

ARTICLE II. ZONING DISTRICTS

Section 2.01 Establishment of Zoning Districts & Maps

- A. For the purposes of this bylaw, the Town of Waitsfield is divided into the following zoning districts as described in the accompanying tables (Tables 2.01 - 2.10) and the official zoning map:

Table 2.01.	Village Business District	(VB)
Table 2.02.	Village Residential District	(VR)
Table 2.03.	Irasville Village District	(IV)
Table 2.04.	Commercial Lodging District	(CL)
Table 2.05.	Limited Business District	(LB)
Table 2.06.	Industrial District	(IN)
Table 2.07.	Agricultural-Residential District	(AR)
Table 2.08.	Forest Reserve District	(FR)
Table 2.09.	Historic Waitsfield Village Overlay District	(HWVO)
Table 2.10.	Flood Hazard Area Overly District	(FHO)

- B. The location and boundaries of each zoning district are established as shown on the official “Town of Waitsfield Zoning Map” and National Flood Insurance Program maps of the Town of Waitsfield, which are hereby adopted by reference and declared to be part of this bylaw. The official zoning map may only be altered by adoption or amendment in accordance with the Act [§§4441,4442] and this bylaw (Section 1.05).
- C. The official zoning and flood hazard area maps shall be located in the Waitsfield Town Office, and be identified by the signatures of the Selectboard, as attested to by the Town Clerk. These maps shall be the final authority as to the zoning status of any lands or waters in the town.

Section 2.02 Zoning District Boundary Interpretation

- A. Narrative descriptions of zoning district boundaries are included in Appendix A of these regulations.
- B. Where uncertainty exists as to the location of district boundaries as shown on the official zoning and flood hazard area maps, the following rules shall apply:
1. Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted to follow the centerlines of such features.
 2. Boundaries indicated as following rivers or streams shall be interpreted to follow the channel centerline and shall move with the centerline of such features.
 3. Boundaries indicated as following lot lines shall be interpreted to follow the delineated property boundary.
 4. Boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum.
 5. Boundaries indicated as following compass headings shall be interpreted to follow such headings.

6. Boundaries indicated as parallel or perpendicular to, or extensions of the above features (1-4), shall be so interpreted on the ground.
 7. Distances not specifically indicated shall be determined by the scale on the official zoning map.
- C. The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of this bylaw, shall not affect the location of the district boundary line except as specified above for streams and rivers.
 - D. Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of this bylaw. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.
 - E. When the Administrative Officer cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Board of Adjustment under Section 6.4. Where there is a dispute as to where a property is located in relation to a district boundary, the property owner may be required to verify the location of the boundary line by a survey prepared by a registered surveyor.
 - F. Where a district boundary divides a lot in single ownership as of the effective date of this bylaw, or any amendment thereto, the Board of Adjustment may permit, subject to conditional use review under Section 5.03, the extension of district standards for either portion of the lot up to 50 feet beyond the district line into the remaining portion of the lot.
 - G. Where a lot is divided by a town boundary, the standards of this bylaw shall be applied to that portion of the lot located in the Town of Waitsfield in the same manner as if the entire lot were located in this town.

Section 2.03 Application of District Standards

- A. Tables 2.01-2.10 set forth the stated purpose, allowable uses and specific standards for each zoning district. Additional district standards pertaining to conditional uses may be found under Section 5.03, and to planned residential and planned unit development under Section 5.04.
- B. As of the effective date of this bylaw, all uses and structures, unless specifically exempted under Section 6.02, must comply with all prescribed standards for the district in which they are located, as set forth in Tables 2.01-2.08, unless otherwise specified in these regulations. The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified. Nonconforming uses and nonconforming structures in lawful existence as of the effective date of this bylaw shall be regulated in accordance with Section 3.08.
- C. Overlay district standards, as set forth in Tables 2.09-2.10, shall be applied concurrently with the standards for underlining zoning districts. Where overlay districts impose more restrictive standards on the use of land or a structure, the standards of the overlay district shall apply.

- D. Prescribed uses for each district are classified as “**permitted uses**” (“use by right”), subject to review by the Administrative Officer in accordance with Section 6.01; or as “**conditional uses**” subject to review by the Board of Adjustment in accordance with Section 5.03. Both permitted and conditional uses are also subject to applicable general standards set forth in Article III. All uses not specifically allowed under, or exempted from, the provisions of this bylaw are prohibited.

**Table 2.01
Village Business District (VB)**

A. **Purpose:** The purpose of the Village Business District is to promote a mix of uses in the traditional center of Waitsfield Village while preserving the area’s historic character, architectural resources and ability to function as a livable community, as described in the *Waitsfield Town Plan*. A mix of residential, civic, cultural, and commercial uses are allowed, providing such uses are compatible with existing uses.

B. Permitted Uses:

1. Accessory Dwelling (800 sq. ft. or less)
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Home Child Care
5. Home Occupation
6. Single-family Dwelling

C. Conditional Uses:

1. Accessory Dwelling (greater than 800 sq. ft.)
2. Accessory Structure/Use (to a conditional use)
3. Adaptive Reuse of Historic Barns
4. Artists Studio/Gallery
5. Bank (drive-through prohibited)
6. Bar/Tavern
7. Bed & Breakfast
8. Cemetery
9. Child Care Facility
10. Community Center
11. Cultural Facility
12. Home Business
13. Hotel/Inn/Lodge (not to exceed 25 beds or rooms, whichever is greater)
14. Indoor Recreation Facility
15. Mixed Use
16. Multi-family Dwellings
17. Office
18. Parking Facility
19. Public Facility
20. Place of Worship
21. Private Club
22. Restaurant (drive-through prohibited)
23. Retail
24. School

D. Area, Yard, Coverage, Height and other Regulations:

- | | |
|----------------------------|---|
| Minimum Lot Size: | ¼ acre |
| Maximum Lot Coverage: | 60% |
| Maximum Building Coverage: | 40% (no single building footprint may exceed 4,000 sq.ft.) |
| Maximum Building Height: | 3 stories or maximum of 40 feet |
| Minimum Building Height: | 1 ½ stories above grade (excluding accessory structure not greater than 600 square feet) |
| Minimum Roof Pitch: | A minimum of 6 over 12 is required on all new construction, excluding roofs covering open porches, entry ways and accessory structures less than 500 square feet. |

**Table 2.01 (continued)
Village Business District****D. Area, Yard, Coverage, Height and other Regulations (continued):**

Minimum Setbacks:

Front yard:	10 feet from the street-line
Side yard:	10 feet
Rear yard:	10 feet for principal structures; 5 feet for accessory structures
River or Stream:	In accordance with section 3.12.
Minimum Road Frontage:	50 feet

E. Additional District Standards:

1. **Front Yard Requirement.** The front yard area shall be limited to landscaping, yard area, sidewalks and public spaces.
2. **Conditional Use Standards:** As provided under Section 5.03.

**Table 2.02
Village Residential District (VR)**

A. **Purpose:** The purpose of the Village Residential District is to maintain and enhance the residential and historic character of Waitsfield Village outside of the commercial core, as described in the *Waitsfield Town Plan*, and to allow for additional residential, public, institutional, and very limited commercial uses in a manner that supports the historic settlement pattern of the Village and maintains the Village’s ability to function as a livable community.

B. Permitted Uses:

1. Accessory Dwelling (800 sq. ft. or less)
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Home Occupation
5. Home Child Care
6. Single-family Dwelling

C. **Conditional Uses:** The following uses are permitted through-out the Residential District after conditional use approval by the Board of Adjustment in accordance with Section 5.03:

1. Accessory Dwelling (greater than 800 sq. ft.)
2. Accessory Structure/Use (to a conditional use)
3. Adaptive Reuse of Historic Barns
4. Bed & Breakfast
5. Child Care Facility
6. Community Center
7. Crisis Shelter
8. Home Business
9. Livestock Exhibition, Training, Boarding & Instruction
10. Mixed Use
11. Multi-family Dwellings
12. Place of Worship
13. Public Facility
14. Recreation Facility/Outdoor
15. School

D. Conditional Uses - Route 100 Corridor:

In addition to the conditional uses listed in subsection C., the following uses are only permitted within 200 feet from the edge of the Vermont Route 100 right-of-way, after conditional use approval by the Board of Adjustment in accordance with Section 5.03:

1. Artist Studio/Gallery
2. Cultural Facility
3. Medical Center
4. Office (in accordance with subsection F. below)
5. Private Club
6. Retail (in accordance with subsection F. below)

Table 2.02 (continued)
Village Residential District (VR)

E. Area, Yard, Coverage, Height and other Standards:

Minimum Lot Size:	½ acre
Maximum Lot Coverage:	50%
Maximum Building Coverage:	25% (no single building footprint may exceed 4,000 square feet)
Maximum Building Height:	3 stories or maximum of 40 feet
Minimum Building Height:	1 ½ stories above grade (excluding accessory structure not greater than 600 square feet)
Minimum Roof Pitch:	A minimum of 6 over 12 is required on all new construction, excluding roofs covering open porches, entry ways and accessory structures less than 500 square feet.
Minimum Setbacks:	
Front yard	20 feet from the street-line
Side yard:	10 feet
Rear yard:	25 feet for principal structures; 10 feet for accessory structures
River or Stream	In accordance with section 3.12.
Minimum Road Frontage:	50 feet

F. Additional District Standards

1. **Restrictions on Retail and Offices.** Retail and office uses are only permitted as conditional uses in a structure located entirely within 200 feet of the Vermont Route 100 right-of-way, and the structure must be a mixed-use building within which not less than 50% of the usable floor space is occupied for residential purposes (e.g., contains one or more dwelling unit). Usable floor space shall include all heated interior space of the building, including basement areas, and shall exclude structures that are accessory to a single family dwelling. The use of accessory structures for retail or office use, such as the conversion of a carriage barn into office or retail space, may be permitted as a conditional use providing not less than 50% of the total usable floor space of all habitable structures on the parcel is occupied for residential purposes.
2. **Conditional Use Standards:** As provided under Section 5.03.

**Table 2.03
Irasville Village District (IV)**

A. Purpose. The purpose of the Irasville Village District is to function as the towns' growth center as defined in the Waitsfield Town Plan, to enable coordinated expansion of residential development, shopping facilities, and other commercial uses that minimize traffic impacts, and which concentrate development into a more compact village setting.

B. Permitted Uses:

1. Accessory Dwelling (800 sq. ft. or less)
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Forestry
5. Home Child Care
6. Home Occupation
7. Single-family Dwelling

C. Conditional Uses:

1. Accessory Dwelling (greater than 800 sq. ft.)
2. Accessory Structure/Use (to a conditional use)
3. Adaptive Reuse of Historic Barns
4. Artist Studio/Gallery
5. Automobile Repair
6. Automobile Sales
7. Bank
8. Bar/Tavern
9. Bed & Breakfast
10. Building Supply Store
11. Car Wash
12. Cemetery
13. Child Care Facility
14. Commercial Water Extraction
15. Community Center
16. Crisis Shelter
17. Cultural Facility
18. Gas Station
19. Home Business
20. Hotel/Lodge/Inn (7,500 sq. ft. max. building footprint)
21. Light Industry (7,500 sq. ft. max. building footprint)
22. Medical Center
23. Mixed Use (7,500 sq. ft. max. building footprint)
24. Multi-Family Dwelling (7,500 sq. ft. max. building footprint)
25. Office (7,500 sq. ft. max. building footprint)
26. Parking Facility
27. Personal Service
28. Place of Worship
29. Post Office
30. Private Club
31. Public Facility
32. Recreation Facility/Indoor
33. Recreation Facility/Outdoor
34. Restaurant/Bar (max. 60 seats; no drive-through)
35. Retail
32. School
33. Telecommunications Facility
34. Warehouse/Storage

Table 2.03 (continued)
Irasville Village District

D. **Dimensional Standards (unless otherwise specified by use type):**

Minimum Lot Size:	1 acre
Minimum Road Frontage	100 feet
Minimum Setbacks:	
Front Yard/other roads	15 feet
Side Yard	15 feet
Rear Yard	25 feet
River or Stream	In accordance with section 3.12.
Maximum Building Coverage	40%
Maximum Building Height	35 feet
Minimum Building Height	2 stories above grade (excluding accessory structure not greater than 600 square feet)
Maximum Lot Coverage:	50%

Table 2.04
Commercial Lodging District (CL)

A. **Purpose.** The purpose of the Commercial Lodging District is to allow for the development of second homes and tourist accommodations in a portion of Waitsfield that offers reasonably good access to ski areas, compatible existing land uses, and building sites that are out of the floodplain and may be screened by existing vegetation and slope. Development of any type in this district will be managed to avoid any adverse impacts to the scenic quality of Route 100.

B. **Permitted Uses:**

1. Accessory Dwelling (800 sq. ft. or less)
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Forestry
5. Home Child Care
6. Home Occupation
7. Single-family Dwelling

C. **Conditional Uses:**

1. Accessory Dwelling (greater than 800 sq. ft.)
2. Accessory Structure/Use (to a conditional use)
3. Adaptive Reuse of Historic Barns
4. Bed & Breakfast
5. Cemetery
6. Child Care Facility
7. Commercial Water Extraction
8. Home Business
9. Hotel/Lodge/Inn
10. Recreation Facility/Outdoor
11. Multi-Family Dwelling (in PRD or PUD only)
12. Public Facility
13. Restaurant (only as an accessory to a hotel/lodge/inn)

Table 2.04 (continued)
Commercial Lodging District (CL)

D. Dimensional Standards (unless otherwise specified by use type):

	Hotels/Lodge Inn	All Other Uses
Minimum Project Size	20 acres	N/A
Minimum Lot Size	0.25 acres/unit	1 acre
Minimum Road Frontage	450 feet	200 feet
Setbacks		
Front Yard	200 feet from route 100	75 feet from all roads
Side Yard	150 feet	50 feet
Rear Yard	150 feet	25 feet
River or Stream	In accordance with Section 3.12	In accordance with Section 3.12
Maximum Building Height	35 feet	35 feet

- E. **Other District Standards:** Within this district, all major subdivisions as defined in Article VII and the *Town of Waitsfield Subdivision Regulations* are subject to planned unit or planned residential development review by the Planning Commission, and associated standards, under Section 5.04. These standards may be applied to other subdivisions at the option of the subdivider.

**Table 2.05
Limited Business District (LB)**

A. **Purpose.** The purpose of the Limited Business District, which is characterized by a distinct land use pattern as defined in the Waitsfield Town Plan, is to enable the continued operation and limited expansion of existing businesses, and to allow for the establishment of a limited number and type of new small businesses as set forth below.

B. **Permitted Uses:**

1. Accessory Structure/Use (to a permitted use or pre-existing dwelling)
2. Agriculture
3. Forestry
4. Home Child Care (pre-existing dwelling)
5. Home Occupation (pre-existing dwelling)

C. **Conditional Uses:**

1. Accessory Dwelling
2. Accessory Structure/Use (to a conditional use)
3. Commercial Water Extraction
4. Home Business
5. Kennel
6. Light Industry (7,500 sq.ft. max. building footprint)
7. Multi-family Dwelling
8. Office (7,500 sq.ft. max. building footprint)
9. Public Facility
10. Recreation Facility/Outdoor
11. Single-family Dwelling
12. Telecommunications Facility
13. Transfer Station
14. Warehouse (indoor only; not greater than 10,000 square feet per acre)

D. **Dimensional Standards (unless otherwise specified by use type):**

Minimum Lot Size:	1 acre
Minimum Road Frontage	100 feet
Minimum Setbacks:	
District boundary	125 feet
Front Yard (from Route 100)	125 feet
Front Yard (other roads)	25 feet
Side Yard	25 feet
Rear Yard	25 feet
River or Stream	In accordance with section 3.12.
Maximum Building Coverage	25%
Maximum Building Height	35 feet

E. **Other District Standards:**

1. All uses within this District are subject to the performance standards set forth in Section 5.03.
2. All non-residential conditional uses shall be served by access to Route 100 by way of a driveway or road located entirely within the Limited Business District.

**Table 2.06
Industrial District (IN)**

A. Purpose. The purpose of the Industrial District to promote well-paying, year-round employment in the Mad River Valley by encouraging the concentration of light industrial, manufacturing and other compatible uses in an appropriate location that will have minimal negative impact on surrounding properties and the rural character of the community.

B. Permitted Uses:

1. Agriculture

C. Conditional Uses:

1. Accessory (Caretakers) Apartment
2. Accessory Structure
3. Automobile Repair
4. Accessory Use
5. Child Care Facility
6. Commercial Water Extraction
7. Contractors Yard
8. Extraction of Earth Resources
9. Light Industry
10. Manufacturing
11. Mixed Use
12. Office (see subsection E, below)
13. Public Facility
14. Recreation Facility/Outdoor
15. Restaurant (as an accessory to, and contained within another allowed use)
16. Retail (see subsection E, below)
17. Telecommunications Facility
18. Transfer Station
19. Warehouse
20. Wholesale Trade

D. Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Size:	10,000 sq. ft.
Minimum Road Frontage Town Roads (TH 2 & 6):	200 feet
Minimum Setbacks:	
Town Roads (TH 2 & 6)	75 ft. from centerline, or as required by the Board of Adjustment in accordance with Conditional Use approval
District Boundary	50 feet
Lot boundaries	25 feet, or as approved by the Board of Adjustment pursuant to conditional use approval (Sec. 5.03) or Planning Commission pursuant to PRD approval (Sec. 5.04)
River or Stream	In accordance with section 3.12.

Table 2.06 (continued)
Industrial District (IN)

Maximum Lot Coverage	60 % on any lot or, with approval of the Planning Commission pursuant to PUD review (Section 5.4), higher lot coverage may be permitted on a single lot if offset by the preservation of open space on a lot located elsewhere in the Industrial District. In no circumstances will the total lot coverage of the entire district exceed 60%.
Maximum Building Height	50 feet (also see Section 3.06)

E. Other District Standards:

1. **Retail uses** within the Industrial District shall not exceed 1,000 square feet of gross floor area in any structure, or greater than 5,000 square feet of gross floor area within the entire district.
2. **Office uses** within the Industrial District shall be limited to those activities associated with other allowed uses within the district, or business activities that do not involve regular access to the general public and/or frequent visits from customers or clients (e.g., real estate, insurance, lawyers, medical offices).
3. The **subdivision** of any lot shall be subject to PUD review procedures and standards in accordance with Section 5.04.
4. **Landscaping & Screening.** In reviewing applications for conditional use review pursuant to Section 5.03, the Board of Adjustment may require the installation of landscaping and/or screening to limit or prevent visibility of structures, storage areas and associated uses from adjacent parcels and town roads. The Board also may require the establishment and maintenance of a vegetative screen along district boundaries to provide a visual barrier between the district and adjacent residential areas. Such screening should consist of a mix of tree and plant species designed to maintain a naturalized appearance and dense visual barrier.

In addition to landscaping requirements, all development shall be sited, designed and landscaped to be minimally visible from Route 100, and shall not have an undue adverse impact on the visual character of the adjacent Mad River Valley Rural Historic District, listed on the National Register of Historic Places.

5. All uses shall comply with the **performance standards** set forth in subsection 5.03(D)(9). In reviewing applications for conditional use review within the Industrial District, the Board of Adjustment shall require a proposed construction plan, a description and specifications for all proposed machinery, operations, and products to be located and/or stored on-site, and a description of the methods or techniques to be used to ensure siting, use and operation in conformance with performance standards listed in subsection 5.03(D)(9).

**Table 2.07
Agricultural- Residential District (AR)**

A. **Purpose.** The purpose of the Agricultural-Residential District is to provide for low density residential development; to permit the continuance and expansion of agricultural operations; to encourage clustered housing units to preserve open space; to preserve the significant scenic resources of this district, including scenic roads, historic structures, and open spaces; and to protect natural resources.

B. Permitted Uses

1. Accessory Dwelling (800 sq. ft. or less)
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Forestry
5. Home Child Care
6. Home Occupation
7. Single-family Dwelling

C. Conditional Uses:

1. Accessory Dwelling (greater than 800 sq. ft or less)
2. Accessory Structure/Use (to a conditional use)
3. Adaptive Reuse of Historic Barns
4. Bed & Breakfast
5. Cemetery
6. Child Care Facility
7. Commercial Water Extraction
8. Cultural Facility
9. Extraction of Earth Resources
10. Home Business
11. Livestock Exhibition, Boarding, Training Facility
12. Mobile Home Park
13. Multi-family Dwelling (3 dwelling units or greater in PRD only)
14. Public Facility
15. Recreation Facility/Outdoor
16. Small-scale processing of farm and forest products

D. Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Size:	1 acre
Bed & Breakfast	0.33 acre/unit
Minimum Road Frontage	
Scenic roads	200 feet
All other roads	90 feet
Minimum Setbacks:	
Front Yard (from road centerline)	75 feet
Side Yard	25 feet
Rear Yard	25 feet
River or Stream	In accordance with section 3.12.
Maximum Building Coverage:	N/A
Maximum Building Height:	35 feet

Table 2.08
Forest Reserve District (FR)

A. **Purpose.** The Forest Reserve District is to protect significant forest resources and water supply watersheds at higher elevations and to limit development in areas with steep slopes, shallow soils, unique or fragile resources, headwater streams, wildlife habitat, and poor access to Town roads and community facilities and services.

<p>B. <u>Permitted Uses:</u></p> <p>In the Forest Reserve District, the following uses are permitted by right:</p> <ol style="list-style-type: none"> 1. Agriculture 2. Forestry 	<p>C. <u>Permitted uses on lots having received sufficient review under Waitsfield Subdivision Regulations as of January 1, 2002:</u></p> <p>In the Forest Reserve District, on lots depicted on survey maps having received final subdivision approval and recorded in the Waitsfield Land Records at Map Slides #116A and #166, the following uses are permitted by right:</p> <ol style="list-style-type: none"> 1. Accessory use. 2. Agriculture 3. Forestry 4. Single-family Dwelling. 	<p>D. <u>Conditional Uses:</u></p> <p>In the Forest Reserve District, with the exception of lots listed under subsection C above, the following uses are permitted with the approval of the Board of Adjustment pursuant to Section 5.03:</p> <ol style="list-style-type: none"> 1. Accessory apartment less than 1,700 sq. ft. (below elevation of 1,700' msl only). 2. Accessory Use. 3. Commercial Water Extraction 4. Home Occupation 5. Outdoor Recreation consistent with traditional uses of forest land 6. Public Utilities. 7. Seasonal Camp 8. Single family dwelling (only below elevation of 1,700' msl.
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E. Dimensional Standards (unless otherwise specified by use type):

Maximum Density:	1 unit per every 25 acres (see subsection F below)
Building Height:	35 feet
Lot Setbacks:	See subsection F below
Stream Setbacks:	See subsection F below
Road Frontage:	200 feet

F. Special District Provisions.

1. **Forest Management.** Forestry activities shall meet all applicable state regulations, and shall, as a minimum standard, comply with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.
2. **Headwaters Protection.** An undisturbed, naturally vegetated buffer strip shall be maintained for a distance of 150 feet from any stream that appears on the USGS 7.5 series topographic maps, and 75 feet from an unmapped intermittent (seasonally flowing) streams. With the approval of the Board of Adjustment

**Table 2.08 (continued)
Forest Reserve District (FR)**

pursuant to Section 5.03, minimal clearing may be permitted to allow the development and maintenance of driveway and utility crossings within the designated buffer.

3. **Density & Siting.** In addition to the standards set forth in Section 5.03, the Board of Adjustment shall ensure that all proposed development complies with the following:
 - a. **Lot Size Standards.** Within the Forest Reserve District, lots may be created which are less than the 25 acres providing that the total residential density of any parcel does not exceed one dwelling unit per every 25 acres. Lots less than 25 acres in size created after January 1, 2002, shall be reviewed in accordance with Section 5.04 Planned Residential Development. Lots less than 25 acres in size shall make provision for the protection of the balance of the undeveloped acreage as open space. The minimum lot size for lots created prior to January 1, 2002 shall be 10 acres.
 - b. **Setbacks and Site Layout.** The Board of Adjustment may limit or restrict the size and/or location of structures, and establish minimum setbacks, based upon site conditions to ensure that proposed development:
 - i. is minimally visible from off site, and does not stand in contrast to surrounding landscape patterns and features or serve as a visual focal point; and
 - ii. will not adversely affect natural and scenic resources and fragile areas identified in the Waitsfield Town Plan or through site investigation, including but not limited to wetlands, streams, critical habitat, steep slopes, areas of unstable soils and/or soil types that are generally unsuitable for development and on-site septic disposal.
4. **Sewage Disposal for Seasonal Camps.** Alternative sewage disposal methods proposed for seasonal camps shall be subject to approval by the Board of Adjustment. Alternative systems are meant to include, but are not limited to, composting toilets, incinerating toilets and outhouses, designed in accordance with State of Vermont Standards.

**Table 2.09
Historic Waitsfield Village Overlay (HWVO) District**

A. **Purpose:** The purpose of the Historic Waitsfield Village Overlay District is to maintain the historic character and architectural integrity of the Waitsfield Village Historic District listed on the National Register of Historic Places.

<p>B. Permitted Uses:</p> <p>As established by the underlying district.</p>	<p>C. Conditional Uses:</p> <ol style="list-style-type: none"> 1. As established by the underlying district; and 2. Demolition of Historic Structures (in accordance with subsection E, below).
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D. **Area, Yard, Coverage, Height and other Standards**

All applicable standards of the underlying district shall apply.

E. **Additional District Standards**

1. **Exterior Alterations.** When reviewing applications for conditional use review which involve exterior alterations to buildings identified as contributing structures to the Waitsfield Village Historic District listing on the National Register of Historic Places, the applicant and Board of Adjustment should refer to *The Secretary of Interior's Standards for Rehabilitation* of historic structures for guidance on the appropriateness of the proposed alterations.

2. **Demolition of Historic Structures.** No building that is identified as a contributing structure to the Waitsfield Village Historic District listing on the National Register of Historic Places shall be demolished, in part or in its entirety, without the approval of the Board of Adjustment as a conditional use in accordance with Section 5.3. In addition to the application requirements and standards set forth in Sections 5.2 and 5.3, the following submission requirements and associated standards are required:
 - a. The applicant shall provide photographs that clearly indicate the current condition of the structure.
 - b. The applicant will submit documentation that clearly indicates the extent of the proposed demolition.
 - c. Not less than 10 days prior to the Board of Adjustment's first public hearing to consider the application, the applicant shall provide a copy of the complete application, including all accompanying materials listed in subsections a and b above, to the Mad River Valley Rural Resource Commission (a certified local government) and the Vermont Division for Historic Preservation.
 - d. In granting approval for demolition, the Board of Adjustment shall find that a minimum of one of the following standards has been met:

**Table 2.09 (continued)
Historic Waitsfield Village Overlay (HWVO) District**

- i. the structure poses an immediate threat to public health and safety;
 - ii. the retention of the structure would result in undue hardship on the part of the owner; or
 - iii. the proposed demolition, although involving a portion of a contributing structure, is only a minor portion of the structure.
- e. Prior to granting approval for demolition, the Board may recess the public hearing for not more than 120 days to provide an opportunity for any interested person to demonstrate that the proposed demolition does not meet any of the three standards set forth in subsection d above, and that viable alternatives to demolition are available.

**Table 2.10
Flood Hazard Area Overlay District (FHO)**

A. **Purpose.** The Flood Hazard Area Overlay District includes areas subject to a one percent or greater chance of flooding in any given year (i.e., 100-year floodplains) as depicted on the most recent National Flood Insurance Program maps issued by the Federal Insurance Administration for the Town of Waitsfield. The purpose of this district is to promote the public health safety and 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.

<p>B. <u>Permitted Uses:</u></p> <ol style="list-style-type: none"> 1. Accessory Use (to a permitted use) 2. Agriculture 3. Home Child Care 4. Forestry 5. Home Occupation 	<p>C. <u>Conditional Uses:</u></p> <ol style="list-style-type: none"> 1. All other permitted uses as specified for the underlying zoning district. Such uses shall be subject only to conditional use review standards specific to flood hazard areas under Section 5.03. 2. All conditional uses as specified for the underlying zoning district. Such uses shall be subject to all conditional use review standards, including those specific to flood hazard areas under subsection 5.03(F).
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D. **Dimensional Standards:**

All applicable standards of the underlying district shall apply.

E. **Other Flood Hazard District Standards:**

1. Development within designated areas of special flood hazard shall be subject to the provisions of Section 5.03, as well as any applicable requirements of the underlying zoning district. Where this overlay district imposes more restrictive standards on the construction or use of structures or land, the standards under this overlay district shall apply. See also state notification requirements under Section 6.01.
2. Uses permitted within the Flood Hazard Area Overlay which are not subject to flood hazard area review include agriculture and forestry, unimproved open space, and those uses generally permitted within existing single family dwellings (i.e., child care and group homes as defined, and home occupations). All other uses and structures, including but not limited to new or expanded single family dwellings, shall be subject to conditional use review under the provisions of Section 5.03, as well as all other applicable municipal and state regulations.

Table 2.10 (continued)

Flood Hazard Area Overlay District (FHO)**F. Warning and Disclaimer:**

District designation does not imply that lands outside of designated flood hazard areas, or land uses permitted within designated flood hazard areas, will be free from flooding or flood damages. District designation and the administration of associated standards shall not create liability on the part of the municipality, or any official or employee thereof, for any damages that result from the application of this bylaw or any decision lawfully made thereunder.