

## ARTICLE I. AUTHORITY & PURPOSE

### Section 1.01 Enactment

Zoning regulations for the Town of Waitsfield are hereby established in accordance with the Vermont Planning & Development Act [24 V.S.A. Chapter 117], hereinafter referred to as “the Act.” The following text and maps which constitute these regulations shall be known and cited as the “**Town of Waitsfield Zoning Bylaw.**”

### Section 1.02 Purpose

- A. The purpose of this zoning bylaw is to protect public health, safety and welfare; to further the purpose and goals of the Act [§4302]; and to implement the current *Waitsfield Town Plan*.
- B. Such shall also be the purpose of any regulations, restrictions, or boundaries contained in this bylaw, or adopted and established pursuant to it.

### Section 1.03 Application & Interpretation

- A. The application of this bylaw is subject to all provisions of the Act as most recently amended.
- B. In accordance with the Act [§4446], no land development shall commence within the jurisdiction of the Town of Waitsfield except in conformance with the requirements of this bylaw. Any land development which is not specifically authorized under this bylaw, nor is otherwise exempted from these regulations under Section 6.02, is prohibited.

**Land Development.** 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 [§4303(10)].
- C. All uses or structures lawfully in existence as of the effective date of this bylaw are allowed to continue indefinitely. Changes, alterations or expansions to pre-existing structures or uses shall be subject to all applicable requirements of this bylaw, including provisions applying to nonconforming uses and/or nonconforming structures under Section 3.08.
- D. The subdivision of land, including the division of a parcel into two or more parcels, does not require a zoning permit, but does require subdivision approval in accordance with the Waitsfield Subdivision Regulations. Where applicable, subdivision approval shall be obtained prior to the issuance of a zoning permit for subsequent land development. The subdivision of land also may be subject to planned residential or planned unit development (PRD/ PUD) review by the Planning Commission under Section 5.04 of this bylaw.
- E. In its interpretation, the provisions of this bylaw shall be the minimum required. It is not the intent of this bylaw to repeal, annul, or in any way impair other regulations in effect, or any permits previously issued; however, where this bylaw imposes more stringent restrictions upon land development, the provisions of this bylaw shall apply.

**Section 1.04 Effective Date**

In accordance with the Act [§4442], this bylaw shall take effect on the date of its adoption by the legal voters of the Town of Waitsfield at a duly warned special or regular meeting of the town or, in the event an amendment is adopted by a majority of the Waitsfield Selectboard, it shall take effect twenty-one (21) days from the date of adoption. The zoning ordinance and associated maps in effect prior to the adoption of this bylaw are hereby repealed as of the effective date of this bylaw.

**Section 1.05 Amendments**

- A. The provisions of this bylaw and the boundaries of zoning districts established herein may from time to time be added to, repealed, altered, changed, or otherwise amended by the legal voters of the town, in accordance with the Act [§§ 4441, 4442].
- B. Proposed amendments to this bylaw shall be submitted to the Waitsfield Planning Commission for consideration in accordance with amendment procedures established under the Act [§4441]. Such amendments, if supported by a petition signed by not less than 5% of the voters, shall be reviewed by the Planning Commission only to correct technical deficiencies. When considering any amendment to this bylaw, the Planning Commission shall prepare a written report on the proposal in accordance with the Act [§4441(c)], for submission to the Waitsfield Selectboard and voters.

**Section 1.06 Severability**

The provisions of this bylaw are severable. If any provision of this bylaw, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this bylaw which can be given effect without the invalid provision or application.