

**1 GENERAL****100 Legal Framework****1001 TITLE**

Legal provision. No substantive change from adopted regulations.

**1002 AUTHORITY**

Legal provision. No substantive change from adopted regulations.

**1003 PURPOSE**

Legal provision. No substantive change – see Section 1 of adopted Zoning Bylaw and 1.02 of the Subdivision Regulations.

The purpose statement of the regulations is not by itself regulatory. If a provision of the regulations is challenged in court, the judge will look to the purpose statement to determine whether the provision in question is in fact furthering a stated purpose(s) of the regulations.

**1004 APPLICABILITY**

Legal provision. No substantive change from adopted regulations.

**1005 RELATIONSHIP WITH OTHER LAWS OR REGULATIONS**

Legal provision. New language but no change from standard practice/interpretation.

**1006 EFFECTIVE DATE**

Legal provision. No substantive change.

**1007 AMENDMENT OR REPEAL**

Legal provision. No substantive change. Replaces Section 12.10 of adopted zoning.

**1008 SEVERABILITY**

Legal provision. No substantive change from Section 12.6 of adopted zoning.

**1009 DISCLAIMER OF LIABILITY**

Legal provision. New language – it has become common practice to include a liability disclaimer in the regulations.

**110 Exemptions and Limitations****1101 GENERAL EXEMPTIONS**

Significant expansion to current exemption in Section 12.2.1 of adopted zoning, which is limited to “minor construction and accessories or additions of up to and including 120 square feet.” The reason for expanding the list is to improve the clarity of the regulations and allow the ZA to rely on the written rules rather than unwritten practice.

This is a section where the PC has considerable latitude to set policy and you should review this list closely. Generally, we recommend exempting the small projects that most landowners are not going to think need a permit any way, and that don’t have any potential for substantive impacts off the property. The failure to get permits leads to a cloud on the title at time of sale or refinance, and creates potential violations that can be used by feuding neighbors. Processing minor permits also consumes staff time and town resources.

The following exemptions are mandated by state statute or rules: 5 ([Wastewater System and Potable Water Supply Rules](#)), 18 ([24 V.S.A. § 4412\(6\)](#)) and [24 V.S.A. § 4413\(g\)\(1\)](#)), 19 ([24 V.S.A. § 4412\(8\)](#)), 20 ([24 V.S.A. § 4413\(h\)\(1\)\(A\)](#)), 21 ([24 V.S.A. § 4413\(h\)\(1\)\(B\)](#)), 27 ([24 V.S.A. § 2295](#)), 29 ([24 V.S.A. § 2291\(1\)](#)). Exemptions 30 and 31 are mandated by federal law.

**1102 DEVELOPMENT WITH A CERTIFICATE OF PUBLIC GOOD**

Statutory requirement ([24 V.S.A. § 4412\(8\)](#)) and [24 V.S.A. § 4413\(b\)](#)). New language but no change from standard practice/interpretation.

**1103 FARMING AND FORESTRY**

Statutory requirement ([24 V.S.A. § 4413\(d\)](#)). No substantive change.

**1104 GOVERNMENT AND COMMUNITY FACILITIES**

Statutory requirement ([24 V.S.A. § 4413\(a\)](#)). No substantive change from Section 3.7 of adopted zoning. There has not been a clear legal determination on the meaning of the term ‘location’ in this section of Vermont statute with regard to whether municipalities can prohibit these facilities in certain districts. We recommend allowing them in all districts as a conditional use to start and then decide if you want to make some permitted in certain districts (i.e., town office, library, church or school in the village districts for example). Federal law also limits your ability to prohibit religious institutions from a district where you allow any other public assembly uses.

**1105 GROUP HOMES**

Statutory requirement ([24 V.S.A. § 4412\(1\)\(G\)](#)). Interpretation of statute is now that municipalities cannot require a zoning permit when an existing dwelling is converted to a group home.

**120 Prior Applications, Approvals and Uses****1201 PRIOR APPLICATIONS**

No comparable language in adopted zoning. This is consistent with Vermont case law. Vermont is an “early vesting” state, giving a landowner vested rights in the law as it stood at the time of the application for a permit.

**1202 PRIOR PERMITS AND APPROVALS**

No comparable language in adopted zoning. This is standard Vermont land use practice.

One of the protections subdivision approval provides landowners is the statutory provision ([24 V.S.A. § 4463](#)) that lawfully recorded subdivision plats approved under the subdivision review authority do not expire.

**1203 CHANGE IN OWNERSHIP**

No comparable language in adopted zoning. This is a basic tenet of land use law.

**1204 CHANGE OF USE**

Clarifies language found in Section 3.12 of adopted zoning.

**1205 EXPANSION OF USE**

No comparable language in adopted zoning.

**1206 DISCONTINUED USES**

No comparable language in adopted zoning for conforming uses. The PC can set the time limits for discontinuance but 12 months is typical. It is common land use practice in Vermont that residential use of a dwelling is not considered discontinued even if the dwelling is vacant for an extended period.

**1207 ABANDONED DEVELOPMENT**

No comparable language in adopted zoning. The time period for which a zoning permit will be valid and during which the work must be substantially completed will be established in Chapter 4.

**1208 DAMAGED OR DESTROYED STRUCTURES**

No comparable language in adopted zoning for conforming structures. The PC can set the time limits for acting to demolish or reconstruct a damaged or destroyed structure. The terms “damaged structure” and “destroyed structure” will be defined in Chapter 5.

**130 Nonconformities****1301 NONCONFORMING STRUCTURES**

Replaces and revises Section 10.1 of adopted zoning. We are recommending that the ZA be granted more authority to approve modifications to nonconforming structures in order to meet code or accessibility requirements. We have clarified that the ZBA may allow an enlargement of a nonconforming structure is only through its waiver or variance authority.

**1302 NONCONFORMING USES**

Replaces and revises Section 10.1 of adopted zoning. We are recommending that the ZA be granted more authority to approve minor expansions of nonconforming uses. We are recommending a reduction in the length of time that a nonconforming use can be discontinued and then resume from 3 years to 12 months.

**1303 NONCONFORMING LOTS**

Provisions related to existing small lots are statutory ([24 V.S.A. § 4412\(2\)](#)) and remain unchanged from Section 3.4.1 of adopted zoning.

Adopted zoning is silent on issue of lot merger. Lot merger is no longer mandated by statute and we are not recommending automatic lot merger. Instead, the subdivision standards would include provisions for legal lot merger that would eliminate the lot line permanently.

**1304 CREATION OF A NONCONFORMITY**

No comparable language in adopted zoning, but this is consistent with Vermont land use practice.

**2 ZONING DISTRICTS****200 General Provisions****2001 ESTABLISHMENT OF BASE ZONING DISTRICTS**

Replaces Section 2.1 in adopted zoning.

**2002 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS**

Replaces Section 2.1 in adopted zoning.

**2003 OFFICIAL ZONING MAPS**

Replaces Sections 2.2 through 2.5 in adopted zoning.

**2004 LOTS DIVIDED BY A ZONING DISTRICT**

No comparable language in adopted zoning.

**2005 LOTS DIVIDED BY A MUNICIPAL BOUNDARY**

No comparable language in adopted zoning.

**2006 MULTIPLE USES OR BUILDINGS ON A LOT**

Replaces Section 3.4.2 of adopted zoning. Adopted zoning allows multiple dwellings on a lot. We are recommending requiring PUD approval if there will be 3 or more buildings with dwelling units in them on a lot. Clarifies that multiple principal uses are allowed on lot.

**2007 USE STANDARDS**

Replaces provisions from multiple places in adopted zoning. Clarification of language but no substantive change in policy. Adds a process for determining whether an unlisted use (a use not provided for anywhere in town on the use table) is materially similar to a listed use, and therefore something that could be allowed in a zoning district.

**2008 DIMENSIONAL STANDARDS**

Replaces provisions from multiple places in adopted zoning. Expands upon existing language considerably. Substantive change to lot frontage standards, clearly requiring frontage on a maintained public or private road (this would not include Class 4 roads, legal trails or forest roads). Changes measurement of setbacks from edge of traveled way to edge of right-of-way (or road centerline, where edge of ROW is unknown). Retains concept of "buildable lot area" when calculating residential density from Section 3.6.1. of adopted zoning.

**210 Base Zoning Districts****2101 VILLAGE BUSINESS (VB) DISTRICT**

Replaces Village Commercial district, Section 6.3 of adopted zoning. Generally, this district is smaller in area than the adopted VC district. In East Dorset, the proposed district is relocated to Mad Tom Road rather than being out on Route 7. Changes to dimensional standards include: reduced minimum lot size, increased maximum lot coverage, reduced minimum setbacks, increased maximum height, increased maximum building footprint, increased residential density. Changes to use standards include changing some uses from conditional to permitted and adding a significant number of new uses not currently allowed in Village Commercial district.

**2102 VILLAGE MIXED USE (VMU) DISTRICT**

This is a new district. It encompasses areas in the village along the main thoroughfares that are residential in built form, but are a mix of business and residential uses. Most of these areas are currently part of the adopted Village Commercial or Village Residential district. The dimensional standards are similar to the adopted Village Commercial district with the exception of proposing an increased maximum building footprint and residential density. The proposed district would continue to maintain the form and scale of the historic residential pattern while allowing for small business uses and housing.

**2103 VILLAGE RESIDENTIAL (VR) DISTRICT**

Comparable to adopted Village Residential district. We looked at the existing extents of the district and assessed whether there was land within ¼ of the designated village centers suitable for housing that should be included. The dimensional standards are fairly similar to the adopted VR district with minor adjustments to match the existing built form more effectively. The proposed list of allowed uses is largely limited to residential and would allow multi-family housing as a permitted use.

**2104 GENERAL BUSINESS (GB) DISTRICT**

Replaces the adopted Commercial Industrial 1 district. We are recommending some minor changes to the dimensional standards such as a larger lot size to ensure there is adequate space for onsite infrastructure (water, wastewater, stormwater) and reductions in setbacks between lots within the district. The district would continue to support a broad range of uses, including more intensive or impactful industrial uses. It would not allow for residential uses in order to minimize potential for future conflict between incompatible uses.

**2105 RURAL MIXED USE (RMU) DISTRICT**

Replaces the adopted Commercial Industrial 2 district. The boundaries of the district have been significantly re-shaped to exclude public, conserved or unbuildable land, and extended to other lands along the highways where there are currently clusters of businesses. The proposed district is very flexible on use and would rely on rigorous site plan standards to

ensure that business activities and structures are compatible with the goal of protecting rural character.

**2106 RURAL RESIDENTIAL (RR) DISTRICT**

Replaces the adopted Agriculture and Rural Residential district. This district encompasses most of the residential development in town. We are not proposing significant changes to the dimensional standards. The proposed uses are primarily residential, but do not include multi-family residential (that could still be an option through a PUD). There is some provision for nonresidential uses that are typical in rural settings, mostly with conditional use approval. Several uses currently allowed that have significant potential for off-site impacts would no longer be allowed such as firewood processing or extraction.

**2107 RURAL RESOURCE PROTECTION (RRP) DISTRICT**

Replaces the adopted Forest 1 and 2 districts. We are recommending merging the two adopted districts. Other lands below 1,600 feet have been included in the district – primarily land that is already public, conserved, unbuildable or inaccessible from maintained roads. We are proposing to allow single-family homes as a conditional use but strengthen and clarify the standards for siting a building envelope and the various resources protection standards (steep slopes, stream buffers, wetlands, etc.). We think that those provisions will be more effective at furthering the town goals related to protecting the upland areas than the current two-district approach. The district would also allow for working land uses and recreational uses.

**2108 DISTRICT DIMENSIONAL SUMMARY TABLE**

This table will be useful for comparing the proposed standards across the districts.

**2109 DISTRICT USE SUMMARY TABLE AND USE DEFINITIONS**

This table will be useful for comparing the proposed uses across the districts. It also provides the definition of each use.

**220 Overlay Zoning Districts**

**2201 FLOOD HAZARD OVERLAY (FHO) DISTRICT**

This replaces your current flood hazard language. The standards in this section are largely dictated by state and federal law. If there are specific elements of the flood hazard regulations that are of concern or interest to Dorset, we can look at those specifically and assess whether there is latitude with the regulations to address them.

**2202 SOURCE WATER PROTECTION OVERLAY (SWO) DISTRICT**

This language is based on the state's model language for source water protection districts.

**2203 DESIGN REVIEW OVERLAY (DRO) DISTRICT**

This language is based on your draft language. We will need the illustrations to include and we recommend taking most of the "advisory guidance" portions of your draft and incorporating that into the captions for the illustrations. It is important to distinguish between what is "required" versus what is "recommended."



**3 DEVELOPMENT STANDARDS****300 General****3001 APPLICABILITY****3002 ACCESS**

Clarifies that access from a maintained public or private road is required (Class 4 roads and legal trails are not maintained public roads). Includes language from Section 3.8.3.4.i of adopted bylaw (site plan review standards for traffic access and safety). Adds provisions to limit lots to one access and to minimize access width. Retains provisions for shared access and minimizing access onto state highways.

**3003 ACCESSORY STRUCTURES**

No comparable language in adopted zoning.

**3004 ACCESSORY USES**

No comparable language in adopted zoning.

**3005 CAMPING AND CAMPING UNITS**

No comparable language in adopted zoning. Recent trends like short-term rentals and tiny houses have created a need to more specifically address issues around camping and camping units. This section includes provisions for storing camping units on residential lots, having non-paying guests stay in a camping unit on a residential lot, and using a camping unit as a primitive camp or a temporary dwelling.

**3006 CONSTRUCTION-RELATED STRUCTURES AND USES**

Includes some language from Section 10.4 of adopted bylaw regarding construction trailers but is mostly new language.

**3007 DEMOLITION**

Replaces Section 3.11 of the adopted bylaw. Includes a cross-reference to the design review overlay district standards and the exemption for demolition of small structures.

**3008 DRIVEWAYS**

No comparable language in adopted zoning. Significant changes to current policy/practice include:

Allowing shared driveways to serve up to 3 lots, 6 dwellings or 3 non-residential uses (adopted bylaw only allows shared driveways to serve 2 dwellings or non-residential uses).

Establishing dimensional standards (grade, width, clearance) for driveways.

Requiring pull-offs and turnarounds for emergency vehicles, and provisions for snow storage, on longer driveways.

Requiring existing residential driveways be upgraded to meet minimum standards if property will be converted to a non-residential use with customer traffic.

**3009 ENERGY GENERATION FACILITIES**

Replaces portion of Section 3.2.3 of adopted zoning. Nearly all energy generation facilities will be exempt from zoning because they will be grid-tied. The standards in Paragraphs B-D will apply to facilities that are not grid-tied (examples include solar hot water, geothermal heating/cooling, wind or solar on remote sites not readily serviced by utilities). The state PUC will apply local screening requirements to renewable energy projects that they permit if specified in the municipal regulations and if those requirements are equivalent to the screening requirements for similar uses (industrial uses, on-site utilities, etc.).

**3010 EROSION PREVENTION AND SEDIMENT CONTROL**

Replaces portions of Section 3.8.3.4.v (site plan standards for storm drainage and erosion control). Adopted language allows the Planning Commission to require erosion control plans. Proposed language specifies that all development that will disturb soil must implement erosion control practices. Based on how much area will be disturbed applicants must submit either a completed erosion control checklist or a professionally prepared erosion control plan. If a project needs a state permit, the applicant can submit that permit as evidence of meeting town requirements so there is no duplication in permitting.

**3011 FENCES, WALLS AND BERMS**

No comparable language in adopted zoning.

**3012 GRADING, EXCAVATION, FILL AND STORAGE OF EARTH MATERIALS**

No comparable language in adopted zoning.

**3013 PERSONAL STORAGE**

No comparable language in adopted zoning.

**3014 PONDS**

No comparable language in adopted zoning.

**3015 PORTABLE STRUCTURES**

No comparable language in adopted zoning.

**3016 RIPARIAN BUFFERS**

Replaces portions of Section 10.2 of adopted zoning. Adopted zoning requires a 50-foot vegetated buffer from mapped surface waters. Proposed language retains the 50-foot buffer but provides some opportunity for recreational use and water access within the buffer. It also provides standards to address pre-existing development within the buffer. If the PC decides to adopt a River Corridor Overlay district, this language could be merged with that section.

**3017 STEEP SLOPES**

Replaces Section 3.6.2 of adopted zoning. Adopted zoning prohibits construction of new buildings where slopes are 20% or greater. Proposed language creates a new definition of steep slopes intended to capture broad areas characterized by slopes of 20% or greater and to exclude small, isolated areas of steep slopes. A slope advisory map is provided to identify locations likely to qualify as steep slopes. Rather than prohibiting development on steep slopes, the proposed language requires conditional use approval and establishes specific criteria that must be met to permit development on steep slopes. With more specific standards for driveways, erosion control and stormwater management the adverse impacts of development on steep slopes can be minimized.

**3018 STORMWATER MANAGEMENT**

Replaces portions of Section 3.8.3.4.v (site plan standards for storm drainage and erosion control). Adopted language allows the Planning Commission to require storm drainage plans. Proposed language requires all proposed development that will be creating additional impervious surface to implement stormwater management practices. Based on how much area will be disturbed applicants must submit either a completed stormwater management checklist, green stormwater infrastructure sizing spreadsheet, or a professionally prepared stormwater management plan. If a project needs a state permit, the applicant can submit that permit as evidence of meeting town requirements so there is no duplication in permitting.

**3019 TEMPORARY STRUCTURES AND USES**

No comparable language in adopted zoning.

**3020 UTILITY FACILITIES AND ESSENTIAL SERVICES**

No comparable language in adopted zoning.

**3021 WATER SUPPLY AND WASTEWATER DISPOSAL**

Replaces language in adopted zoning that pre-dates state assumption of wastewater permitting and that is no longer consistent with state statute and regulations.

**3022 WETLANDS**

Replaces portions of Section 10.2 of adopted zoning. Adopted zoning requires a 100- or 50-foot vegetated buffer from mapped wetlands based on their classification (consistent with

state wetland rules). Proposed language retains the buffer but provides some opportunity for recreational use, use of wetlands as part of green stormwater practices, and wetland crossings or other projects that obtain a state permit. It also provides standards to address pre-existing development within wetlands and wetland buffers and to allow for new wetland impacts with appropriate mitigation.

**310 Site Design and Performance Standards****3101 LANDSCAPING**

Replaces Section 3.8.3.iii and 10.3.6 of the adopted zoning. Adopted site plan regulations simply require that landscaping “acceptable to the Planning Commission” be provided. The requirements for landscaping within parking lots also speak to the size of the plant materials at time of installation. The draft section is a detailed set of landscaping standards for front yards, street trees and parking areas with quantitative requirements for the amount of plant material required.

**3102 OUTDOOR LIGHTING**

Replaces Section 3.8.3.iv of the adopted zoning. The draft section is modeled on the Pattern Outdoor Lighting Code (POLC), a contemporary set of lighting standards used by communities in Vermont and around the country. The allowed light levels are set at the low end of the range recommended in the POLC.

**3103 OUTDOOR USE AREAS**

No comparable language in adopted zoning. Establishes a base set of requirements for outdoor uses including display and storage, dining, event venues, education use, recreation use, and animal use. These standards will help address the off-site impact concerns of nuisance uses, including training camps or other high-intensity outdoor uses.

**3104 PARKING AND LOADING AREAS**

Replaces Section 3.8.3.ii and 10.3 of the adopted zoning. Draft language establishes minimum parking requirements based on floor area of a business rather than number of employees or seats, which is simpler to administer. It establishes a maximum number of spaces and doesn't allow more than that number to be built without a parking study to demonstrate the need. It does not require parking for businesses in the Village Business district. It continues to allow for shared and off-site parking, and allows the PC to reduce parking if specified criteria are met. It requires that larger parking areas be surfaced with asphalt or concrete.

Note that the provision to waive loading areas in the Village Business and Mixed Use district may be more effective if the town were to designate on-street drop-off zones. Also note that it is difficult to enforce limitation on hours for deliveries.

**3105 PERFORMANCE STANDARDS**

Replaces Sections 3.8.3.vi-xi. Draft is standard set of performance standards that is quite similar to the adopted regulations.

**3106 SCREENING**

Replaces Section 3.8.3.iii of the adopted zoning, which requires screening between business uses and any adjoining roads or residential properties and screening of utilitarian site features. Draft language has similar requirements but includes quantitative standards for the depth of buffers, the amount of landscaping and the design of fences used for screening.

**3107 TRASH, COMPOSTING AND RECYCLING STORAGE AREAS**

No comparable language in adopted zoning. Establishes basic standards for siting and screening waste containers.

**320 Specific Use Standards**

There is not a directly comparable section in the adopted regulations. However, there are standards for specific uses within the lists of uses by zoning districts and within the definitions of some uses.

**3201 APPLICABILITY**

No comparable language in adopted regulations. Clarifies that the standards in this section are minimum requirements and the PC or ZBA can be more restrictive or place other conditions on approval.

**3202 ACCESSORY DWELLING**

Standards for accessory dwellings current found in the definition of the term. Current standards are no longer in conformance with statute. Drafted language aligns with new statutory requirements for ADUs. Is drafted to allow both the primary and accessory unit to be rented (this is not currently required by statute, but is the direction ADU regulations are headed based on recent court decisions around the country).

**3203 PRIMITIVE CAMP**

No comparable language in adopted regulations (primitive camp is a new use). This language is drafted to align with state regulatory provisions for primitive camps.

**3204 HOME OCCUPATION**

Standards for customary home occupation current found in the definition of the term. There is no substantive change in the standards. Home occupations are mandated by statute and cannot be subject to site plan or conditional use review. Dorset is currently more generous with what it allows as a home occupation (4 non-resident employees, use of accessory building) than statute requires.

**3205 HOME BUSINESS**

No comparable language in adopted regulations (home business is a new use). This language is drafted to allow an opportunity for a larger or more intensive business than is possible through the home occupation provisions. As it is not mandated by statute, it can be subject to site plan review or conditional use review, and the town can establish whatever limits or standards are deemed appropriate.

**3206 FAMILY CHILDCARE HOME**

Replaces Section 3.7.8 of adopted regulations. This use is mandated by statute. There is no substantive change to the standards.

**3207 BED AND BREAKFAST**

Currently referred to as a tourist home in the adopted regulations and part of a larger definition of public lodging that encompasses inns and rooming houses. There is no limitation on the number of guestrooms currently and conditional use approval is required. The draft takes a different approach, treating a B&B essentially the same as a home occupation and limiting the number of guest rooms to 5. Anything larger would be a lodging facility, which is subject to site plan review.

**3208 SHORT-TERM RENTAL**

No comparable language in adopted regulations. Drafted to require that owners who rent out their homes for short-term rental when they are not present on the premises must engage a local property manager. Establishes a maximum occupancy based on the number of lawful bedrooms.

**3209 CARE HOME**

No comparable language in adopted regulations (care home is a new use).

**3210 LODGING FACILITY**

No comparable language in adopted regulations. New use that replaces inn (part of the public lodging definition) and motel (defined but not listed as an allowed use in any district). Draft language sets a limitation on number of guestrooms by district and in some districts requires conditional use approval for larger facilities.

**3211 CAMPGROUND**

Replaces Section 10.6 of adopted regulations. Draft language adjusts some of the dimensional requirements. It also separates out seasonal campgrounds and requires they be approved as PUDs.

**3212 REPAIR SERVICE**

The current regulations allow for repair services in several districts, but the terminology and standards are not consistent from district-to-district.

**3213 FUELING STATION**

No comparable language in adopted regulations (fueling station is a new use).

**3214 VETERINARY, PET OR ANIMAL SERVICE OR EQUESTRIAN FACILITY**

Expands on standards in use listings for various districts in the adopted regulations.



- 3215 RESTAURANT, BAR OR EVENT FACILITY**  
Expands on standards in use listings for various districts in the adopted regulations. Adds standards that would apply to event facilities.
- 3216 STORAGE AND DISTRIBUTION SERVICES**  
No comparable language in adopted regulations. This use encompasses warehousing and self-storage uses.
- 3217 TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES**  
No comparable language in adopted regulations (bulk fuel storage is listed as a use but with no standards). This language aligns with state/federal regulatory standards.
- 3218 LANDING AREAS**  
No comparable language in adopted regulations.
- 3219 COMMUNICATIONS ANTENNAS AND TOWERS**  
This replaces Section 11 of the adopted regulations. There have been changes in technology and state permitting rules that render the current regulations out-of-date. Companies may opt to get a Certificate of Public Good from the state rather than seek a zoning permit from the town for a communications facility. As long as that remains state law, it is unlikely that the town would be reviewing an application for a new tower. You are more likely to get applications for modifications to existing facilities. The draft is set up to require applicants to demonstrate that there is no other feasible option to a new tower and then to require a design that minimizes visual impact.
- 3220 PROPERTY SERVICE, CONTRACTOR'S YARD OR UNENCLOSED STORAGE**  
No comparable language in adopted regulations. Where this sort of use is allowed, there is discussion of either not allowing or requiring screening of outdoor storage.
- 3221 COMMERCIAL OUTDOOR RECREATION**  
No comparable language in adopted regulations. As requested, this section includes specific standards for outdoor shooting ranges.
- 3222 CHILD DAY CARE**  
No comparable language in adopted regulations. This allows for daycare uses that exceed the limits established by statute for family child care homes.
- 3223 FIREWOOD PROCESSING**  
Firewood processing is allowed in some districts currently but there are no standards.

**3224        EXTRACTION AND QUARRYING**

Replaces and expands on Section 10.7 of adopted regulations.

**3225        ACCESSORY ON-FARM BUSINESS AND AGRICULTURAL ENTERPRISE**

These are new uses. Accessory on-farm business is mandated by statute (similar to home occupation). Agricultural enterprise as drafted allows more flexibility for businesses processing ag products.

**330 Subdivision Standards**

Eliminates growth management provisions that no longer conform to statute. Eliminates references to districts and the LESA that are no longer in existence. Merges the standalone subdivision regulations into a unified set of development regulations.

**3301 APPLICABILITY**

Replaces Section 1.04 of the adopted subdivision regulations.

**3302 SUITABILITY OF THE LAND**

Replaces Section 3.02 of the adopted subdivision regulations.

**3303 PROTECTION OF NATURAL, AGRICULTURAL AND SCENIC RESOURCES**

Replaces portions of Section 3.04 of the adopted subdivision regulations.

**3304 CAPABILITY OF COMMUNITY FACILITIES AND UTILITIES**

Replaces portions of Section 3.04 of the adopted subdivision regulations.

**3305 LOT DESIGN AND CONFIGURATION**

New language that adds a building envelope requirement.

**3306 DESIGN AND LAYOUT OF NECESSARY IMPROVEMENTS**

Replaces Section 4.00 of the adopted subdivision regulations.

**3307 PLANNED UNIT DEVELOPMENTS (PUDS)**

Replaces Section 7 of adopted zoning. Adds a 70% conservation / 30% development standard. Adds guidance for selecting land to be set aside for conservation. Makes PUDs mandatory for major subdivisions in the rural areas of town.

**4 ADMINISTRATION****400 Roles and Responsibilities**

The sections in this subchapter provide some background information on who is involved in the administration of the regulations, which is intended to be helpful to applicants. We do not recommend including the full statutory text in regard to appointments, terms, removal, other duties etc. as it is not directly relevant to the administration of the regulations.

**4001 ZONING ADMINISTRATOR**

Replaces Section 12.1 of the adopted zoning. Statutory language ([24 V.S.A. § 4448](#)). No substantive change.

**4002 PLANNING COMMISSION**

No comparable language in adopted zoning, but this is consistent with current practice. Statutory language ([24 V.S.A. Chapter 117 Subchapter 2](#)).

**4003 ZONING BOARD OF ADJUSTMENT**

No comparable language in adopted zoning, but this is consistent with current practice. Statutory language ([24 V.S.A. § 4460](#)).

**4004 DESIGN REVIEW COMMITTEE**

No comparable language in adopted zoning, but this is consistent with current practice. Statutory language ([24 V.S.A. § 4433](#))

**410 Fees and Filing Requirements**

The provisions of this subchapter are like a set of tools that are available to the ZA, PC and ZBA. Some will be used frequently like permit fees and filing copies of other permits, while others will be only used rarely like the technical review or monitoring provisions.

**4101 PERMIT FEES**

Statutory language ([24 V.S.A. § 4440](#)). No substantive change from Section 3.10 of adopted zoning and Section 10.01 of adopted subdivision.

**4102 IMPACT FEES**

No comparable language in adopted zoning. Impact fees are authorized in [24 V.S.A. Chapter 131](#). This provision would only take effect if the town adopted an impact fee ordinance. Then this language would be needed to link obtaining a zoning permit to having to pay the impact fee.

**4103 TECHNICAL OR LEGAL REVIEW COSTS**

No comparable language in adopted zoning. Replaces Section 10.02 of adopted zoning. Statutory language ([24 V.S.A. § 4440](#)). No substantive change.

**4104 PERFORMANCE BONDS OR SURETIES**

Performance bonds are authorized for limited purposes in the adopted zoning and subdivision. Performance bonds are authorized in [24 V.S.A. § 4464](#). By including this provision here, it does not have to be repeated in multiple sections of the regulations and could be used for any application that the ZA, PC or ZBA deem appropriate.

**4105 MONITORING OR INSPECTION COSTS**

No comparable language in adopted zoning. Replaces Section 10.03 of adopted subdivision. Charging the applicant for these type of costs is authorized in [24 V.S.A. § 4440](#).

**4106 AS-BUILT DRAWINGS**

No comparable language in adopted zoning, but required in adopted subdivision for new roads. This is standard land use practice.

**4107 OTHER PERMITS, APPROVALS AND CERTIFICATIONS**

This is authorized in [24 V.S.A. § 4414](#). No substantive change, consistent with current practice.

**420 Zoning Permits**

The sections in this subchapter walk through the process of obtaining/issuing a zoning permit from the initial application through project completion clearly stating the responsibilities of both the applicant and the ZA.

**4201 SUBMITTING A ZONING PERMIT APPLICATION**

Replaces portions of Section 12 of the adopted zoning. The procedures/requirements for applying for a zoning permit are largely established in statute ([24 V.S.A. § 4448](#) and [24 V.S.A. § 4449](#)). Draft includes language that:

Clearly states the ZA has the authority to waive application requirements and request that applicants provide additional information.

Informs the applicant of the consequences for not providing complete and accurate information on an application as per [24 V.S.A. § 4470a](#).

Establishes a deadline for the ZA to deem an application complete. There has been case law in relation to this issue, but statute does not specify a deadline to make the determination. We do not recommend allowing more than 15 days or less than 7 days.

**4202 ACTING ON A COMPLETE ZONING PERMIT APPLICATION**

Replaces portions of Section 12 of the adopted zoning. The procedures/requirements for acting on a zoning permit are largely established in statute ([24 V.S.A. § 4448](#) and [24 V.S.A. § 4449](#)). Adopted zoning sets a 10-day period for the ZA to act on a complete application – we recommend setting the deadline at 30 days to be consistent with statute. Draft includes language that:

Clarifies applicants need to petition Environmental Court to obtain a deemed approval if the ZA does not act on a complete application within 30 days. This is how the provision of statute has been interpreted through case law.

References the requirement of statute to review applications under both adopted and proposed regulations when amendments are being considered by the Selectboard.

Clearly authorizes the ZA to place conditions on an approval and requires that the applicant provide copies of state permits prior to the start of construction and an energy certificate when construction is completed.

Authorizes the ZA to issue temporary permits.

**4203 OBTAINING A ZONING PERMIT**

Replaces portions of Section 12 of the adopted zoning. The procedures/requirements for issuing a zoning permit are largely established in statute ([24 V.S.A. § 4449](#)). We are recommending changing the requirement from “substantially commence” work within one year to “substantially complete” the work within two years to improve the ability to track and clearly close-out permits for work that has not started or has not been completed in a timely manner. The period of effectiveness for a zoning permit is a component that is not specified in statute and can be set by the municipality. Draft includes language that:

Allows applicants to request that their zoning permit not take effect for up to 12 months while they are still seeking other permits. This is helpful because applicants typically get their municipal permits prior to getting state permits, particularly Act 250 permits.

Clarifies that the ZA can issue separate permits for phased projects or projects with multiple units or buildings.

Clearly states that permits “run with the land” – they remain in effect irrespective of change in ownership or tenancy of the property.

**4204 AMENDING PERMITS OR APPROVALS PRIOR TO PROJECT COMPLETION**

No comparable language in adopted zoning. There are no statutory requirements for amendments – this section is entirely municipal policy. This section addresses the need to make small changes to proposed development to respond to issues that arise during construction (ex. discovery of ledge, unavailability of a specified material/component, etc.). Grants the ZA the authority to approve/deny such changes or to refer them to the PC or ZBA.

**4205 INSPECTING DEVELOPMENT DURING CONSTRUCTION**

Replaces portions of Section 12 of the adopted zoning – no substantive change. Clearly states the authority of the ZA.

**4206 OBTAINING A CERTIFICATE OF COMPLIANCE**

Replaces Section 12.3 of adopted zoning. Certificates of occupancy (aka compliance) are authorized in [24 V.S.A. § 4449](#). By statute if the municipality requires a certificate of compliance, it must also require the applicant to provide a copy of the energy certificate (if applicable). Continued practice of requiring certifications of compliance for all development from adopted LUDRs. Draft authorizes ZA to issue temporary certificates (for example, if construction is completed in November and the applicant needs to wait until spring to install landscaping) and certificates for phased or multi-part development.

**4207 REVOKING PERMITS OR APPROVALS**

No comparable language in adopted zoning. The revocation process is established in statute, [24 V.S.A. § 4455](#).

**4208 APPEALING ADMINISTRATIVE ACTIONS OR DECISIONS**

Replaces Section 12.9.1 of adopted zoning. The right to appeal administrative actions and decisions to the ZBA is established in statute, [24 V.S.A. § 4465](#). This is just an informational section with a cross-reference to the appeals process and criteria that are found in Section 4402.

**430 Development Approvals**

The sections in this subchapter cover the process of applying for and review applications for the types of various development approvals (sign, site plan, conditional use, PUD, subdivision, etc.). It clearly states the responsibilities of the applicant, the review authorities delegated to the Administrative Officer, and review authorities retained by the Development Review Board. It defines the thresholds for major and minor projects, and establishes the applicable type of review process and review criteria for each.

**Figure 4-01. Development Approvals Table**

Summary table providing information about each type of development approval.

**4302 APPLICATION PROCESS**

The draft clearly describes the ZA's role in assisting applicants and ensuring applications are complete before they are sent on to the PC or ZBA. [24 V.S.A. 4460\(e\)](#) specifies that matters should come before the PC or ZBA by referral from the ZA. The proposed language authorizes the ZA to waive or modify application requirements.

**4303 APPLICATION REQUIREMENTS**

[24 V.S.A. § 4416](#) specifies that application requirements for site plans be included in the regulations, [24 V.S.A. § 4417](#) specifies the same for planned unit development applications and [24 V.S.A. § 4418](#) specifies the same for subdivision applications. The application requirements will need to be reviewed again once Chapters 2 and 3 are complete to check consistency. The requirement for the applicant to provide a letter of intent from VTrans is specified in [24 V.S.A. § 4416\(b\)](#).

**4304 SIGN REVIEW**

Currently Dorset has a standalone sign ordinance. However, it is linked to the zoning districts. Changing the zoning districts would necessitate reviewing and potentially revising the sign ordinance. If revisions are going to be made, we recommend integrating the sign ordinance into these regulations. If you want to retain the standalone ordinance, this language would be pulled.

Proposed review process would allow administrative review of applications for just a new or modified sign. However, when the new/modified sign is part of a larger project subject to major site plan review, it would be considered by the Planning Commission as part of the site plan review process. New or modified signs in the Design Review Overlay District would require design review.

**4305 DESIGN REVIEW**

Replaces portions of Section 9 of adopted zoning. Dropped Section 9.1 Designation Procedure – any change to the boundary of the Design Review Overlay District needs to be proposed and adopted like all other changes to the regulations. Draft language clarifies the review process, particularly that the Design Review Committee is advisory and it is not a “decision-making” body. The draft language includes review criteria (the full design standards will be in the overlay district language).

**4306 SITE PLAN REVIEW**

Replaces portion of Section 3.8.3 (note that site plan standards will be moved to Chapter 3). Site plan review is authorized in [24 V.S.A. § 4416](#) and in [24 V.S.A. 4460\(e\)](#) for uses other than single- and two-family homes.

The procedure for site plan review for conditional uses has been revised. We recommend that the applicant first obtain a site plan approval from the PC prior to the application being considered by the ZBA. Adopted zoning has the PC review the application but make recommendations to the ZBA rather than issuing a decision on the site plan – this approach is not consistent with statute or planning practice.

The draft includes provisions to classify site plan applications as major or minor, and to authorize the ZA to review minor site plans. There are no statutory requirements for classifying site plans as major or minor – it is a matter of municipal policy.



**4307      CONDITIONAL USE REVIEW**

Replaces Section 3.5 of adopted zoning. Conditional use review is authorized in [24 V.S.A. § 4414\(3\)](#) and [24 V.S.A. 4460\(e\)](#). Draft establishes thresholds for determining whether an application for further development associated with an existing conditional use will require conditional use approval – those are not statutory. We are recommending that the PC rather than ZBA review conditional use applications to avoid applicants having to go before two boards for the same project.

**4308      PLANNED UNIT DEVELOPMENT REVIEW**

Replaces portions of Section 7 of adopted zoning (note that PUD standards will be moved to Chapter 3). Planned unit developments (PUDs) are authorized in [24 V.S.A. § 4417](#). The term “planned unit development” has replaced “planned residential development” in statute.

**4309      REVIEW OF LOT LINE ADJUSTMENTS AND LOT MERGERS**

Replaces Section 1.06 of adopted subdivision. Proposed language continues to authorize the ZA to review and approve lot line adjustments. Draft adds a process for reviewing lot mergers and clarifies that merger is the only way to eliminate a lot line.

**4310      REVIEW OF FOOTPRINT LOTS**

No comparable provision in adopted regulations. The need for property owners to create footprint lots has increased due to changes in financing requirements for condominiums.

**4311      SUBDIVISION REVIEW**

Replaces various sections of the adopted subdivision. Subdivision review is authorized in [24 V.S.A. § 4418](#) and the review process is established in [24 V.S.A. § 4463](#).

Draft language proposes that the ZA conduct the sketch plan review rather than the Planning Commission. We are proposing to keep the 5-lot threshold for classification of major subdivisions but there is some change to the related language to add a time component to that threshold and change to when re-subdivision will be considered major. Minor subdivisions require only one hearing before the Planning Commission, while major subdivisions require two hearings. Some standards in Chapter 3 may apply to major subdivisions, but not to minor subdivisions.

We also recommend dropping the requirement for design review of subdivision applications within the Design Review Overlay District as there are no applicable standards to be applied. Similarly, we recommend eliminating all references to the LESA given that those provisions in the adopted subdivision have not been followed for many years. The growth management and permit allocation provisions in Section 2 of the adopted subdivision have also been removed as they are not legal under Vermont law without the town having a capital budget and program in place that meets minimum state requirements and provides a foundation for limiting the number of permits granted in a year.

The filing requirements and provision that states that lawfully filed plats do not expire are set in statute. [27 V.S.A. § 341](#) now requires surveyors to provide a digital copy of filed surveys to the state's Land Survey Library.

**4312 COMBINED REVIEW**

No comparable language in adopted zoning. Provisions for combined review are required by [24 V.S.A. § 4462](#).

**4313 AMENDING APPROVED PLANS**

No comparable provision in adopted zoning. This section outlines a process for amendments to approved plans not eligible to be reviewed by the ZA.

Figure 4-02. **Development Review Criteria**

Replaces Sections 5.3 and portions of Article 7 of adopted LUDRs. Minimum review criteria are established in [24 V.S.A. § 4414\(3\)](#) for conditional uses and in [24 V.S.A. § 4416](#) for site plans. The regulations must include those minimum requirements, but the town can include other criteria or more specifically define the state minimum criteria. Adopted zoning and subdivision integrate the review criteria into the standards. The draft proposes to separate those with more specific standards provided in Chapter 3. This will facilitate and help structure decisions with findings of fact and conclusions on each applicable review criteria (#1-9 for site plans, #10-15 for conditional use, #1, 3, 5-18 for subdivisions).

**440 Appeals**

This subchapter establishes the process for appealing decisions and considering appeals under these regulations. Those processes are largely dictated by statute.

**4401 WHO MAY APPEAL**

No substantive change. [24 V.S.A. § 4465](#) establishes the definition of interested person. To qualify as an interested person (and be eligible to file an appeal), individuals must demonstrate a physical or environmental impact on their interests in addition to demonstrating that the decision is not in conformance with the town plan or the regulations.

**4402 APPEALS OF ZONING ADMINISTRATOR DECISIONS**

Replaces Section 12.9 of adopted zoning and Section 1.09 of adopted subdivision. No substantive change. [24 V.S.A. § 4465](#) establishes the process for appealing a decision or action of the ZA to the ZBA. [24 V.S.A. § 4466](#) establishes the requirements for a notice of appeal. [24 V.S.A. § 4468](#) establishes the procedures for hearing appeals. [24 V.S.A. § 4470](#) authorizes the ZBA to reject successive appeals.

**4403 APPEALS OF PLANNING COMMISSION OR ZONING BOARD OF ADJUSTMENT**

**DECISIONS**

Replaces Section 12.9 of adopted zoning and Section 1.09 of adopted subdivision. No substantive change. [24 V.S.A. § 4471](#) establishes the procedures for appealing Planning Commission or Zoning Board of Adjustment decisions.

If a PC or ZBA decision is appealed to Environmental Court and the municipality has adopted on the record review, the parties cannot provide new evidence and the judge makes a decision on the evidence submitted during the local hearing. Without on the record review, the Environmental Court re-hears the entire matter and takes new evidence. This increases the cost and complexity to the town (and to other parties) of responding to appeals. To implement on the record review, the town needs to adopt and implement the Municipal Administrative Procedures Act ([24 V.S.A. Chapter 36](#)).

**4404 WAIVERS**

Replaces Section 3.13 of adopted zoning. [24 V.S.A. § 4414\(8\)](#) authorizes municipalities to grant waivers to reduce dimensional requirements. The standards and limits for dimensional waivers are not specified in statute and are a matter of municipal policy. We are recommending allowing waivers for all structures – adopted zoning only allows waivers for residential structures. Proposed language limits waiver authority to a 30% reduction. Also recommending that the PC approve applications for waivers.

**4405 VARIANCES**

Replaces Section 12.9 of adopted zoning. No substantive change. [24 V.S.A. § 4469](#) establishes the standards and procedures for granting variances. The variance provisions are mandatory and must conform to statute. The ZBA would continue to hear requests for variances as required by statute.

The variance process provided in the adopted subdivision (Section 1.05) has been dropped. It is not within statutory authority to grant a waiver to create a lot that does not meet zoning district requirements.

**Figure 4-03. Waiver and Variance Review Criteria**

The variance criteria are set in statute, [24 V.S.A. § 4469](#). The criteria for waivers can be tailored to fit the town's needs.

**450 Notice, Hearings and Decisions**

This subchapter establishes the procedures for noticing and holding hearings and issuing decisions. These procedures are largely mandated by statute. Adopted zoning references statute and does not include all this language directly.

**4501 NOTICE OF HEARING**

Replaces Section 12.7 of adopted zoning and various sections of adopted subdivision. Includes full language from statute but no substantive change in practice. [24 V.S.A. § 4464\(a\)](#) establishes two different sets of notice requirements for hearings, depending on their type. We are recommending adding posting the notice of hearing on the town website, which is not required by statute.

**4502 SITE VISITS**

No comparable language in adopted zoning or subdivision. There are no statutory requirements specific to site visits. This section reflects common practice with regard to site visits in Vermont.

**4503 CONDUCTING A HEARING AND TAKING EVIDENCE**

No comparable language in adopted zoning or subdivision. [24 V.S.A. § 4461](#) establishes the procedures that the PC and ZBA must follow. This section is drafted with the intent that the town already does or will upon adoption conform to the Municipal Administrative Procedures Act and will have on the record review of any appeal of a PC or ZBA decision.

**4504 RECESSING OR CONTINUING A HEARING**

No comparable language in adopted zoning or subdivision. [24 V.S.A. § 4464](#) establishes the authority to recess or continue a hearing.

**4505 DECISIONS**

No comparable language in adopted zoning. Replaces Section 1.09 of adopted subdivision. [24 V.S.A. § 4464\(b\)](#) establishes the procedures for making a decision on an application. We are recommending that the regulations require the PC or ZBA to meet in closed deliberative session to make its decision on an application – this is a best practice and is consistent with the role of the PC and ZBA as a quasi-judicial body that should be functioning like a panel of judges or jurors.

**460 Violations and Penalties**

This subchapter establishes the procedures for the ZA will use to enforce the regulations. These procedures are largely mandated by statute. Adopted zoning references statute and does not include most of this language directly. Replaces Section 12.5 of adopted zoning and Section 1.08 of adopted subdivision.

**4601 APPLICABILITY**

[24 V.S.A. § 4454](#) establishes the limitations on enforcement.

**4602 INVESTIGATION AND ACTION BY THE ADMINISTRATIVE OFFICER**

[24 V.S.A. § 4452](#) requires the ZA to act to enforce the regulations and authorizes action either through the Judicial Bureau or through a notice of violation.

**4603 LIABILITIES AND PENALTIES**

Consistent with Vermont law and zoning practice.

**4604 MUNICIPAL CIVIL COMPLAINT TICKET**

We recommend including this language even if the town does not currently use the ticketing system for zoning violations. By including, it is an option available should it be needed. Tickets are most commonly used for smaller, short-term violations like temporary signs that are difficult to enforce through the notice of violation system.

**4605 NOTICE OF VIOLATION**

[24 V.S.A. § 4451](#) establishes the process to be followed for issuing a notice of violation, including setting the maximum fine of \$200 per offense.

---

**5** **DEFINITIONS**

---

The definitions were replaced in their entirety. Terms defined specifically under the flood-hazard regulations have been relocated to the flood hazard section. All allowed uses are defined in Section 2109. Only terms used in the regulations that have a special or specific meaning that is distinct from a standard dictionary definition are included.