

Zoning Ordinance  
for the Town of  
Woodbury, Vermont

Adopted April 25, 1973;  
Amended March 2, 1982 and March 7, 1989

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## INTRODUCTION

What is Zoning?

Zoning is a legal process designed to protect the health, safety and welfare of the community by the control of the use of land. Specifically, zoning may regulate:

- specific use of land, watercourses and other bodies of water;
- the placement of buildings on lots;
- the relationship of buildings to open space;
- the shape and height of buildings;
- the provision of supporting facilities (such as off street parking and open space).

Zoning usually involves the division of land into districts or zones each having different uses and density regulations to control the uses.

What does zoning do?

Zoning provides for orderly growth and development of the community.

Zoning conserves the value of land and buildings. Zoning protects natural and manmade resources.

Zoning protects against fire, explosions, flood, noxious physical conditions, and undue traffic congestion.

Zoning encourages the healthful and convenient distribution of population, employment opportunities, and other activities.

What doesn't zoning do?

Zoning does not deprive individual property owners of the reasonable use of their land.

Zoning does not exclude or discriminate among socio- economic, racial or national groups.

Zoning does not regulate the design of streets, installation of utilities and the reservation of parks and schools. These are controlled through subdivision regulations.

Zoning does not regulate the materials and manner of building construction. These are covered by a building code.

TOWN OF WOODBURY  
ZONING REGULATIONS

**ARTICLE I. ENACTMENT, PURPOSE, AMENDMENTS AND DEFINITIONS**

Section 1.1 Enactment.

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the “Act”, 24 VSA Chapter 117, Subchapter 6, Section 4401, there are hereby established Zoning Regulations for the TOWN OF WOODBURY, which are set forth in the text and map that constitute these Regulations. These Regulations shall be known as the “TOWN OF WOODBURY ZONING REGULATIONS.”

Section 1.2 Purpose.

It is the intent of these Regulations to provide for orderly community growth and to further the purposes established in the Act, Section 4302 .Sec pay a3 Arnuctmtn-1-.

Section 1.3 Application of Regulations.

The application of these Regulations is subject to Sections 4405, 4406, 4407, 4408, and 4409 of the Act. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by these Regulations shall be deemed prohibited.

Section 1.4 Interpretation.

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

Section 1.5 Amendments.

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

Section 1.6 Separability.

The invalidity of any provision of these Regulations shall not invalidate any other part.

Section 1.7 Definitions.

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

**ACCESSORY USE OR BUILDING:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

**AGRICULTURAL USE:** Land containing at least three acres which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural

equipment; riding and boarding stables; and, as an accessory use the sale of agricultural products raised on the property.

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

**BUILDING FRONT LINE:** Line parallel to the center line of travelled way or highway right of way line transecting that point in the building face which is closest to the reference line. This face includes porches whether enclosed or unenclosed, but does not include steps.

**CONDITIONAL USE:** A use permitted in a particular zoning district after it has been shown that such a use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in the Ordinance and authorized by the Board of Adjustment.

**DECK:** an unwallled, un-roofed structure supported on posts or piers, which is attached to a dwelling.

**DWELLING UNIT:** Building or part thereof used as living quarters for one family. The term “dwelling” shall not include a motel, hotel, boarding house, or tourist home, or similar structure.

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

**HARDSHIP:** a set of qualifications specified in the Act which must be met by an applicant before a variance can be approved by the Board of Adjustment. (See Section 2.6)

**HOME OCCUPATION:** Home industry or occupation carried on by residents of the premises entirely within a building and employing not more than two persons not living on the premises provided that such use is clearly secondary to use of the premises for dwelling purposes, does not change the residential character thereof, does not create a nuisance and that material is not stored outside of a building.

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

**LOT:** Land occupied or to be occupied by a building and its accessory building, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which the land is situated.

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

**MOBILE HOME PARK:** Land under single or common ownership or control, on which two or more mobile homes are parked.

**NON-COMPLYING STRUCTURE:** a structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance, but which fails to comply with the current requirements of the Ordinance. (Note that these structures may remain lawful and continue indefinitely. See Section 2.11.)

**NON-CONFORMING USE:** a use of land or structure which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance, but which fails to conform to the current requirements of the Ordinance. (Note that these uses may remain lawful and continue indefinitely. See Section 2.11.)

**PLANNED RESIDENTIAL DEVELOPMENT:** an area of land controlled by a landowner as a single entity for a number of dwelling units, the plan for which does not correspond in lot size,

density or lot coverage to the regulations established for the district(s) in which such land is situated. (See Section 4.4).

PRE-EXISTING: as used in conjunction with non-conforming use or non-complying structure, shall mean a use or structure that was in existence on the effective date of this regulation (4/25/73) and that has not been changed or removed for a period of at least one year prior to application.

SIGN: a device, structure, building or part thereof used for visual communication to bring the subject thereof to the attention of the public.

VARIANCE: permission to depart from the literal requirements of the Zoning Ordinance relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use of the structure.

WETLANDS: areas such as swamps, bogs or marshes, where naturally occurring water is at or near the surface for a significant portion of the growing season, and that, under normal conditions, supports a prevalence of vegetation typically adapted for growth in saturated soil conditions.

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

**ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS, ADMINISTRATION AND ENFORCEMENT**

Section 2.1 Establishment of Zoning Districts

The Town of Woodbury is hereby divided into the following Zoning Districts as shown on the Town Zoning Map:

Village District.....	V
Agricultural-Rural Residential District.....	AR
Shoreland District .....	S

Section 2.2 Zoning Map and Interpretation of Boundaries

The location and boundaries of Zoning Districts are established as shown on the attached Zoning Map, which is part of these Regulations. If uncertainty exists with respect to the boundary of any Zoning District, the Planning Commission shall determine the location.

Section 2.3 Administrative Officer

The Administrative Officer is hereby appointed to administer the Zoning Regulations as provided for in Section 4442 of the Act.

Section 2.4 Zoning Permit

- a. No land or building development may commence, nor shall any land or structure be used, or extended in any way unless a zoning permit has been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act. The fee for such zoning permit shall be established by the Selectmen.
- b. The Administrative Officer shall not issue a zoning permit unless an application, fee and any other approval required by these Regulations have been properly submitted.

- c. All applications for zoning permits shall be in writing on a form approved by the Board of Selectmen, in triplicate, and shall contain all of the information necessary for the Administrative Officer to determine whether or not the proposed structure shall be denied without prejudice by the Administrative Officer.
- d. The Administrative Officer shall, within thirty days after receiving an application for a zoning permit, review that application and either issue a permit or deny the application. If an application is denied, the Administrative Officer shall, in writing, explain the reasons for the denial to the applicant. The applicant may then begin the appeals process described in Section 2.5, unless the denial is for incomplete information, in which the applicant may re-apply with a complete application.
- e. If an application for a zoning permit is not acted upon by the Administrative Officer within thirty days after he receives it, it shall automatically be approved on the thirty-first day.
- f. If an application for a zoning permit should properly be an application to the Board of Adjustment for approval of a conditional use, the Administrative Officer shall, in writing, refer the application to the proper body. In such instances, there shall be no automatic approval on the thirty-first day as with permitted uses.
- g. Within three days following the issuance of a permit, the Administrative Officer must deliver a copy to the Board of Listers, and post a copy of the permit in a public place for at least fifteen days.
- h. A zoning permit for a permitted use shall not be operative for the first fifteen days after it is issued so that the mandatory appeals period may run.
- i. In reviewing an application for a zoning permit, the Administrative Officer shall interpret these regulations literally and shall deny all applications which are not in strict compliance with them.

#### Section 2.5 Appeals

- a. An “interested person” as defined in Section 4464 of the Act may appeal any decision or action taken by the Administrative Officer by filing a notice of appeal with the Zoning Board of Adjustment. This appeal must be filed within fifteen days after the issuance or denial of a zoning permit.
- b. All appeals, hearings on appeals and procedural requirements relating thereto shall be governed by Subchapter 8 of the Act.

#### Section 2.6 Variances

- a. If an appeal has been filed with the Board of Adjustment within fifteen days after the decision of the Administrative Officer, the Board may grant a variance to an applicant whose application has been denied by the Administrative Officer, if the Board finds that:
  - 1. There are unique physical circumstances or conditions, including the irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not to the circumstances or conditions generally created by the provisions of the zoning regulation in the district in which the property is located, and
  - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with these regulations and that the authorization of a variance is therefore necessary to insure a reasonable use of the property, and
  - 3. That the unnecessary hardship is not the fault of the applicant, and

4. That the variance, if authorized, would 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, nor be detrimental to the public welfare, and

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Ordinance and Town Plan.

b. Variances relating to renewable energy resource structures shall be governed by Section ~~4468(b)~~ 4469(b) of the Act.

c. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

#### Section 2.7 Penalties

Violations of this Zoning Regulation shall subject the violator to a fine not to exceed \$50 per day or to other procedures in accordance with Sections ~~4444 and 4445~~ 4451 and 4452 of the Act.

#### Section 2.8 Board of Adjustment

There is hereby established a Board of Adjustment whose members may consist of the members of the Planning Commission. Rules of procedure, nature of appeals, public notice, conditions for variance relief and all other matters shall be as set forth in subchapter 8 of the Act.

#### Section 2.9 Conditional Uses

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

The general standards include assurance that the proposed use will not adversely affect:

1. the capacity of existing or planned community facilities;
2. the character of the area affected; impact on neighboring areas;
3. traffic on roads and highways in the vicinity;
4. bylaws then in effect;
5. intrinsic capability of the land to support the use.

Specific conditions may include the following additional requirements:

1. Up to triple minimum lot size, triple distance from adjacent or nearby uses, and triple setback from road or shoreline may be required to accommodate the use.
2. Off street parking facilities may be required subject to a maximum of one car per person or maximum projected use.
3. Landscaping and fencing may be required as desirable to maintain the district character.
4. Design and location of signs, structures and service areas may be restricted to maintain district character.
5. Water supply and sewage disposal systems designed and installed to State Board of Health specifications may be required.

6. Performance standards may be applied to specify acceptable levels of operation which will not adversely affect use of the surrounding area, such as noise, emissions of smoke, dust, odor or other air pollution, electromagnetic or other disturbance, liquid or solid refuse or waste, or the creation of any dangerous, injurious, noxious, fire, explosive or other hazard.

7. The Board may impose other reasonable conditions and safeguards as it deems necessary to implement the purpose of this Ordinance, the Town Plan and enabling State statute, and to protect the health and welfare of the residents of the neighborhood and the Town.

#### Section 2.10 Referral to State Agencies

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

#### Section 2.11 Non-Conforming Uses and Non-Complying Structures

The following provisions shall apply to all buildings and uses lawfully existing on the effective date of these Regulations or any pertinent amendments thereto, which do not conform to the requirements of these Regulations:

1. Any non-conforming use of building or land may be continued indefinitely, but:

a. Shall not be moved, enlarged, altered, extended or reconstructed, nor shall any external evidence of such use be increased by any means whatsoever, shall not be changed to another non-conforming use, and shall not be re-established or restored if such use has been discontinued for one year, or has been changed to a conforming use, without approval of the Board of Adjustment which shall find that no greater detrimental effect on the community will result.

b. May be repaired or rebuilt if damaged by fire or accident provided that reconstruction is started within one year and completed within two years.

2. Any non-complying structure may continue to exist indefinitely, and:

a. No building which does not comply with the requirements of the Ordinance shall be enlarged or substantially altered, unless such enlarged or altered portion complies with the regulations, including use regulations, applying to the district in which it is located, except with the approval of the Board of Adjustment, or as permitted in (b) below.

b. Any dwelling structure which existed on the effective date of this Ordinance which does not conform to setback requirements, shall be permitted to have structural additions attached thereto, provided that:

1. No point of said addition will be situated closer to the centerline of the Town or State Highway or private right of way, or to a side or rear property line, or to the shoreline of any water course, than is the closest point on the existing dwelling, and

2. No part of the existing structure is located in the Town or State Highway right of way, and

3. The addition is of a nature, size and use which is clearly usual and customary in the district and neighborhood in which it is located.

An extension to a non-complying dwelling structure may be approved by the Administrative Officer as long as the proposed extension satisfies the conditions listed above. An extension to a non-conforming use or a conditional use, or an extension which will increase the degree of non-compliance, shall require the approval of the Board of Adjustment.

c. A non-complying structure damaged or destroyed by fire or other accident may be restored to its prior configuration provided that the reconstruction is started within one year and completed within two years.

d. Within the 100 foot shoreline area in all districts, the Administrative Officer may approve the addition of un-walled, un-roofed decks which extend no more than ten feet from a building and are not within a road, right of way or property line setback area, and will not extend beyond the shoreline.

#### Section 2.12 Interior Repairs

These Regulations do not affect repairs, interior alterations or interior decorations.

### **ARTICLE III. GENERAL REGULATIONS**

#### Section 3.0 Miscellaneous Requirements

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

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

#### Section 3.1 Existing Small Lots

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

2. No parcel shall be divided so as to result in the creation of a lot which does not meet the requirements of the Zoning Ordinance for the district in which the property is located.

Section 3.2 Required Frontage on, or Access to, Public Roads or Waters. No land development may be permitted on lots which do not either have frontage on a public road or waters, or with the approval of the Planning Commission access to such a road or waters by a permanent easement or right of way at least twenty feet in width.

#### Section 3.3 Protection of Home Occupations

##### 1. Protection of Home Occupations

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

2. Home occupations which meet the following standards will be permitted:

a. the home occupation shall be carried on by members of the family. Two employees who are not family members are allowed.

b. The home occupation shall be carried out wholly within the principal structure.

c. Exterior signs shall comply with Section 3.5 of this Ordinance.

d. Exterior storage of material shall not be permitted.

e. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the premises shall not be generated.

f. No traffic shall be generated in greater volumes than would normally be expected in the neighborhood. g. Parking shall be provided off-street.

3. Home occupations in accessory buildings shall be allowed with the approval of the Board of Adjustment which shall review the application as a Conditional Use, considering the standards listed above as well as those in Section 2.9. Stt Page.a3 A rru\_n et mtrrt

#### Section 3.4 Special Public Use Exceptions

Unless specific locational provision is made under Article IV of these Regulations, the following uses may only be regulated with respect to size, height, bulk, yards, courts, setbacks, density of buildings, off street parking and loading facilities, and landscaping and screening requirements:

1. Public utility power generating plants and transmission lines.
2. State or community owned and operated institutions and facilities.
3. Public and private schools and other educational institutions certified by the Vermont Department of Education.
4. Churches, convents and parish houses.
5. Public and private hospitals.

#### Section 3.5 Signs in all Districts

No signs shall be permitted in any district except as specifically permitted herein as follows:

1. An outdoor sign shall be on the same lot as the use advertised and shall not be larger than 16 square feet in area.
2. An outdoor sign shall not be placed within 25 feet of a highway right of way line or within 150 feet of an intersection of highways unless affixed to a building and not extending beyond or above same more than three feet.
3. Signs may be illuminated by a steady light providing that annoyance to surrounding properties due to reflection or illumination will not occur.
4. Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare.

#### Section 3.6 Mobile Home Park Permits

1. No person shall construct or operate a mobile home park without first obtaining site plan approval from the Planning Commission and a permit from the Administrative Officer.
2. Application for a mobile home park site plan approval shall be made to the Planning Commission. The application shall include a site plan drawing showing property lines, location and spacing of mobile home lots, open spaces, landscaping, streets, driveways, off street parking spaces, location of water supply and sewage facilities, and location and dimensions of any community facilities.

#### Section 3.7 Mobile Home Park Standards

1. A mobile home park shall have a total area per each proposed mobile home unit, not less than the minimum lot size for the district in which it is located, not including the area taken up by streets or community buildings.
2. The minimum area for each proposed mobile home lot shall be equal to the minimum lot size allowed for the district in which it is located.
3. Water supply and sewage disposal systems shall be designed and installed in accordance with State standards in effect and prior to covering shall be inspected and approved by the Town agent appointed by the Selectmen.

4. Where public or private community water supply and sewage disposal systems which meet or exceed State Board of Health specifications are planned and approved by the Town agent, the minimum lot size may, upon approval by the Planning Commission, be modified to a minimum of one-half acre provided:
  - a. that in no case shall the total number of mobile home units in the park exceed an average density which would normally be permitted in the Zoning district, not including those lands taken up by streets and community buildings.
  - b. that the land area within the park not allocated to mobile home lots shall be permanently reserved as common space by the owners of the park.
5. Access driveways to mobile home parks shall be at least fifty feet wide with a minimum gravel surface of 24 feet in width and 12 inches of compacted depth.
6. No mobile home shall be placed closer than 20 feet to a lot line, 25 feet to a property line or 50 feet to any highway or access road right of way line.
7. Individual or common parking areas, totaling the equivalent of two spaces per mobile home unit, shall be provided within the park.
8. A strip of land at least 25 feet in width, abutting all mobile home park property lines, shall be maintained as a treed and landscaped area.

#### Section 3.8 Storage of Motor Vehicles and Miscellaneous Junk

In all districts in the Town, any motor vehicle which is not State inspected and all miscellaneous junk must be stored in an enclosed building or placed in a rear yard and screened from view from any public way.

#### Section 3.9 Sand and Gravel Operations

In any district, the removal of soil, sand and gravel for sale, except where incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for rehabilitation by the Planning Commission following a public hearing.

#### Section 3.10 Certification of Septic Systems

1. An application for a zoning permit for the construction or enlargement of a dwelling or commercial building, or for an expanded or changed use which may generate additional wastewater, shall be accompanied by proof that the existing or proposed septic system is adequate to properly dispose of all sewage and wastewater generated on the premises. Such proof shall consist of one of the following:
  - a. Records which show that the dwelling sewage and wastewater systems meet the standards of the Vermont Department of Health Regulations, Chapter 5, Subchapter 10, or meet the scrutiny of the Administrative Officer in conjunction with the Town Health Officer.
  - b. A report by a licensed Professional Engineer or State-certified Site Technician which states that the existing system meets or exceeds the standards set forth in the Vermont Department of Health Regulations, Chapter 5, Subchapter 10.
  - c. A report by a licensed Professional Engineer or State certified Site Technician stating that a waste disposal system will be designed and constructed in accordance with the standards of the Vermont Department of Health Regulations, Chapter 5, Subchapter 10, along with a description and design of the proposed system including plot, plan, soil information and any additional information which may be required by the Administrative Officer.

2. Any addition, replacement or alteration of an existing septic system must approved by the Administrative Officer, although a zoning permit is not required. When a minor alteration is proposed, the Administrative Officer may waive the approval requirement on a case by case basis. The Administrative Officer shall decide what constitutes a minor alteration.
3. New or altered septic systems shall be inspected after they are installed, but before they are covered up. The Administrative Officer or his representative will inspect the system. Forty-eight hours notice must be given for an inspection.

## **ARTICLE IV. ZONING DISTRICT REGULATIONS**

### **Section 4.1 Village District - V**

In the Village District, the following uses are permitted:

1. Agriculture and forest uses
2. Single family dwelling
3. Home Occupation
4. School
5. Accessory building use
6. Community center
7. Public outdoor recreation
8. State facility
9. Library
10. Religious institution

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

1. Multiple family dwelling
2. General commercial uses (including retail, wholesale, service)
3. Planned residential development
4. Home occupations in accessory structures

### **Area, Yard and General Regulations**

#### **Residential Uses**

Lot area minimum: one acre per dwelling unit

Lot frontage minimum: 150 feet

Lot depth minimum: 200 feet

Rear and side yard minimum: 25 feet

Building setback minimum: 65 feet from centerline of Town Highways; 50 feet from right of way limit, or 75 feet from centerline of State Highways (Route 14), whichever is greater; 25 feet from centerline of private road or right of way

Coverage maximum: 15%

Building height maximum: 35 feet (no height limit for agricultural use)

#### **Non-Residential Uses**

Lot Area Minimum: two acres

Lot Frontage Minimum: 300 feet

Lot Depth Minimum: 200 feet

Building setback minimum: 65 feet from centerline of Town Highways; 50 feet from right of way limit, or 75 feet from centerline of State Highways (Route 14), whichever is greater; 25 feet from centerline of private road or right of way

Side and Rear yard Minimums: 25 feet

Coverage Maximum: 10%

Building Height Maximum: 35 feet; no height limit for agricultural use

General Regulations: No structure in excess of five feet in height, no building, sanitary system or part thereof may be installed within 100 feet of any stream, brook, or wetland or any lake or pond smaller than 20 acres. Immediate shoreline or water body uses shall be regulated by the provisions of Section 4.3 of these Regulations

## **Section 4.2 Agriculture-Rural Residential District - AR**

In the Agriculture-Rural Residential District, the following uses are permitted:

1. Agriculture and forest uses
2. Single family dwelling
3. Home Occupation
4. School
5. Public outdoor recreation
6. Accessory building use
7. State or community facility
8. Religious institution
9. Public utility facility

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

1. Mobile home park
2. Multiple family dwelling
3. Planned Residential Development
4. Home occupations in accessory structures

### **Area, Yard and General Regulations:**

#### **Residential Uses**

Lot area minimum: 3 acres per dwelling unit

Lot frontage minimum: 150 feet

Lot depth minimum: 200 feet

Side and rear yard minimum: 25 feet

Building setback minimum: 65 feet from centerline of Town Highways; 50 feet from right of way limit, or 75 feet from centerline of State Highways (Rt. 14), whichever is greater; 25 feet from centerline of private road or right of way.

Building height maximum: 35 feet. No height limit for agricultural use

### **Non-Residential Uses**

Lot Area Minimum: 3 acres

Lot Frontage Minimum: 200 feet

Lot Depth minimum: 200 feet

Building setback minimum: 65 feet from centerline of Town Highways; 50 feet from right of way limit, or 75 feet from centerline of State Highways (Rt. 14), whichever is greater; 25 feet from centerline of private road or right of way.

Side and rear Yard minimums: 25 feet

Building Height Maximum: 35 feet; no height limit for agricultural use.

General Regulations: No structure in excess of five feet in height, no building, sanitary system or part thereof may be installed within 100 feet of any stream, brook, or wetland, or any lake or pond smaller than 20 acres. Immediate shoreline and water body uses shall be regulated by the provisions of Section 4.3 of these Regulations.

### **Section 4.3 Shoreland Districts – S**

For the purpose of protecting irreplaceable natural resources and in accordance with Section 4410(a) of the Act and 10 VSA Chapter 34, the regulations specified herein are applicable to Shoreland Districts, which include all those lands bounded by a circumscribed line which is 800 feet in distance from the shoreland (normal mean watermark) of all lakes and ponds which are 20 acres or larger. Shoreland Districts include the land surrounding the following bodies of water in the Town of Woodbury:

1. Buck Lake
2. Cranberry Meadow Pond
3. East Long Pond
4. Greenwood Pond
5. Mud Pond (SE Woodbury)
6. Nelson Pond (within Woodbury)
7. Nichols Pond
8. Valley Lake
9. Woodbury Lake (within Woodbury)

In Shoreland Districts, the following uses are permitted:

1. Agricultural uses
2. Commercial forestry under the direction of the County Forester
3. Non-permanent pier, dock, float or boat hoist which does not impede ordinary navigation.
4. Single family dwelling
5. Accessory building use
6. Home occupation

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

1. Permanent pier, dock, float, boat hoist or boathouse which does not impede ordinary navigation.
2. Planned residential development, provided:
  - a. that the provisions of Section 4.6 of these Regulations are complied with;

b. that the shoreline access provides a minimum common shoreline frontage of 200 feet, 10 feet per dwelling unit, with an overall minimum shoreline frontage of 200 feet.

3. Non-commercial recreation

4. Commercial youth camps or family camps

5. Other incidental commercial uses which, upon finding of the Planning Commission, would not conflict with permitted uses or be detrimental to the character of the Shoreland Districts may be considered by the Board of Adjustment for a Conditional Use Permit.

6. Home occupations in accessory structures.

## **Area, Yard and General Regulations**

### **Residential Uses**

Lot area minimum: 1 acre per dwelling unit

Lot frontage minimum or Shoreline frontage minimum: 150 feet

Side or rear yard minimum: 100 feet

Building setback minimum: 25 feet

Building setback minimum: 100 feet from shoreline, to include brooks, streams and wetlands; 65 feet from centerline of Town Highways; 50 feet from right of way limit, or 75 feet from centerline of State Highways (Route 14), whichever is greater; 25 feet from centerline of private road or right of way.

Building height maximum: 35 feet. No height limit for agricultural use.

Coverage Maximum: 15%

### **Non-Residential Uses**

Lot Area Minimum: 2 acres

Lot Frontage Minimum 250 feet

or Shoreline Frontage Minimum: 200 feet

Side or Rear yard Minimum: 25 feet

Building setback minimum: 100 feet from shoreline, to include brooks, streams and wetlands; 65 feet from centerline of Town Highways; 50 feet from right of way limit, or 75 feet from centerline of State Highways (Route 14), whichever is greater; 25 feet from centerline of private road or right of way.

Coverage Maximum: 10%

Building Height Maximum: 35 feet; no height limit for agricultural use.

### **General Regulations:**

1. Within a Shoreland District, an existing small lot, as defined in Article III, Section 3.1 of these Regulations, may be used as a building site provided that a non-polluting sewage disposal system is designed and installed to the satisfaction of the Town agent.

2. Cutting of trees in the area parallel to all points along the shoreline and extending 50 feet inland shall be restricted as follows:

a. A maximum of 50% of the trees four inches in diameter or larger may be cut.

b. Removal of dead, diseased or dying trees is permitted.

c. Silviculture thinning is permitted under the direction of the County Forester.

d. Commercial forestry operations are restricted from the 50 feet area except as permitted above.

3. Within all Shoreland Districts, telephone and electric utility lines shall be placed underground wherever feasible.

4. All water supply and sewage disposal systems within Shoreland Districts shall be designed and installed in accordance with State standards in effect and prior to coverage must be inspected and approved by the Town agent appointed by the Selectmen. No sewage disposal system or any part thereof may be constructed within 100 feet of a shoreline.

#### Section 4.4 Planned Residential Development

In order to promote the wise use of certain areas of the Town of Woodbury, to discourage strip development and to preserve optimum open space, the Planning Commission may modify area, yard and general regulations as specified below and in accordance with Section 4407(3) of the Act.

1. The applicant shall submit to the Planning Commission a site plan showing the location, height and spacing of buildings, open spaces and their landscaping, streets, driveways, off street parking spaces and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes, etc. of the existing Zoning Regulations.

2. In no case shall the permitted number of dwelling units exceed the number which would normally be permitted in the particular zoning district.

3. The Planning Commission may modify the district regulations subject to total minimum acreage requirements as follows:

a. Village District: The minimum size of the parcel to be considered for variation shall be 5 acres.

b. Agriculture-Rural Residential District: The minimum size of the parcel to be considered for variation shall be ten acres.

c. Shoreland District: The minimum size of the parcel to be considered for variation shall be 25 acres.

#### Area, Yard and General Regulations

Lot area minimum: one-half acre per dwelling unit average over developed area.

Yards required: Front, rear and side yards shall be designed so that no building is closer than 30 feet to any property line, and that no building is closer than 50 feet to the row line of a public road or private access road.

Coverage maximum: 20%

Building height maximum: 35 feet

#### **General Regulations:**

1. Water supply and sewage disposal systems within planned residential districts shall be designed and installed in accordance with State standards in effect and prior to covering must be inspected and approved by the Town agent appointed by the Selectmen.

2. Wherever possible, water supply and sewage disposal systems within planned residential districts shall be community systems installed by the developer and maintained by the developer or by an association of homeowners.

3. The land area within the development not allocated to building lots and streets shall be permanently reserved as common space. Such land may be reserved by one of the following methods:

- a. Deeded to the Town along with the stipulated endowment fund, the interest on which will provide for maintenance of the common areas in perpetuity.
  - b. Held in corporate ownership by the owners of the units within the development, provided that membership in such corporation is mandatory and stipulated as such in the deed. All common space as defined above shall be maintained by said corporation.
4. Roadways constructed into planned residential developments shall be constructed to State Highway Department specifications.

## **Section 1.2 Definitions**

HOME OCCUPATION: Home industry or occupation carried on by residents of the premises entirely within the dwelling or an accessory building and employing not more than two persons not living on the premises provided that such use is clearly secondary to use of the premises for dwelling purposes, does not change the residential character thereof, does not create a nuisance and that material is not stored outside of the dwelling or accessory building.

### Section 3.3 Protection of Home Occupations

2. Home occupations which meet the following standards will be permitted:
  - b. The home occupation shall be carried out wholly within the dwelling or accessory building.

### Section 4.2 Agricultural – Rural Residential District – AR

In the Agricultural-Rural Residential District, the following uses are permitted after issuance of a Conditional Use Permit by the Board of Adjustment:

4. Home occupations in accessory buildings.
5. Commercial golf courses and accessory buildings ordinarily necessary for golfing activity.
6. Commercial cross country ski trails and accessory buildings ordinarily necessary for skiing activity.

Adopted: January 23, 2006 Effective: March 24, 2006