. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local

proceeding is a prerequisite to the right to take any subsequent appeal. The town shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. At the first hearing, the clerk on behalf of the town shall demonstrate compliance with this provision by producing a copy of the letter sent and a list of recipients (The clerk need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered.

#### **B. Review Procedures.**

Pursuant to the requirements of 24 V.S.A. § 4461, for development review and §4468 for appeals, the Appropriate Municipal Panel shall set a date and place for a public hearing of an application or an appeal under this chapter that shall be within 60 days of the filing of a complete application or the notice of appeal with the Appropriate Municipal Panel. The Appropriate Municipal Panel shall give public notice of the hearing pursuant to the procedure described in Subsection 1 of this section and shall mail to the applicant, or in the case of appeals, the appellant, a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by Section 4465 of the Act to participate as an interested party or to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The Appropriate Municipal Panel may adjourn the hearing from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810, Vermont Statute.

#### **C. Decisions.**

The Appropriate Municipal Panel shall issue a written decision within 45 days after completing the hearing and shall within that period send the applicant or appellant, by certified mail, a copy of the decision. The decision shall include findings of fact, any conditions, and provisions for appeal. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Administrative Officer and the town clerk who shall record the decision as a public record.

If the Appropriate Municipal Panel fails to make a decision within 45 days of the close of the hearing, on the 46<sup>th</sup> day the Appropriate Municipal Panel shall be deemed to have rendered a decision in favor of the applicant or in the case of an appeal, the permittee.

#### **D. Appeals.**

Interested parties who participated in the proceeding before the Appropriate Municipal Panel may appeal the Appropriate Municipal Panel's decision and should file their appeal as outlined in Section 390 of these regulations and 24 V.S.A. §4471.

### **SECTION 350: CONDITIONAL USES**

### **Section 351: General Structure**

The Administrative officer shall not issue a Zoning Permit for any use or structure that requires conditional use approval, or for the expansion or enlargement or change in use of an existing conditional use until the Zoning Board of Adjustment grants such approval. Uses requiring conditional use approval are listed in Article IX as Subsection B (2) of the articles governing each zoning district. When reviewing a conditional use, the Board of Adjustment shall follow the public hearing procedure and review general and specific standards specified in these regulations to which each conditional use must conform to receive a permit.

### **Section 352: Application for Conditional Use Approval**

The applicant shall submit to the Town Clerk, at least 25 days prior to the regular meeting of the Zoning Board of Adjustment, three copies of a letter summarizing the proposed conditional use which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Zoning Board of Adjustment to make its decision including: property identification numbers of the property taken from the latest tax records; name and address of the owner of record and the owners of adjoining lands; name and address of person or firm preparing the map; Scale of Map, north point and date.

In addition to the information noted above, the Zoning Board of Adjustment may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions.
2. Site plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.

### **Section 353: Public Notice and Review Procedure**

The Zoning Board of Adjustment shall give public notice of hearing as specified in Section 341(1)(a) of these regulations. The Zoning Board of Adjustment shall review this application pursuant to the review procedure established in Section 341(2) of these regulations and pursuant to any rules of procedure it adopts.

### **Section 354: Criteria for Review**

When determining the appropriateness of a proposed conditional use, the Zoning Board of Adjustment shall determine that the development or use will not result in an undue adverse impact on any of the following general criteria:

1. The capacity of existing or planned community facilities.

2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan. A conditional use may not, by its nature, scale, or conduct, cause an undue adverse change to the character of the area as it would exist if fully developed in accordance with the municipal plan.
3. The estimated traffic generated by a conditional use shall not exhaust or exceed the capacity of the road to accept increased traffic, unless the applicant agrees to a condition requiring the applicant to upgrade the road.
4. A conditional use must comply with bylaws and regulations adopted at the time of submission of the application.
5. A conditional use shall not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water and sunlight) for energy generation.

As a result of its review of the aforementioned general criteria in response to a conditional use application, the Zoning Board of Adjustment may make such additional requirements as it deems necessary conditions of the permit with respect to the following specific standards and other specific standards contained within Articles IV- IX of these regulations:

1. Minimum lot size. The Zoning Board of Adjustment shall determine whether the minimum lot size for the applicable zoning district is adequate to permit the proposed conditional use without undue adverse impacts to neighboring uses.
2. Distance from adjacent or nearby uses. Where the Zoning Board of Adjustment has determined that the minimum front, side, or rear yard setback for the applicable zoning district is inadequate to permit the proposed conditional use without undue adverse impact to neighboring uses, it may increase the minimum requirements.
3. Performance standards, per Section 4414(3) of the Act and Article VIII of these regulations. Where strict adherence to any applicable performance standards required by the Zoning Regulations will not prevent negative impacts by a proposed conditional use, the Zoning Board of Adjustment may make such reasonable adjustments as it deems necessary to achieve compliance with the general conditional use criteria specified above.
4. Minimum off-street parking and loading facilities. The applicant shall conform with the off-street parking and loading facilities standards specified in these regulations for the proposed use and other conditions the Board may require to permit safe internal circulation or access to the site as it deems necessary.
5. Landscaping and fencing. The Zoning Board of Adjustment may require landscaping or fencing improvements pursuant to the standards specified in these regulations if it determines that the proposed landscaping and buffering is insufficient to screen the adverse visual impacts of the proposed conditional use from adjoining streets or properties or such additional landscaping is necessary to mitigate adverse visual impacts.
6. The design and location of structures and service areas. The Zoning Board of Adjustment may require such reasonable changes in the design or location of structures and service areas as it deems necessary to ensure that the conditional use will be compatible in scale and design with neighboring uses in the area.
7. The site, location, and design of signs. A conditional use shall, at a minimum, comply with the sign standards outlined in Article V.



8. Such other factors these regulations may include and that the Zoning Board of Adjustment deems are necessary to satisfy the general conditional use criteria specified above. ARTICLE V contains general standards applicable to many uses regulating signs. ARTICLE VI contains transportation, driveway and parking standards and ARTICLE VII contains performance standards.

### **Section 355: Decisions**

Upon the close of the hearing, the Zoning Board of Adjustment shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in subsection 3 of Section 341 of these regulations.

### **Section 356: Performance Bond**

The Zoning Board of Adjustment may require that the applicant furnish the town with a performance bond up to the value of the cost of the work/improvement benefiting the town, to be guaranteed by such bond to assure the proper development of the portion of the conditional use benefiting the municipality according to the restrictions and conditions specified by the Zoning Board of Adjustment and as set forth in these regulations. The Zoning Board of Adjustment may determine the amount of the bond or certified check based upon the value of the improvement benefiting the municipality and the recommendations of a professional architect/engineer hired by the town.

## **SECTION 360: SITE PLAN AND OTHER APPLICATIONS**

### **Section 361: General Structure**

Site Plan Approval by the Planning Commission shall be required only for proposed commercial or industrial uses not subject to subdivision or conditional use review. Unlike conditional use approval, Site Plan Approval assumes that the use proposed is appropriate for the district in which it is located. As such, it focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area.

Additionally, this section shall govern any applications or uses that require approval of the Planning Commission, but are not specifically listed in Section 341.

### **Section 362: Application for Site Plan or Other Approval**

The owner shall submit three sets of site plan maps and supporting data to the Planning Commission, which shall include the following information, presented in drawn form and accompanied by written text:

1. Property identification numbers of the property taken from the latest tax records; name and address of the owner of record and the owners of adjoining lands; name and address of person or firm preparing the map; scale of map, north point, and date.
2. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use, and deed restrictions.

3. Site plan drawn to a scale of not smaller than 1" equals 40'. The site plan should bear the seal of a licensed land surveyor or professional architect/engineer. Site plan information shall include north arrow; scale; date; boundary angles and dimensions; location of existing and proposed buildings; and other information as appropriate based on the size and scale of the project, as determined by the Planning Commission, including layout of existing and proposed streets, drives, and parking areas; proposed landscaping; location of existing water, sewer, electric, and telephone facilities; location and design of proposed water, sewer, electric, and telephone facilities; location and design of existing and proposed storm drainage facilities; location and design of proposed outdoor lighting and signs; existing and proposed topographic information.
4. Plans and elevations of proposed structure(s) drawn to a scale not smaller than 1" equals 8'. Plans and elevations shall include information describing proposed building materials, location and size of doors and windows, general interior layout.
5. General description of the proposed use including number of employees/inhabitants, operating hours, listing of any hazardous or toxic materials/chemicals to be used/stored onsite, description of proposed emissions (smoke, dust, noise, etc.) and wastes (sewage, process water, chemicals, etc.) along with proposed treatment/ disposal methods.
6. Construction sequences and time schedules for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
7. A description of energy utilization and conservation measures for each heated structure.
8. The Planning Commission may waive portions of the above requirements or request other information pertinent to the proposed plan.

### **Section 363: Public Notice and Review Procedure**

Public notice of hearing shall be given as specified in Section 341(1)(b) of these regulations. The Planning Commission shall review this application pursuant to the review procedure established in Section 341(2) of these regulations and pursuant to any rules of procedure it adopts.

### **Section 364: Site Plan Review Criteria**

The Planning Commission may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and protecting the utilization of renewable energy resources.

The Planning Commission shall review the site plan map and supporting data, taking into consideration the following objectives, before approval with or without stated conditions, or disapproval, is given:

1. Safety of vehicular circulation between the site and the street network.
2. Adequacy of circulations, parking, and loading facilities, with particular attention to safety.
3. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.
4. The protection of the utilization of renewable energy resources.
5. Other matters specified in the bylaws.
6. Freedom from flooding and ponding.

7. That the proposed development will not have an adverse impact on important natural features located on or near the parcel.
8. That, to the extent feasible, continued use of existing historic structures shall be encouraged, the exterior appearance of historic structures shall be protected, and the visual context of historic structures shall be maintained.
9. That the size, scale, arrangement, and appearance of the proposed development is in keeping and harmonious with its surroundings, and that the development does not have an undue adverse impact on the scenic or functional qualities of the surrounding area.

**Section 365: Decision**

Upon the close of the hearing, the Planning Commission shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 341 of these regulations. In approving a project with conditions, the Planning Commission may require specific modifications to the design, scale, layout and/or design or configuration of the project.

**SECTION 370: APPEALS TO THE ZONING BOARD OF ADJUSTMENT**

Appeals of any decision of the Administrative Officer shall be made to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in 24 V.S.A. § 4465, 4466, 4468, and 4470.

**Section 371: Deadline for Appeal**

An appeal taken with respect to an act or decision of the Administrative Officer must be filed within 15 days of such act or decision.

**Section 372: Interested Person**

Only an “interested person” as defined in 24 V.S.A. § 4465(b) may appeal the decision or action of the Administrative Officer under these regulations.

**Section 373: Notice of Appeal**

The appellant shall file a notice of appeal with the secretary of the Zoning Board of Adjustment or with the town clerk if no such secretary has been elected and file a copy of the appeal with the Administrative Officer. The following information shall be included as part of the submittal:

1. Name and address of the appellant;
2. Names and addresses of the applicant, co-applicant or any person party to the original application;
3. A brief description of the property from which the appeal is taken;
4. A reference to the regulatory provisions applicable to that appeal;
5. The relief requested;
6. The grounds as to why the relief requested is proper under the circumstances.

**Section 374: Public Notice and Review Procedure**

Public notice of hearing shall be given as required by Section 341(1)(a) of these regulations. The Zoning Board of Adjustment shall review all appeals pursuant to the procedure established in Section 341(2) of these regulations.

**Section 375: Decisions**

Upon the close of the hearing, the Zoning Board of Adjustment shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 341 of these regulations.

**SECTION 380: VARIANCES**

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

**Section 381: Application**

The applicant shall submit to the Administrative Officer, at least 25 days prior to the regular meeting of the Zoning Board of Adjustment, three copies of a letter summarizing the proposed variance which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Zoning Board of Adjustment to make its decision, including property identification numbers of the property taken from the latest tax records, name and address of the owner of record and those of adjoining lands, name and address of person or firm preparing the map, scale of map, north point and date.

In addition to the information noted above, the Zoning Board of Adjustment may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions.
2. A scaled plan, showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Zoning Board of Adjustment.

**Section 382: Public Notice and Review Procedure.**

Public notice of hearing shall be given as required by Section 341(1)(a) of these regulations. The Zoning Board of Adjustment shall review this application pursuant to the review procedure established in Section 341(2) of these regulations and pursuant to any rules of procedure it adopts.

### **Section 383: Review Criteria**

The Zoning Board of Adjustment shall review all variance requests to determine if they can meet **all** of the following standards:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these conditions and not the circumstances or provisions of these regulations in the district in which the property is located.
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is necessary to enable the reasonable use of the property.
3. The appellant has not created unnecessary hardship.
4. The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable resources or be detrimental to the public welfare.
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.

Please see 24 V.S.A. § 4469 for more information or for matters dealing with variances relating to renewable energy resource structures.

### **Section 384: Decision**

The Zoning Board of Adjustment shall make its decision on the request for variance by applying the facts presented in the application and at hearing to the criteria listed above, and incorporating all into its decision. Upon the close of the hearing, the Zoning Board of Adjustment shall issue its decision pursuant to the procedure outlined in subsection 3 of Section 341 of these regulations.

### **Section 385: Conditions**

In approving a project the Zoning Board of Adjustment shall act to ensure, and may impose conditions requiring that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any variance and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

### **SECTION 390: WAIVERS**

As an alternative to the Variance procedures noted above, Applicants may apply for site waivers of dimensional requirements pursuant to the criteria below:

### **Section 391. Application**

The applicant shall submit to the Zoning Administrator, at least 25 days prior to the regular meeting of the Board of Adjustment, three (3) copies of a letter summarizing the proposed waiver which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Board of Adjustment to make its decision, including property identification numbers of the property taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map; scale of map, north point and date.

In addition to the information noted above, the Board of Adjustment may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.
2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Board of Adjustment.

### **Section 392: Public Notice and Review Procedure.**

Public notice of hearing shall be given as required by Section 340(A)(1)(b) of these regulations. The Board of Adjustment shall review this application pursuant to the review procedure established in Section 341(B) of these Regulations and pursuant to any rules of procedure it adopts.

### **Section 393: Review Criteria.**

The Zoning Board of Adjustment may grant waivers to reduce dimensional requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
2. The waiver requested is in conformance with the town plan and the goals set forth in Section 4302 of the Act.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors.
4. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.

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

**Section 394: Decision.**

The Board of Adjustment shall make its decision on the request for waiver by applying the facts presented in the application and at hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the Board of Adjustment shall issue its decision pursuant to the procedure outlined in subsection C of Section 341 of these regulations.

**Section 395: Conditions.**

In approving a project the Board of Adjustment shall act to ensure, and may impose conditions requiring that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any waiver and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

**SECTION 399: APPEALS FROM THE APPROPRIATE MUNICIPAL PANEL TO THE ENVIRONMENTAL COURT**

An interested person who has participated in a proceeding before the Appropriate Municipal Panel may appeal a decision rendered in that proceeding to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Appropriate Municipal Panel shall be taken by filing a notice of appeal as outlined below. Appeals from the Appropriate Municipal Panel shall be governed in the same manner as appeals from state agencies outlined in 3 V.S.A. Sections 801 through 816 governing administrative procedures.

Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

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

**Section 410: Amendments.**

These regulations may be amended according to the requirements and procedures established in Section 4441 and 4442 of the Act.

**Section 420: Interpretation.**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, these regulations will not repeal, annul or in any way impair any regulations or permits previously adopted or issued. Where these regulations impose a greater restriction upon use of a structure or land than required by any statutes, ordinances, rules, regulations, permits, easements or agreements, the provisions of these regulations shall control.

**Section 430: Effective Date.**

These regulations or amendments thereto shall take effect in accordance with the voting and other procedures contained in Section 4442 of the Act.

**Section 440: Separability.**

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

**ARTICLE V: GENERAL REGULATIONS**

**SECTION 500: REQUIRED REGULATIONS**

In accordance with Section 4412 of Chapter 117 of the Vermont Statutes Annotated, the following shall apply:

**Section 501: Equal Treatment of Housing**

1. No provisions of these regulations shall have the effect of excluding housing that meets the needs of the population as determined in the housing element of its municipal plan as required under 24 V.S.A. § 4382(a)(10). [24 V.S.A. § 4412(1)(A)]
2. Except as provided in 24 V.S.A. § 4414(1)(E) and (F), no provisions of these regulations shall have the effect of excluding mobile homes, modular housing, or prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. [24 V.S.A. § 4412(1)(B)]
3. No provision of these regulations shall be construed to prevent the establishment of mobile home parks pursuant to Chapter 153 of Title 10. [24 V.S.A. § 4412(1)(C)] New mobile home parks shall be treated the same as all other subdivisions.
4. No provisions of these regulations shall be deemed to exclude multi-family or multi-unit housing from the municipality. [24 V.S.A. § 4412(1)(D)] Multi-family and multi-unit housing is specifically allowed in districts as specified in Article IX, Sections 900 and 906.

**Section 501A: Accessory Dwellings**

An accessory dwelling unit that is located within or appurtenant to a single-family dwelling shall be a permitted use. An accessory dwelling unit is an efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent



living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The owner occupies either the primary dwelling or accessory dwelling.
2. The unit does not exceed (a) 500 sq. ft., **or** (b) 30 percent of the total habitable floor area of the single-family dwelling; whichever is greater.
3. Applicable setback, coverage, and parking requirements specified in the regulations are met.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:

1. A new accessory structure, constructed after the enactment of these regulations
2. An increase in the height or floor area of the existing dwelling, or
3. An increase in the dimensions of the parking areas.

#### **Section 501B: Group Homes**

Group homes for not more than 8 handicapped individuals, as defined by the Act, shall be treated the same as other single family residences and may only be regulated in the same manner as other single family residential uses.

#### **Section 502: Existing Small Lots**

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of 40 feet.

#### **Section 503: Required Frontage on, or Access to Streets or Public Waters.**

No land development may be permitted on lots which do not either have frontage on a street or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width.

#### **Section 503A: Interior Lots**

Any lot which does not have frontage on either a street or public waters shall have access via a right of way approved by the Planning Commission and minimum yard requirements for all yards equal to the front yard setback distance for lots in that district and shall contain at least one rectangular shaped area meeting the minimum lot frontage and depth requirements for the district in which it is located. If the lot is located in more than one district, the distance requirements for the less restrictive district shall apply.

**Section 504: Protection of Home Occupations.**

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect upon the character thereof. See Section 130, "Definitions" for the definition of the type and scope of Home Occupations allowed.

**Section 505: Childcare**

A state registered or licensed family childcare home serving six or fewer children shall be considered by right to constitute a single-family residential use of property and may only be regulated in the same manner as other single family residential uses.

**Section 506: Heights of Certain Structures.**

The heights of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures, shall not be regulated by these regulations.

**Section 507: Non-conformities**

Any non-conformity may be continued indefinitely, but it:

1. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever, without approval by the Zoning Board of Adjustment, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 350-359 in a manner, which, in the opinion of the Board does not enlarge the nature of the non-conformance.
2. Shall not be changed to another non-conforming use without approval by the Zoning Board of Adjustment, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 350-359 and only to a use that, in the opinion of the Board, is of the same or of a more conforming nature after a review pursuant to the procedure and criteria governing conditional uses.
3. Shall not be re-established if such use has been discontinued for a period of at least 18 months or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so. If a non-conforming use is not re-established within 18 months, the future use of the lot or structure shall be in conformance with the provisions of these regulations.
4. Shall not be restored or reconstructed for other than a conforming use after damage from any cause unless the non-conforming use is re-instated by the commencement of construction within 18 months of such damage and the construction or restoration of such structure is completed within three years. The Board of Adjustment may extend the period for the commencement or completion of construction, if requested prior to the expiration of either deadline. Otherwise, the non-conforming use of such structure shall be deemed to have been discontinued, unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure.
5. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure.

### **Section 508: Special Public use Exceptions**

In accordance with Section 24 V.S.A. § 4413, unless reasonable provision is made in these regulations for the location of any of the following uses, the following uses may only be regulated with respect to size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking traffic, noise, loading facilities and landscaping or screening requirements:

1. Public utility power generating plants and transmission lines.
2. State or community owned and operated institutions and facilities.
3. Public and private schools and other educational institutions certified by the Vermont Department of Education.
4. Churches, convents and parish houses.
5. Public and private hospitals.
6. Regional Solid Waste Management Facilities certified under 10 V.S.A. Chapter 159.
7. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under Section 6606a of Title 10.

It is the intent of these regulations to regulate these facilities to the maximum extent allowable under law. The uses noted above shall be subject to Site Plan Review under Article III of these regulations and any other portion of these regulations that pertain to aspects of the project that may be regulated.

### **Section 510: Lots in Two Zoning Districts**

This provision shall apply to any division of land (subdivision) occurring after the effective date of these regulations. Where a district boundary line divides a lot of record at that time such line is adopted, the regulations for the less restrictive part of such lot shall extend not more than thirty feet into the more restricted part. Additionally, where an existing parcel contains land in any zoning district and land in the Conservation District, a landowner may further subdivide lots from the existing parcel if they meet the following criteria:

1. The original parcel contains less than 25 acres of land in the conservation area;
2. All lots created contain the acreage required for the other district in which it is located, plus any acreage within the Conservation District; and
3. No structures are located more than 30 feet into the conservation area.

### **Section 511: Residential Dwellings On Lots**

There shall be no more than two residential dwellings on a lot, except for Planned Unit Developments, as authorized by Section 4417 of the Act. The first dwelling shall be treated as a by right use or conditional use as designated in Article IX, Zoning Districts, of these regulations. The second dwelling shall be treated as a conditional use. The

overall unit density and setbacks of the district in which the property is located shall govern the ability to site more than one residential building on a lot.

**Section 514: Construction Approved Prior to Amendment to Regulations**

The Town shall not require any change in the plans for, or construction of, a structure or use for which a zoning permit has been issued and which has subsequently been made non-complying by an amendment to these regulations if the activities authorized by the zoning permit are completed while the permit is valid.

**Section 516: Temporary Uses and Structures**

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year after approval by the Zoning Board of Adjustment for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

**Section 520: Public Utility Substations**

Public utility substations and similar utility structures, where subject to these regulations, shall comply with the following:

1. The facility shall be surrounded by a security fence which is set back from the property lines in conformance with the district regulations for front, side, and rear yards.
2. A landscaped area at least twenty-five feet wide shall be maintained in front, rear and side yards. Such landscaping shall be designed to reasonably screen the view of the facility from roads and neighboring property

**Section 521: Storage of Flammable Liquids**

The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons shall be prohibited, unless such tanks up to and including 10,000 gallon capacity are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000 gallon capacity are placed not less than 200 feet from all property lines.

All tanks having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than 1.5 times the capacity of the tanks surrounded.

**Section 522: Gasoline or Motor Vehicle Service Stations**

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

1. A gasoline or motor vehicle station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution.
2. Lot size shall be at least two acres.
3. Lot frontage shall be at least 200 feet.

4. Lot depth shall be at least 150 feet.
5. Pumps, lubricating and other service devices shall be located at least 50 feet from the street line and side and rear lot lines.
6. All fuel and oil shall be stored at least 35 feet from any property line.
7. All automobile parts and dismantled vehicles are to be stored within a building unless screened from public view.
8. No signs shall extend beyond the pumps, nor exceed 15 feet in height.
9. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be 40 feet.
10. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.
11. Lighting shall be regulated so as not to alter the character of the area affected and minimized to a reasonable level. Canopy lighting shall be severely discouraged.
12. Architecture shall be designed to conform to the character of the surrounding neighborhood, including its size, scale, materials and architectural period design.

### **Section 523: Campers and Trailers.**

It shall be unlawful for any person to park a camper except:

1. In an approved campground;
2. In an approved camper or trailer sales lot; or
3. The owner of a camper may park no more than two campers on his own property, providing they are parked in conformance with the setbacks for the district in which the land is located, and the campers are not used as permanent living quarters (Over six months in any calendar year). Invitees may park campers so that the total number is no more than two in the same manner as required of any owner.

It shall be unlawful for a person to park a storage trailer in the village district, unless provisions are made for the loading and unloading of trailers as part of a commercial enterprise in a duly recognized zoning permit. Parking of storage trailers on lots shall require zoning permits and constitutes a conditional use in all other zones where they are allowed. Nothing in this section shall be interpreted to discriminate against or encumber the use of mobile homes for dwelling purposes.

### **Section 524: Communications Towers and Antennas**

The purpose of this provision is to preserve the character and appearance of the Town of Bridport and to allow for commercial wireless telecommunications services to be developed. Small-scale devices for personal use (satellite dishes, antennas, etc.) are exempt from this regulation.

The use of existing structures to locate wireless telecommunications antennas is encouraged and will be subject to only Site Plan Review of the Planning Commission.

Wherever possible, communications antennas shall be mounted on existing structures, such as silos or water towers and camouflaged to blend with their existing surroundings. The Planning Commission shall conduct its review pursuant to the Site Plan criteria contained in these regulations. Applications submitted shall meet the requirements for Site Plan review. Additionally, at the discretion of the Planning Commission, and pursuant to 24 V.S.A.4414, the Planning Commission is authorized to hire qualified persons to determine an application's compliance with these regulations and to require the applicant to pay for all reasonable costs thereof.

New Telecommunications Towers shall be allowed as conditional uses in the Residential Agricultural District and Conservation District only, and shall be allowed only after the applicant has demonstrated that no existing structures are suitable for their proposed use and the applicant has agreed to provide the opportunity for co-location. Siting of the towers shall be accomplished in a manner designed to limit the aesthetic impact of the towers on the Bridport countryside and ridgelines and to be camouflaged to blend in with its surroundings to the greatest extent possible. In addition to the Conditional Use review by the Board of Adjustment, telecommunication towers shall also be subject to Site Plan Review by the Planning Commission. Pursuant to 24 V.S.A.4414, either the Planning Commission or Board of Adjustment is authorized to hire qualified persons to determine an application's compliance with these regulations and to require the applicant to pay for all reasonable costs thereof.

All telecommunications towers shall be maintained in accordance with the requirements of permits granted. Abandoned or unused towers or antennas shall be removed from the property within 180 days of cessation of their use.

### **Section 525: Junkyards**

Junkyards as defined herein and in 24 V.S.A. 2241 are specifically prohibited in the Town of Bridport. It is the intent of Bridport to interpret this regulation to bring all property into conformance with this regulation. Accordingly, properly pre-existing non-conforming junkyard uses shall be allowed to continue, but only in strict accordance with their pre-existing status. They may not be enlarged or expanded. They may be changed to another non-conforming use only with the review and approval of the appropriate municipal panel pursuant to Section 350-356 of these regulations.

### **Section 528: Planned Unit Development**

In accordance with the provisions set forth in Section 4417 of the Act, and in those districts in which residential uses are allowed, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a plat under the Town of Bridport Subdivision Regulation procedures and requirements.

#### **A. Purpose.**

The purpose of the Planned Unit Development (PUD) provisions is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open land, to provide

for a mixture and variety of housing types at different densities, and to provide for the development of existing lots which because of physical, topographic or geological conditions could not otherwise be developed.

**B. Application Procedure.**

Application procedures and submission requirements shall be those that are required by the Town of Bridport Subdivision Regulations.

**C. Public Hearing.**

Hearing requirements and deadlines for action by the Planning Commission shall be those that are required by the Town of Bridport Subdivision Regulations.

**D. General Standards For Review:**

The following general standards shall be met in order for the Planning Commission to approve the application:

1. The PUD is consistent with the municipal plan.
2. The overall density of the project does not exceed the number of dwelling units that could be permitted in the Planning Commission's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations.
3. The uses proposed for the project may be residential, commercial, industrial or mixed use; dwelling units may be of varied types, including one-family, two-family or multi-family construction.
4. The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of streams and stream banks, steep slopes, wet areas and unique natural and man-made features.
5. The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
6. Where possible, buildings shall be sited so as to take advantage of southeast, south or southwest orientations. No building in the development shall cast shadows, which will preclude the proposed or potential use of solar energy collectors that are located upon and/or within the most southerly facing wall or roof of any other dwelling unit within the development, except where topographical conditions make compliance unreasonable.
7. 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 noted on or appended to the application.

**E. Specific Standards for Review.**

The following specific standards shall be met in order for the Planning Commission to approve the application:

1. District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Planning Commission.
2. To ensure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the PUD shall be set back 50 feet and screening may be required.
2. Adequate water supply and sewage disposal facilities shall be provided.

#### **F. Open Space.**

If the PUD results in lands available for parks, recreation, open space or other municipal purposes, the Planning Commission, as a condition of its approval, may establish such conditions as to the ownership, use and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purposes. In all cases, PUD's shall have at least 50% of the total acreage dedicated to open space.

#### **Section 530: Mobile Homes**

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

#### **Section 535: Campground Permits**

No person or persons shall construct or operate a campground without first obtaining conditional use approval from the Board of Adjustment and a permit from the Administrative Officer. Before approving a permit, the Board of Adjustment shall require a performance bond from the applicant to assure that the area is constructed and maintained in a satisfactory manner.

Application for approval shall be made to the Board of Adjustment. The application shall be accompanied by a site plan and drawings prepared by a professional engineer. The site plan shall show the property lines, the area of the campground, a contour map defining the proposed grading of the area, a layout of the roads, walkways, campsites, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm sewer drainage facilities.

#### **Section 536: Campground Standards**

1. A campground shall have not less than three acres.
2. A campground shall provide for individual vehicles, access driveways and parking.
3. Each campsite shall have at least 2,000 square feet with each dimension at least 25 feet.
4. All access rights of way within a campground must be at least 20 feet in width and have a compacted gravel surface (or other type of all-weather road) at least 16 feet in width.
5. Each RV campsite shall have an attachment for water supply. The State Department of Environmental Conservation or other appropriate agency must approve the water supply source.
6. Each campground shall have provisions for public toilets and sewage disposal. The method of sewage disposal must be in compliance with State Department of Environmental Conservation regulations.



7. A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all streets and property lines.
8. No vehicle or tent shall be located closer than four feet to a property line or ten feet to a campsite boundary line.
9. The area shall be closed to the public for a period of not less than 30 days each year.

**Section 542: Reduction of Lot Area.**

No lot shall be so reduced in area that the area, yards, frontage, coverage or other requirements of these regulations do not conform to the requirements herein prescribed for each district. The provisions of this Section shall not apply when part of a lot is taken for a public purpose, in the case of a PUD, when otherwise specifically allowed by these regulations or when, the Zoning Board of Adjustment grants a variance.

**Section 543: Required Area or Yards**

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

**Section 545: Corner Lot Exceptions**

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

**Section 595: Signs**

All signs other than those specified under Subsection D shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs.

**A. General Standards.**

1. No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise recreational, commercial business or public use in those districts in which said uses are permitted.
2. A constant shielded light source may be used for lighting, provided that the light is directed only on the sign surface, preferably from above, and does not adversely affect neighboring properties, rights of way or vehicular traffic.
3. Signs exceeding six square feet in size shall be set back at least ten feet from the edge of all road rights of way and property lines.
4. Freestanding signs shall not exceed ten feet in height, as measured from the average grade of the ground immediately beneath the sign to the top of the sign or its support structure, whichever is higher.
5. Wall signs and projecting signs shall be securely fastened to the wall and shall not obscure significant architectural features of the building.
6. Projecting signs shall not exceed six square feet in area or extend over a public right of way.

7. All permitted signs shall be maintained in a secure and safe condition. Failure to maintain a sign in a safe condition will be a violation of all permits and may be enforced by the Zoning Administrator.
8. Pre-existing nonconforming signs may remain in use until they are damaged beyond greater than 50 percent of their appraised value. Nothing in this ordinance prohibits ordinary sign maintenance.

### **B. Specific Standards.**

The following sign provisions apply to specific uses:

1. Individual business or commercial structures are allowed a maximum of two fixed signs (wall mounted or projecting) or one freestanding sign in combination with one other type. No one sign shall exceed 16 square feet in area.
2. One moveable sandwich board sign shall also be allowed advertising special events and not exceeding 12 square feet in area. On any property being sold or developed, one temporary real estate or construction sign may be permitted, not to exceed nine square feet or ten feet in height. Said sign shall be removed immediately upon sale or completion of construction.
3. The Board of Adjustment may permit proposed signs that do not meet these requirements after a public hearing and conditional use review and a finding that the sign has distinctive artistic or cultural merit and adds to the character of the area.

### **C. Measurement.**

When computing the total number of signs or permissible sign area for any use, the following shall apply:

1. Existing signs, except for those specifically exempted under Subsection D shall be included in the total number and area.
2. Free standing and projecting signs shall be counted as one sign, and the area shall be computed for one sign only.
3. Signs consisting of freestanding letters shall include any intervening space (the entire message area) in the calculation of the total sign area.
4. Sign area shall measure the sign, not the supporting structure.

### **D. Exemptions.**

No zoning permit shall be required for the following:

1. Signs erected by the state or town on streets.
2. Non-advertising signs placed for directional, safety or public service purposes.
3. One residential sign per dwelling identifying the occupant, not to exceed two square feet in area and residential flags or banners not intended for advertising purposes.
4. Temporary lawn, auction or garage sale signs removed immediately following the event.

5. Temporary election signs to be posted and removed in accordance with state law.
6. Signs or bulletin boards associated with places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area or ten feet in height above the ground.
7. Unlit permanent signs associated with farm operations not to exceed 16 square feet in total area or ten feet above the ground.
8. Unlit wall mounted or freestanding signs advertising a home-occupation, home-based business or home daycare facility, not to exceed one per dwelling or three square feet.
9. Temporary signs or banners displayed on town property with the permission of the Selectboard advertising a public or community event, which do not exceed 12 square feet in area and are removed immediately following the event.
10. Signs related to trespass or hunting not exceeding two square feet.
11. On premises historic landmark signs not to exceed one in number or 12 square feet in total area.
12. Wall murals intended solely for artistic purposes.
13. Window signs that do not exceed 30 percent of the windowpane area.
14. Temporary signs relating to seasonal agricultural activities.

#### **E. Prohibited Signs:**

The following signs shall be prohibited in all districts:

1. Signs that impair highway safety.
2. Animated flashing or internally illuminated signs, except that internally illuminated signs may be permitted in the Commercial District.
3. Signs attached to or painted on rock outcrops or significant natural features.
4. Signs mounted on roofs or extending above the roofline.
5. Signs identifying closed businesses.

#### **Section 596: Accessory Uses and Buildings**

An accessory use, structure or building must conform to lot setback, lot coverage, and building height requirements for the district in which it is located unless exempted pursuant to Section 301 of these regulations or otherwise specifically allowed by these regulations.

### **ARTICLE VI: TRANSPORTATION, ACCESS, SAFETY, AND PARKING**

#### **Section 610: Parking**

1. Non-residential parking lots shall be located at the side or behind buildings and screened from street view and the view of persons in residential districts.

2. No non-residential parking of motor vehicles shall be allowed in setback areas, except that this provision may be waived for parking associated with businesses in the Village District and Neighborhood/Commercial District, and home based businesses, provided they can satisfy all other requirements of the conditional use standards.
3. Commercial parking lots adjacent to residential uses shall be set back at least 50 feet from the boundary with the residential use.
4. Home Occupations are considered a residential use and shall not be subject to this section.

### **Section 620: Access Permit**

Any non-agricultural business use or construction of any dwelling unit occupied more than 180 days in any calendar year which involves the construction or modification of a driveway intersecting with a road designated as a Class III town road or higher shall obtain an access permit from the State of Vermont for state highways, or the Selectboard or its designated agent for town streets prior to the issuance of a zoning permit.

Additionally, the administrative body overseeing these regulations may attach additional conditions governing access to the property subject to these regulations with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties. Each driveway should meet the following criteria:

1. Location of Driveways: All driveways will be constructed to within 100 feet of the structure they serve and are to be located at least 100 feet from a street line intersection and shall conform to the Vermont Department of Transportation Standard B-71. Required sight distances shall be based upon the highest prevailing speed limit on the road within 1,000 feet of the proposed driveway location.
2. Design Standards: In order to facilitate the access of fire fighting and other emergency vehicles, all driveways should conform to the following standards:
  - a. Roadbed Width – Minimum of ten feet.
  - b. Roadbed Slope – Maximum of ten percent, short spans of the drive may include slopes of up to 16 percent.
  - c. Turning Radius – Minimum of 35 feet on all bends and turns.
  - d. Clear Width – Minimum of 14 feet.
  - e. Clear Height – Minimum of ten feet.
  - f. Turnaround Area – All driveways in excess of 300 feet shall have a turnaround area of at least 35 feet by 35 feet.
  - g. Road Base Material – A minimum of 12” of well-compacted gravel graded to provide positive drainage.
  - h. Culverts and Drainage – Driveways shall be designed and constructed to provide positive drainage of surface waters away from roadways and driveways. Tubing and culverts shall be installed as required to maintain drainage and prevent erosion.

Individual criteria may be waived at the discretion of the regulatory body administering these regulations provided the overall objective of providing safety is met. For any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a road designated as a Class IV town road,

the applicant shall improve the Class IV road to an appropriate level of service as the Selectboard determines is necessary to support the development proposed. The minimum level of service should meet the requirements for a driveway described above. The Selectboard requirement of improvements shall in no way obligate the Town of Bridport to maintain the road so improved or to reclassify its status

**Section 621: Access and Safety.**

The appropriate authority reviewing a permit application should ensure any driveway meets the standards noted above. Where access must be changed, with the concurrence of the Selectboard, the regulatory authority may require changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping and the location and height of buildings and enclosures to ensure safety, to minimize traffic difficulties, and to safeguard adjacent properties. However, the Selectboard retains the ultimate authority to decide the requirements necessary for an access permit to a town road.

**Section 622: Obstruction of Vision**

On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points 25 feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

**ARTICLE VII: PERFORMANCE STANDARDS**

No land or building in any zoning district shall be used or occupied in any manner so as to create dangerous or injurious conditions in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining properties. The following specific standards are set forth to implement this purpose. The burden of proof that the following standards are met shall be on the applicant.

**Section 730: Fire, Explosive, and Safety Hazards**

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

**ARTICLE VIII: FLOOD HAZARD AREA REGULATIONS**

**Section 801: Statutory Authorization**

To effect the purposes of 10 V.S.A. Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Sections 4411, 4414, 4415 or 4424, there are hereby established zoning regulations for areas of special flood hazard in the Town of Bridport.

### **Section 802: Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

1. Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
3. Protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

### **Section 803: Lands to Which These Regulations Apply**

These regulations shall apply to all lands in the Town of Bridport identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), dated August 15, 1979.

### **Section 804: Official Flood Hazard Area Map**

The Official Flood Hazard Area Map shall consist of the FEMA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of these regulations.

### **Section 805: Interpretation of District Boundaries**

The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by utilizing the base flood elevation data contained in the Flood Insurance Study or, in the absence of such data, by obtaining, reviewing, and reasonably utilizing any base flood elevation data available from a federal or state agency.

### **Section 806: Permitted Uses**

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

1. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry.
2. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing

areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.

3. Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

### **Section 807: Prohibited Uses**

All new construction, substantial improvement, and development uses prescribed by the Town of Bridport Zoning Regulations that do not meet the requirements of Section 806 and fall within the designated area of special flood hazard are prohibited.

### **Section 808: Permit Requirements and Application Procedures**

Permits are required for all development within all lands to which these regulations apply.

All zoning permit applications shall be submitted to the Administrative Officer, on forms furnished by the Administrative Officer, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established in Section 805 of these regulations.

If the proposed use will be located in the areas of special flood hazard and meets the requirements of Section 806 of these regulations, the Administrative Officer shall issue a permit. If the proposed use does not meet the requirements of Section 806, the Administrative Officer shall deny the permit.

Additionally, no permit for new construction, substantial improvement, filling or installation of a residential structure shall be granted for a flood hazard area until:

1. A copy of the application is mailed or delivered by the Zoning Administrator or Zoning Board of Adjustment to the Agency of Natural Resources; and
2. Either 30 days elapse following the mailing or the Agency delivers comments on the application.

### **Section 809: Effective Date**

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

### **Section 810: Variances**

1. Variances shall be granted by the Board of Adjustment only:
  - a. In accordance with the provisions of 24 V.S.A. § 4424;
  - b. Upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

The Secretary of the Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below the base flood level:

- c. Will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25 for \$100 of insurance coverage.
- d. Increase risks to life and property.

The Secretary of the Board of Adjustment shall:

- e. Maintain a record of all variance actions, including justification for their issuance, and
- f. Report such variances issued to the Administrator upon request.

Upon receipt of a request for a variance, the Board of Adjustment shall submit a copy to the Agency of Natural Resources for review and comment, pursuant to 24 V.S.A. § 4424(2)(D). The Board of Adjustment shall consider comments received from the Department of Environmental Conservation prior to taking action on the request for a variance.

### **Section 811: Appeals**

An interested person, as defined in 24 V.S.A. §4465, may appeal a decision of the Administrative Officer by filing a notice with the Secretary of the Board of Adjustment within fifteen days of the decision or act pursuant to the provisions of Sections 370-375. An interested person, as defined in 24 V.S.A. §4465, may appeal a decision of the Board of Adjustment to the Environmental Court in accordance with the provisions of 24 V.S.A. § 4471.

### **Section 812: Fees**

The Selectboard shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the Administrative Officer upon application for a permit under these regulations.

### **Section 813: Warning of Disclaimer of Liability**

These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Bridport or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made there under.

### **Section 814: Precedence of Regulations**

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

### **Section 815: Annual Report to Federal Emergency Management Administrator**

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



## **Section 816: Definitions**

**Administrator.** The Federal Emergency Management Administrator.

**Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all Zone A designations on the FIRM or in the absence FIRM, on the FHBM. It does not include Zones B and C.

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

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

**FEMA.** Federal Emergency Management Agency.

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

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

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

**Flood-proofed or flood proofing.** Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which substantially reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**New Construction.** Structures or filling commenced on or after the effective date of these regulations.

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

**Start of Construction.** See FEMA definition in Section 1909.1 of the current National Flood Insurance Program rules and regulations.

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

## **ARTICLE IX: ZONING DISTRICTS**

This article describes the zoning districts within the Town of Bridport. The following zoning districts have been organized to structure and support the vision and goals set forth in the Town Plan. Each district description is divided into three sections. Section A will discuss objectives and guidelines describing the intent for each district, specifically how each district relates back to the Town Plan. Section B describes the uses permitted in each district either as “by right uses”, secured through a permit issued by the Administrative Officer or “conditional uses”, which are subject to more intensive review by the Zoning Board of Adjustment. Lastly, Section C includes the specific regulations for acreage, setbacks and other physical design elements imposed in each district. Please refer to the official Bridport Zoning Map for a delineation of the boundaries for each zoning district described below.

In addition to the uses permitted in each district, certain uses are allowed within each district and are exempt from these regulations, either by design of the Planning Commission, like small sheds, or by state statute, like hunting, agricultural and silvicultural uses. Exempt uses are covered in Section 301 of these regulations. Even though exempt, certain uses, like farm structures, may require that a permit application be filed with the Zoning Administrator to ensure that they qualify for an exemption. Also, other “governmental and community” uses, by statute, may only be regulated as to certain design or site planning elements as listed in statute. Those uses are addressed by Section 508 of these regulations and by other applicable portions of these Regulations.

### **Section 900: Village District (V-1)**

#### **A. Objectives and Guidelines**

This district surrounds the existing historic village of Bridport. It is bounded on Route 22A on the east (up to the point where the Neighborhood/Commercial District begins), Route 125 on the north, extends 450 feet west of Lovers Lane beginning at Lovers Lane’s intersection with Route 125 and continuing south along the length of Lovers Lane, thence continuing 450 feet west of Crown Point Road beginning where it intersects with Lovers Lane and continuing until it intersects with Swinton Road and is bounded on the south by a small portion of Swinton Road and a line 450 feet south of Short Street until the area is enclosed at the lines of intersection with Route 22A. The purpose of the Village District is to create an opportunity for the existing village to expand in context with its historical pattern. Through streets, compact lots and PUDs are encouraged.

## **B. Permitted Uses**

### **By Right Uses:**

1. One- or two-family dwelling
2. Multi-family dwelling
3. Accessory use or building
4. Home occupation
5. Exempt Uses as per Section 301
6. Communications Antennas on existing structures (Subject to Site Plan Review)
7. Accessory dwelling unit
8. Group Homes (Please see definitions)
9. Daycares (Please see definitions)
10. Community and Government Facilities (Please see definitions, Section 301 and Section 408)

### **Conditional Uses:**

1. Home-based Businesses
2. Bed and Breakfast/Inn
3. General Store
4. Antique store
5. Club
6. Retail Store
7. Clinic
8. Veterinary Clinic/Small Animal Hospital
9. Restaurant
10. Accessory dwelling unit in new appurtenant structure
11. Professional/Personal Service Office
12. Other similar uses which do not impose undue adverse effect upon the character of the district.

All structures within this district shall be of the size, scale and character so as to blend harmoniously with the existing village. More specifically, proposed commercial structures should be no more than two or three stories, no greater than 3,000 square feet of floor area, and constructed in an architectural style compatible with the historic structures surrounding the town green, the center of the Village District or other design review guidelines developed by the Town of Bridport. Typical franchise architecture, colors and buildings are prohibited.

### C. District Regulations

The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. All uses permitted in the V-1 District shall be subject to the specific standards set forth in Section 901A.

#### Section 901A: Specific Regulations for V-1 District

Lot Area Minimum	1 acre
Minimum Acreage Required for Each Dwelling Unit	1 acre
Lot Frontage Minimum	100 feet
Lot Depth Minimum	150 feet
Front Yard Setback Minimum from Centerline	75 feet
Rear Yard Minimum	25 feet
Side Yard Minimum, Each Side	25 feet
Building Area Maximum Coverage	15 percent

For farm buildings housing more than three head of livestock the following minimum yard requirements shall apply unless overruled by the Secretary of Food, Agriculture and Markets. Please see Section 301.

Front Yard Setback Minimum	100 feet
Rear Yard Minimum	150 feet
Side Yard Minimum	150 feet

#### Section 902: Residential District (R-2)

##### A. Objectives and Guidelines

This district is located along all class 1, 2, and 3 roads in town, unless designated on the zoning map or in the text as some other district and provides easy access to municipal facilities and services via town highways. Since soil capabilities limit the on-site septic capacity of these areas, lower density development is recommended. In order to limit the number of accesses on streets, a minimum road frontage is required and PUD's shared driveways or access roads are encouraged, especially along state highways Route 22A and Route 125.

##### B. Permitted Uses

By Right Uses:

1. One- or two-family dwelling
2. Accessory dwelling unit
3. Accessory use or building
4. Home occupation
5. Exempt Uses as per Section 301
6. Communications Antennas on existing structures (Subject to Site Plan Review)
7. Group Homes (Please see definitions)
8. Daycares (Please see definitions)

9. Community and Government Facilities (Please see definitions, Section 301 and Section 408)

Conditional Uses:

1. Multi-family dwelling
2. Accessory dwelling unit in new appurtenant structure
3. Recreation, outdoor
4. Roadside stand
5. Home Based Business
6. Storage Trailer
7. Community Facility
8. Natural Resource Extraction
9. Other similar uses which do not impose undue adverse effect upon the character of the district.

**C. District Regulations**

The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. All permitted uses in the R-2 district, shall be subject to the specific standards set forth in Section 902A

**Section 902A: Specific Regulations for R-2 District**

Lot Area Minimum	2 acres
Minimum Acreage Required for Each Dwelling Unit	2 acres
Lot Frontage Minimum	200 feet
Lot Depth Minimum	450 feet
Front Yard Setback Minimum from Centerline	100 feet
Rear Yard Minimum	75 feet
Side Yard Minimum, Each Side	50 feet

**Section 903: Residential Agricultural District (R-5)**

**A. Objectives and Guidelines**

This district includes most interior lands in town and lands bordering class four roads. It is currently in agricultural and forest use. Access to municipal services and facilities is not readily available. Lot area minimums of five acres are required to restrain extensive development and increase in price of agricultural land and minimize loss of agricultural land. PUDs are encouraged.

**B. Permitted Uses**

By Right Uses:

1. One- or two-family dwelling
2. Accessory dwelling unit
3. Accessory use or building

4. Home occupation
5. Exempt Uses as per Section 301
6. Communications Antennas on existing structures (Subject to Site Plan Review)
7. Group Homes (Please see definitions)
8. Daycares (Please see definitions)
9. Community and Government Facilities (Please see definitions, Section 301 and Section 408)

Conditional Uses

1. Campground
2. Outdoor Recreation
3. Accessory dwelling unit in new appurtenant structure
4. Storage Trailer
5. Home Based Business
6. Communications Towers
7. Community Facility
8. Natural Resource Extraction
9. Other similar uses which do not impose undue adverse effect upon the character of the district.

**a. District Regulations**

The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. All uses permitted in the RA-5 district shall be subject to the specific standards set forth in Section 903A.

**Section 903A: Specific Regulations for RA-5 District**

Lot Area Minimum	5 acres
Minimum Acreage Required for Each Dwelling Unit	5 acres
Lot Frontage Minimum	400 feet
Lot Depth Minimum	200 feet
Front Yard Setback Minimum from Centerline	100 feet
Rear Yard Minimum	75 feet
Side Yard Minimum, Each Side	50 feet

**Section 904: Neighborhood Commercial District (NC)**

**A. Objectives and Guidelines**

This district is mapped in four locations:

The first occupies land on the east side of Route 22A, across from the Village District, that is uniformly 450 feet deep measured from the centerline of 22A, starting at the centerline of the intersection of Route 125 east and Route 22A and continuing south for 2,700 feet, and from that same starting point going north on 22A for 450 feet.

The second location includes land surrounded by the village district on the west side of 22A. That land is uniformly 450 feet deep measured from the centerline of 22A and extends 450 feet north of where the centerline of 125 east intersects with 22A and 1,000 feet south of where the centerline of 125 East intersects with 22A.

The third location consists of a 450-foot setback located on the west side of Route 22A, 200 feet north and 300 feet south of where it intersects with Route 125 west.

The fourth area is located on the western corner of Heitman Road where it intersects with Crown Point Road, and north of Crown Point Road immediately across from the parcel on the western corner of Heitman and Crown Point Road.

The official zoning map shall determine the exact location of each boundary. These sites generally constitute the locations of retail, service, manufacturing, and agricultural support businesses. The purpose of the district is to support existing businesses, allow expansion of those businesses and the addition of new businesses while maintaining the village or rural residential character.

## **B. Permitted Uses**

### By Right Uses:

1. Accessory use or building
2. Home occupation
3. Professional office
4. Retail store
5. Personal service
6. Exempt Uses as per Section 301
7. Communications Antennas on existing structures (Subject to Site Plan Review)
8. Community and Government Facilities (Please see definitions, Section 301 and Section 408)

### Conditional Uses:

1. Shop, manufacturing and repair
2. Gasoline or motor vehicle service stations
3. Agricultural sales and service facility
4. Home Based Business
5. Storage Trailer
6. One- or two-family dwelling

7. Accessory dwelling unit
8. Group Homes (Please see definitions)
9. Daycares (Please see definitions)
10. Any Use not listed above, but deemed to have a substantially similar impact to any of the uses otherwise permitted in the district.

All structures within this district shall be of the size, scale and character so as to blend harmoniously with the existing Village and Neighborhood Commercial Districts. More specifically, proposed commercial structures should be no more than two or three stories and constructed in an architectural style compatible with the historic structures surrounding the town green, the existing structures in the Village and Neighborhood Commercial District or other design review guidelines developed by the Town of Bridport. Typical franchise architecture, colors or buildings are prohibited.

**C. District Regulations**

The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. All permitted uses in the NC district, shall be subject to the specific standards set forth in Section 904A.

**Section 904A: Specific Regulations for NC District**

Lot Area Minimum	1 acre
Minimum Acreage Required for Each Dwelling Unit	1 acre
Lot Frontage Minimum	150 feet
Lot Depth Minimum	300 feet
Front Yard Setback Minimum from Centerline	100 feet
Rear Yard Minimum	30 feet
Side Yard Minimum, Each Side	15 feet

**Section 905: Conservation District (CON-25)**

**A. Objectives and Guidelines**

This district is primarily mapped in the flood and wetland areas of the Lemon Fair River and the steep hills west of the Lemon Fair and bordering Weybridge. The purpose of this district is to limit development in areas that are unsuitable for development due to one or more of the following limitations; steep slope, high water table, extensive ledge, flood risk and governmental preserve ownership

**B. Permitted Uses**

By Right Uses:

1. One-family dwelling
2. Accessory dwelling unit
3. Accessory use or building
4. Home occupation
5. Exempt Uses as per Section 301



6. Communications Antennas on existing structures (Subject to Site Plan Review)
7. Group Homes (Please see definitions)
8. Daycares (Please see definitions)
9. Community and Government Facilities (Please see definitions, Section 301 and Section 408)

Conditional Uses:

1. Natural resource extraction
2. Outdoor recreation
3. Communications Tower

**C. District Regulations**

The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. All permitted uses in the CON-25 district, shall be subject to the specific standards set forth in Section 905A.

**Section 905A: Specific Regulations for CON-25 District**

Lot Area Minimum	25 acres
Minimum Acreage Required for Each Dwelling Unit	25 acres
Lot Frontage Minimum	700 feet
Lot Depth Minimum	400 feet
Front Yard Setback Minimum from Centerline	100 feet
Rear Yard Minimum	75 feet
Side Yard Minimum, Each Side	50 feet

**Section 906: Shoreland Planned Residential District (SPRD-2)**

**A. Objectives and Guidelines**

This district is mapped primarily west of Lake Street along the Lake Champlain shore, but also extends east of Lake Street along its length to a depth of 450 feet and also extends east of Route 125 along its length to a depth of 450 feet and west of Route 125 from where Route 125 parallels the lake, north of its intersection with Lake Street. The district's purpose is to protect Lake Champlain by upgrading existing residential and seasonal residential uses and discouraging high-density development in this location, far from public services and facilities. For the purpose of preserving scenic assets, and continuing utilization of agricultural land, Planned Unit Developments as set forth in Section 4417 of the Act, are encouraged in this district.

**B. Permitted Uses**

By Right Uses:

1. One-family dwelling
2. Accessory dwelling unit
3. Accessory use or building

4. Home occupation
5. Exempt Uses as per Section 301
6. Communications Antennas on existing structures (Subject to Site Plan Review)
7. Group Homes (Please see definitions)
8. Daycares (Please see definitions)
9. Community and Government Facilities (Please see definitions, Section 301 and Section 408)

Conditional Uses:

1. Club/Recreation, indoor and outdoor
2. Restaurant
3. Retail store, less than 2,500 square feet of floor area
4. Marina
5. Campground
6. Storage Trailer
7. Home-based business
8. Two-family dwelling
9. Multi-family dwelling
10. Accessory dwelling unit in a new appurtenant structure

**C. District Regulations**

The provisions set forth in all prior articles of these regulations shall apply to this district when applicable. All permitted uses in the SPRD-2 district, shall be subject to the specific standards set forth in Section 906A.

**Section 906A: Specific Regulations for SPRD-2 District**

Lot Area Minimum	2 acres
Minimum Acreage Required for Each Dwelling Unit	2 acres
Lot Frontage Minimum	200 feet
Lot Depth Minimum	200 feet
Front Yard Setback Minimum	100 feet
Rear Yard Minimum	100 feet
Setback from Waterline	100 Feet
Side Yard Minimum, Each Side	50 feet

The filling of any floodplain as defined in Article VIII or wetland will require a conditional use permit from the Zoning Board of Adjustment. The maintenance of vegetation within 100 feet of the waterline along the lakeshore is encouraged to preserve the stability and environmental integrity of the shoreline. No clear cutting of trees, with the exception of single corridor no more than 12 feet in width to be maintained as access

and or views, shall be allowed within 100 feet of the waterline without a conditional use permit from the Zoning Board of Adjustment. If trees must be cut, rip rap applied or other bank stabilization measures taken within the lakeshore setback, -all work should be done pursuant to a plan complying with the guidelines established in “The Shoreline Stabilization handbook for Lake Champlain and other Inland Lakes”, as it may be amended from time to time. In addition landowners must comply with Army Corps of Engineers regulations for any alterations below mean high water mark.