

ZONING BYLAW

AND

SUBDIVISION REGULATIONS

FOR THE

TOWN OF MAIDSTONE, VT

Adopted July 8, 2002

Town of Maidstone Zoning & Subdivision Bylaw

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MAIDSTONE ZONING BYLAW

Adopted July 8, 2002

ARTICLE 1: ENACTMENT AND INTENT

§ 101: Enactment

In accordance with 24 VSA, § 4303, there are hereby established zoning by-laws for the Town of Maidstone which are set forth in the text and map that constitutes the Bylaw. The Bylaw shall be cited as the "Zoning By-law for the Town of Maidstone".

§ 102: Intent

It is the intent of these zoning bylaws to provide for orderly growth and to further the purposes established in 24 VSA, § 4302.

ARTICLE 2: ESTABLISHMENT OF DISTRICTS & DISTRICT BY-LAWS

§ 201: Zoning Map and Districts

The zoning map officially entitled "Zoning Map of the Town of Maidstone" is hereby adopted as part of this bylaw. The Zoning Map shows a division of the Town of Maidstone into the following districts:

- "RL1" Rural Lands One
- "RL2" Rural Lands Two
- "L" Lake
- "LC" Lake Commercial
- "P" Ponds
- "F" Forest
- "AZ" Agricultural Zone

§ 202: Copies of the Zoning Map

Regardless of the existence of other printed copies of the zoning map which from time to time may be made or published, the official zoning map shall be located in the Town Clerk's Office and shall be the final authority as to the current zoning status of the land areas of the town.

§ 203: District Objectives and Land Use Control

The following tables establish the objectives and provisions that apply in each district. Any land development designated as a "Permitted Use" in the table may be commenced pursuant to § 204 of this by-law. Any land development designated as a "Conditional Use" in the table may be commenced pursuant to § 205 of this by-law. All other uses are prohibited.

Table 203.01: "RL1" Rural Lands 1

Objective

The purpose of this district is to encourage residential and limited commercial uses close to existing public roads.

Description

The land within 1000 feet west of the road centerline of Route 102 and east to the agricultural zone district. It also includes those lands 1000 feet either side of the North Road from the Maidstone/Guildhall town boundary to the Diptmar Bridge except those lands 1000 feet either side of Tamarack Lane (TH #7).

Permitted Uses

- | | |
|----------------------------------|---|
| 1. Accessory use | 4. Dwelling, two family |
| 2. Agricultural use ¹ | 5. Forestry operation, primary ¹ |
| 3. Dwelling, single family | 6. Home occupation |

Conditional Uses

- | | |
|---|--|
| 1. Auto Service Station. | 10. Essential service |
| 2. Cemetery | 11. Forestry operations, secondary |
| 3. Church. | 12. Hospital |
| 4. Clinic | 13. Hotel |
| 5. Club. | 14. Lodging house |
| 6. Commercial | 15. Motel |
| 7. Commercial removal of fill, gravel, stone, or loam | 16. Public facility |
| 8. Dwelling, multi-family | 17. Recreational facility ² |
| 9. Educational Facility | 18. Restaurant |
| | 19. Travel trailer. |

Area and Dimensions

Minimum area per family in square feet	76,230.0
Minimum Lot Size: Area in acres	3.5
Road frontage in feet	400.0
Minimum yard dimensions and building coverage	
Front yard in feet	100.0
Each side yard in feet	50.0
Rear yard in feet	50.0

Footnotes

¹Agricultural and forestry uses as defined by the State of Vermont do not require zoning permits (see 24 VSA, § 4495)

²Permits are not required for the personal, non-commercial recreational use of private property by the owner thereof and their invited guests.

Table 203.02: "RL2" Rural Lands

Objective

The purpose of this district is to encourage limited residential uses close to existing public roads and continued forest management practices.

Description

The land within 1000 feet of Hall Road and the North Road starting 1000 feet west of Route 102 on the north end to the Dipmar Bridge on the south end and to include Tamarack Lane.

Permitted Uses

- | | |
|----------------------------------|---|
| 1. Accessory use | 4. Dwelling, two family |
| 2. Agricultural use ¹ | 5. Forestry operation, primary ¹ |
| 3. Dwelling, single family | 6. Home occupation |

Conditional Uses

- | | |
|---|-----------------------------------|
| 1. Club | 4. Forestry operations, secondary |
| 2. Commercial removal of fill, gravel, stone, or loam | 5. Lodging house |
| 3. Essential service | 6. Recreational facility |
| | 7. Travel trailer |

Area and Dimensions

Minimum Lot Size	
Area in acres	15
Road frontage in feet	400
Minimum yard dimensions and building coverage	
Front yard in feet	100
Each side yard in feet	50
Rear yard in feet	50

Footnotes

¹Agricultural and forestry uses as defined by the State of Vermont do not require zoning permits (see 24 VSA, § 4495).

Table 203.03: Lake

Objective

The Maidstone Lake District provides seasonal and year-round residential development.

Description

The land between the mean water level of Maidstone Lake at normal water level and the centerline of the roads closest to the lake. This definition applies to "Front yard" and/or "frontage" setback from shoreline in both Lake and Ponds Districts, and is made and intended to prevent unlawful structure encroachments along such shoreline whenever the lake level is reduced from normal water level by lowering of lake or pond water levels intentionally, at dam(s) or by reason of act of God.

Permitted Uses

- | | |
|----------------------------|---|
| 1. Accessory use, lake | 4. Forestry operation, primary ¹ |
| 2. Agricultural use | 5. Home occupation |
| 3. Dwelling, single family | |

Conditional Uses

None

Area and Dimensions

Minimum Lot Size

Area in acres	2
Road frontage in feet	200

Minimum yard dimensions and building coverage

Front yard in feet: ²	
For structures other than decks	25
For decks ³	0
For septic systems	50
Each side yard in feet	10
Rear yard in feet ⁴	25

Maximum Height in feet from ground to peak of roof	26
--	----

Footnotes

¹Agricultural and forestry uses as defined by the State of Vermont do not require zoning permits (see 24 VSA, § 4495)

²Front yard on a shoreland lot is considered the side facing the water. Vegetative buffer strips of at least 25 feet are encouraged along the shoreline. Front yard setbacks are measured in feet from the mean high water mark.

³Railings on decks shall not exceed 36 inches in height above the floor of the deck. Decks in this district shall not be permanently covered or enclosed unless such deck complies with the setbacks for structures other than decks.

⁴Rear yard in feet as measured from the center line of the road.

Table 203.05: "P" Ponds

Objective

To maintain the wilderness character of the pond while providing limited residential development with the continuance of forestry activities.

Description

The land within 500 feet of lakes and ponds over 10 acres excluding Maidstone Lake.

Permitted Uses

- | | |
|----------------------------|---|
| 1. Accessory use | 3. Forestry operation, primary ¹ |
| 2. Dwelling, single family | 4. Home occupation |

Conditional Uses

None apply

Area and Dimensions

Minimum Lot Size

Area in acres	2
Frontage of shoreline in feet	400

Minimum yard dimensions and building coverage

Front yard in feet ²	125
Each side yard in feet	25
Rear yard in feet	25

Footnotes

¹Agricultural and forestry uses as defined by the State of Vermont do not require zoning permits (see 24 VSA, § 4495)

²Front yard on a shoreland lot is considered the side facing the water. Buffer strips of natural vegetation at least 100 feet are required back from the shoreline.

Table 203.06: "F" Forest

Objective

The Forest District encourages forestry activities while providing for limited residential development.

Description

All the land not within any of the other districts in town.

Permitted Uses

1. Accessory use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry operation, primary¹
5. Home occupation

Conditional Uses

None apply.

Area and Dimensions

Minimum Lot Size

Area in acres	25
Road frontage in feet	800

Minimum yard dimensions and building coverage

Front yard in feet	100
Each side yard in feet	100
Rear yard in feet	100

Footnotes

¹Agricultural and forestry uses as defined by the State of Vermont do not require zoning permits (see 24 VSA, § 4495)

Table 203.07: "AZ" Agricultural Zone

Objective

The Agricultural Zone District encourages agriculture and forestry while restricting residential and commercial development.

Description

The land along the Connecticut River as indicated on the official zoning map.

Permitted Uses

1. Agricultural use¹
2. Forestry operation, primary¹
3. Home occupation²

Conditional Uses

None apply.

No permanent structures are permitted to be built within the agricultural zone district except agricultural buildings

Footnotes

¹Agricultural and forestry uses as defined by the State of Vermont do not require zoning permits (see 24 VSA, § 4495)

²In existing dwelling units.

§ 204: Permitted Uses

Permitted uses are those uses that are allowed, providing the standards established by this bylaw are met. Unless a variance or other special action by the Board of Adjustment or the Planning Commission is required, a zoning permit may be issued by the Administrative Officer without further proceedings.

§ 205: Conditional Uses

205.01 Any use designated as a "conditional use" in the table relating to a particular district may be commenced, enlarged or altered, in such district only upon the issuance of a conditional use permit by the Zoning Board of Adjustment as provided for in 24 VSA, § 4407(2) after public notice and hearing. No such conditional use permit shall be granted unless the applicant affirmatively establishes that the proposed use shall not adversely affect:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected;
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws then in effect, and
- E. Utilization of renewable energy resources.

205.02 In permitting a conditional use, the Board of Adjustment may impose, in addition to the standards expressly specified herein, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:

- A. Increasing the required lot size or yard dimensions in order to protect adjacent properties.
- B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
- C. Controlling the location and number of vehicular access points to the property.
- D. Increasing the street width.
- E. Increasing the number of off-street parking or loading spaces required. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley and so that any automobile may be parked and unparked without moving another. Off-street loading spaces shall be least twelve feet wide and forty feet long and fourteen feet high, not including access driveway, and have direct access to a street or alley.
- F. Limiting the number, location, and size of signs.
- G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area. This may include enlarging the required vegetative buffer strip.

- H. Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.
- I. Requiring that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions.

205.03 As a condition of the grant of a conditional use, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of 24VSA, Chapter 117 and this zoning bylaw.

205.04 A change in use, expansion or contraction of land, area, or alteration of structures or uses which are designated as a conditional use within the district in which they are located and are existing therein, prior to the effective date of this by-law, shall conform to all regulations herein, pertaining to conditional uses.

§ 206: Application of District Regulations

206.01 Any "non-conforming use" or "non-complying structure", as such terms are defined in 24 VSA, § 4408, existing, on the effective date of this bylaw, may be continued indefinitely to the extent set forth in Article IV of this bylaw. Otherwise, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformance with the regulations herein specified herein for the district in which it is located.

206.02 No building shall hereafter be erected or altered:

- A. To accommodate or house a greater number of families, and/or
- B. To have narrower or smaller rear yards, front yards, or side yards than is specified herein for the district in which such building is located.

206.03 No part of a yard or other open space about any building required for the purpose of compliance with the provisions of this by-law shall be included as a yard or other open space similarly required for another building.

§ 207: Lots

207.01 Lots that abut on more than one street shall provide the required frontage along every street.

207.02 All structures, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

207.3 All new lots must meet minimum area requirements of the district in which they are created.

ARTICLE 3: GENERAL PROVISIONS

§ 301: Existing Small Lots

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

301.02 If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for the purposes of this bylaw. However such lot shall not be deemed merged and may be separately conveyed, if:

- A. The lots are conveyed in the preexisting, nonconforming configuration; and
- B. On the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and
- C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- D. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails which means the system functions in a manner:
 - 1. That allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;
 - 2. So that a potable water supply is contaminated or rendered not potable;
 - 3. That presents a threat to human health; or
 - 4. That presents a serious threat to the environment.

301.03 If subsequent to separate conveyance, as authorized under § 301.02 of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the State of Vermont subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

§ 302: Required Frontage or Access

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

The frontage on a shoreland lot is measured at the mean watermark. On shoreland lots, the front yard is considered the side toward the water.

§ 303: Protection of Home Occupations

No regulation contained herein may infringe upon the right of any landowner to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

§ 304: Agriculture and Forestry

- 304.01 Nothing contained herein shall restrict accepted agricultural or farming practices, or accepted silvicultural practices, including the construction of farm structures, as such practices are defined by the Commissioner of agriculture, food and markets or the Commissioner of forests, parks and recreation, respectively, under 10 VSA, §§1021(f) and 1259(f) and 6 VSA, §4810.
- 304.02 Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to the erection of such structure.
- 304.03 Farm structures shall comply with setbacks approved by the Commissioner of agriculture, food and markets. The approved setbacks are those setbacks contained in §204 of this bylaw.
- 304.04 A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Commissioner of agriculture, food and markets. Such request must include the following information:
 - A. A statement of the reason or reasons less restrictive setbacks are necessary;
 - B. A copy of this zoning bylaw;
 - C. A sketch plan of the proposed structure(s) showing the distance from all property lines, and;
 - D. A description of the adjoining land uses.

§ 305: Principal Buildings Including Dwellings on Lots

There shall be only one principal building on a lot.

§ 306: Temporary Uses and Structures

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

§ 307: Shoreland Vegetation

- 307.01 Dwelling Lots. The area of natural vegetation and trees at least 50 feet in width along the shoreland shall not be cut. Dead or dangerous leaning or broken trees may be cut in this area and pruning of branches and small underbrush is permitted for view and air movement. However, the intent of the buffer strip is to protect water quality and screen the structures from view while on the water, therefore the maximum width buffer is required in all districts except the Lake District where a 25 foot buffer is encouraged.
- 307.02 Timber Harvesting and Vegetative Buffers. Following the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (August 15, 1987) there will be a protective strip of vegetation left along all shoreland areas in compliance with Table 1 below. Except for necessary construction of stream crossings, a protective strip shall be left along streams and other bodies of water (shoreland) in which only light thinning or selective harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained. Log transport machinery must remain outside a 25-foot margin along the stream or water body. Including this 25-foot margin, the width of the protective strip shall be according to Table 1.

Table 1. Protective Strip Width Guide

A vegetated buffer strip must be left between roads or landings and streambanks or shorelands. Buffers are measured along the ground from the shoreline.

Slope of Land ¹	0-10	11-20	21-30	31-40
Width of Strip	50	70	90	110

¹Add 20 feet for each additional 10% side slope. See Slope definition for details.

- 307.3 Agricultural Lands & Buffer Strips: Active agricultural lands are exempt from buffer strip requirements in all the districts.

§ 308: Septic Systems

All sewage disposal systems shall require a permit and be designed and installed by a septic system contractor. A detailed drawing shall be included with the application for a permit for any building involving installation or renovation of a septic system. The Zoning Administrator has full authority to approve all septic system upgrades. Denied permits may be appealed to the Board of Zoning Adjustment.

§ 309: Leased Lots

Established leased lots shall be treated the same as other lots and must meet all the requirements contained within this by-law.

§ 310: Site Plan Review

No zoning permit shall be issued by the Administrative Officer for any use or structure, except for one-family and two family dwellings, and their accessory uses and/or structures, or agricultural buildings, until the Planning Commission grants Site Development Plan Approval.

310.01 Submission of Site Development Plan Map & Supporting Data. The owner shall submit two sets of site plan maps and supporting data to the Planning Commission as it may require, which may include all or any of the following information presented in drawn form and accompanied by written text:

- A. Name and address of person or firm preparing the map. Scale of map, north arrow and date. Name and address of owner of record and adjoining lands.
- B. Map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, and land use and deed restrictions.
- C. Site plan showing proposed structure locations and land use areas; driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design and screening.

310.02 Site Development Review Procedure. The Planning Commission shall conform to the requirements set forth in 24 VSA, § 4407(5) before acting upon any application. A public hearing may be held following public notice as required under 24VSA, § 4447. In considering its action the Commission shall consider and may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening.

§ 311: Signs

The purpose of this section is to promote and protect the public health, safety, and welfare by regulating existing and proposed signs in the Town of Maidstone. It is further intended to hereby control and reduce the proliferation of signs in order to protect the economic and scenic value of the Town, and in order to prevent hazards to users of roads in the Town. A sign that conforms with the following regulations does not require a permit.

311.01 Regulations and Restrictions

- A. Each non-residential use shall be allowed one freestanding sign.
- B. The maximum area of a freestanding sign shall be 16 square feet.
- C. A freestanding sign shall not exceed 10 feet in height.
- D. No sign shall be allowed which appears to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic, directional, or route sign, signal or device.
- E. No sign shall be allowed which prevents a clear and unobstructed view of official traffic signs and approaching or merging traffic. (See §313)

- F. Lighting shall be so shielded so that the source of light shall not be visible from any point and so that only the sign is directly illuminated.
- G. No flashing, intermittent, neon fiber optic or moving lights shall be allowed.
- H. A sign must be removed if the indicated activity is discontinued.
- I. No sign shall be drawn or painted on rocks or other similar natural features.

- J. No sign may be attached or placed upon any property, including but not limited to, cars, fences, walls, and buildings, by anyone other than the owner, or tenant of such property or his authorized agent.
- K. No sign, which is attached to a building, may extend above the eaves of that part, or the roof of the building to which the sign is attached.
- L. All signs must comply with all of the applicable regulations set forth in 10 VSA, §§ 481 to 506.

311.02 Non-Complying Signs

- A. Signs existing on the effective date of this ordinance, which do not comply with these regulations, may be continued.
- B. Non-complying signs, which have been damaged or destroyed by fire or other accident, may be re-established, but only within one year of such damage or destruction.
- C. Non-complying signs, which have been voluntarily removed, shall not be remounted on the supporting structure except in compliance with these regulations.

§ 312: Buffer Strips

Buffer strips, where required by the Bylaw, shall not be used for traffic movement, parking or vehicle storage. They may be part of the required yard area.

ARTICLE 4: NON-CONFORMING USES

§ 401: Construction Approved Prior to Adoption of By-laws

Permits issued under the March 2, 1999 Maidstone Zoning Bylaw that are valid on the effective date of this Bylaw may be utilized even if such permits result in structures and/or uses considered non-complying and/or non-conforming under the requirements of this Bylaw. In addition, nothing contained herein shall require any changes to the plans or construction of previously permitted structures and/or uses. However, such structures and/or uses shall be established within the permit's effective period of two years. Applications to renew expired permits issued under the March 2, 1999 Maidstone Zoning Bylaw will not be approved unless the structure and/or use for which the original permit was issued is substantially complete or complies with the requirements of this Bylaw if construction has not yet begun.

§ 402: Non-Conforming Uses

The following provisions shall apply to all buildings and uses existing on the effective date of this Bylaw which do not conform to the requirements set forth in this Bylaw and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to this Bylaw.

Any non-conforming use of structures or land, except those specified below, may be continued indefinitely, but:

- 402.01 Shall not be moved, enlarged, altered, extended, reconstructed, or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever.
- 402.02 Shall not be changed to another non-conforming use without approval by the Planning Commission, and then only to a use which, in the opinion of the Planning Commission, is of the same or of a more restricted nature.
- 402.03 Shall not be reestablished if such use has been discontinued for a period of two years, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
- 402.04 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within two years of such damage; if the restoration of such building is not completed within two years, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building. The Zoning Administrator may allow a one-year extension to provide for the rebuilding of a non-conforming use.

§ 403: Non-Complying Buildings

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance.

§ 404: Expansion

The Administrative Officer may allow an expansion of 10 percent of existing size at the time of adoption of this Bylaw on non-conforming structures providing it meets all other requirements.

ARTICLE 5: SUBDIVISION

§ 501: Authority and Purpose

This regulation is promulgated under the authority of 24 VSA, § 4401(b)(2) and §§ 4413 through 4421.

The Planning Commission shall administer this regulation for the purpose of assuring orderly growth, coordinated development and to assure the comfort, convenience, safety, health, welfare and economic well being of the citizens of the Town of Maidstone.

§ 502: Application Procedure

502.01 Minor subdivisions.

- A. Minor subdivisions that meet the minimum area and dimension requirements of this bylaw shall be approved by the Administrative officer.
- B. Following the approval of the application, the Administrative Officer shall, within 5 days of such approval, publish in a local newspaper a notice of approval. Such notice shall include the name of the application and the location of the subdivision.
- C. The permit for the subdivision shall become effective 15 days after such approval.
- D. No public hearing shall be required for a minor subdivision unless a request for a hearing is filed by an interested party within 15 days of the date of publication of the notice. If such a request is filed, the application shall be considered in the same manner as a major subdivision.

502.02 Major subdivisions shall be reviewed by the Commission.

- A. In all subdivisions the applicant shall file a copy of the application with each abutting property owner at the time of submission to the Commission.
- B. The application for a major subdivision shall be accompanied by two copies of plot plan drawn to scale depicting the boundary lines of the parcels involved and a map depicting its location in town. Supporting information including design and layout of streets, sidewalks, street lighting, fire protection, landscaping, water supply, wastewater and storm water drainage facilities, public utilities, waste management considerations and other pertinent data shall be supplied. Two copies of all design and layout sheets are required.
- C. A public hearing shall be held following public notice as required under 24 VSA, § 4447.
- D. The Commission may waive or vary, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular application are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

- E. Where the Commission finds that extraordinary and unnecessary hardships may result from strict compliance with this Bylaws or where there are special circumstances of a particular site, it may vary or modify this Bylaw so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Plan or this Bylaw.
- F. In granting modifications and waivers, the Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

§ 503: Preliminary Review

Upon request, the Commission shall provide an opportunity for a preliminary review of any planned major subdivision at a warned public hearing. Applicants considering any large, major subdivision especially those requiring public facilities and utilities are required to seek preliminary project review. The purpose of a preliminary review is to ensure that adequate information is provided in an application. No binding decisions can be made at such a review session.

§ 504: Municipal Acceptance of Improvements

The approval by the Commission of any subdivision shall not be deemed to constitute or be evidence of acceptance by any municipality of any street, easement, land, utility, service or other facility.

§ 505: Landowner's/Management Associations

Wherever a landowner's or other legal association is established to own and maintain community or public facilities and common lands within or serving the subdivision in lieu of municipal acceptance, a copy of the covenants and by-laws relating to membership in the association and describing its organization and financing shall be submitted for review and approval by the Commission.

§ 506: Development Requirements

506.01 Streets, Access Roads, Sidewalks:

- A. All streets, access roads and sidewalks shall be designed and constructed to provide for safe vehicular and pedestrian traffic. Consideration shall also be made for the utilization of streets and roads for recreational and alternative transit modes such as bicycling. Roads to be considered for acceptance by the town shall be constructed in accordance with minimum standards established by the Vermont Agency of Transportation for Class III highways.

- B. Roadway vertical and horizontal alignment, right-of-way dimensions, cul-de-sacs, curbing, location and layout of curb cuts and intersections, storm water and surface water drainage works, sub-base materials and surfacing shall be appropriate for the projected level of use, minimize maintenance requirements, maximize service life and provide a safe and attractive roadway system.
 - C. Road design shall take into consideration potential future growth, extension or expansion or roads and development in the vicinity.
- 506.02 Before any lot in the subdivision is transferred or conveyed, the subdivider shall complete all required improvements to the satisfaction of the Town's duly designated consulting engineer, who shall file with the Commission a letter signifying the satisfactory completion of all improvements required by the Commission. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town's Consulting Engineer. Any such bond shall be satisfactory to the Selectmen, the Engineer, and Town Attorney as to form, sufficiency, manner of execution, and surety.
- 506.03 Water Supply and Fire Protection
- A. Construction of municipal or community water supply systems or system extensions shall provide sufficient capacity to adequately serve the subdivision and provide fire protection. The system shall meet or exceed the minimum requirements of Vermont Environmental Protection Rules, Chapter 21 "Water Supply Rules", the standards of the American Water Works Association and the "Recommended Standards for Water Works".
 - B. On-site community and individual water systems including source supplies and treatment, storage and transmission facilities shall be adequately sized and isolated from potential contamination sources. Such systems shall meet or exceed the minimum requirements of Environmental Protection Rules, Chapter 21 "Water Supply Rules". A certification by a Registered Professional Engineer in the State of Vermont may be required that the system is designed and installed in compliance with the applicable standards.
- 506.04 Wastewater Disposal and Treatment Facilities: On-site individual systems and community systems shall comply with applicable state standards. In no case shall wastewater collection, treatment and disposal systems be allowed to create a health hazard, pollute the environment or endanger the public welfare.
- 506.05 Storm and Surface water Drainage:
- A. Storm drains, culverts and related installations shall be adequate to insure unimpeded flow of all natural watercourses, to insure adequate drainage of private property and public facilities and to retain storm water where necessary to protect downstream properties.

- B. Ditches, culvert inlets and outlets and other drainage works shall be appropriately constructed and adequately protected to ensure both temporary and permanent erosion and sediment discharge control including culvert headers, ditch lining and soil surface stabilization.

506.06 Signs and Lighting:

- A. Street lighting shall be adequate to provide for security and safety needs but at the same time recognize the importance of energy conservation and minimize unnecessary light pollution.
- B. Street Signs shall be compatible with existing street signs in the vicinity, shall be located in a manner that will not inhibit sight distances and shall be approved by the selectboard.

506.07 Site Preservation, Recreation and Landscaping:

- A. Due regard shall be demonstrated to preserve, to the extent possible, natural features such as trees, rocks, watercourses, other surface waters, critical wildlife habitats, scenic views, historic features and other community assets.
- B. To the extent possible, a subdivision shall be laid out to preserve open spaces, retain working farm land and productive forests and maintain opportunity for low impact community recreational activities such as hiking, wildlife observation, fishing and hunting.
- C. If deemed necessary by the Commission; it may require provision for recreation facilities by the developer within the subdivided parcel.
- D. Where appropriate the proposed subdivision shall include provisions for landscaping within public rights-of-way and on other common lands to increase the habitability, aesthetics and energy conservation potential of the property.

506.08 Public Utilities and Waste Management Services: The development plan shall address the subdivision needs for public utilities including power, telephone and cable television. Where feasible, underground services shall be provided.

506.09 Unsuitable Land:

- A. Land of such character that it cannot be safely subdivided for residential, commercial or public use because of danger to health or peril from fire, flood or other natural or human induced hazard shall not be approved by the Commission. Appropriate measures may be considered by the Commission where such measures can be undertaken by the developer to eliminate such hazards or reduce the level of hazard to reasonable risk.
- B. Land subject to periodic flooding, poor drainage, or other hazardous conditions shall not be ordinarily subdivided. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal shall not be subdivided unless connected to a public or community wastewater treatment system.

- 506.10 Markers: The corners of all lots created in any subdivision shall be marked with permanent markers such as pipes or stone monuments.
- 506.11 Information Necessary for Commission Review: The Commission may require of the developer submission of such additional information as it deems necessary to make its decision on any of the above. This may include but not necessarily be restricted to site topography, soil survey, design and/or certification by Registered Professional Engineer, boundary survey by Registered Land Surveyor, road profile, earthwork cross sections, hydraulic sizing of culverts and other pertinent information.

ARTICLE 6: DEFINITIONS

For the purpose of this Bylaw, certain terms or words used herein shall be interpreted as follows:

§ 601: Word Definitions

BYLAW includes REGULATION.

LOT includes the words PLOT or PARCEL.

MAY is permissive except when used with a negative subject.

PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

PRESENT TENSE includes the future tense, the singular number includes the plural and the plural number includes the singular.

SHALL is mandatory.

USED or OCCUPIED include the words DESIGNED, or ARRANGED TO BE USED, or OCCUPIED.

§ 602: Term Definitions

Accessory uses: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accessory use, lake: A use or structure on the same lot within the Lake District with, and of a nature customarily incidental and subordinate to, the principal use or structure. Such structures shall not contain bathrooms, sinks, or other plumbing mechanisms.

Acre: An acre of land contains 43,560 square feet.

Active agricultural lands: Lands that are or have been managed for agricultural uses within the last three years, forest management is excluded.

Agricultural Building: Structures designed for and used primarily for agricultural uses with the exception of residential dwellings.

Agricultural Use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof; bees and apiary products, fur animals; trees and forest products; maple sugaring; fruits of all kinds; vegetables; nursery, floral and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alteration: A structural change in a building which changes its *total size either in height, or amount of land surface covered (foot print). Also includes relocation or moving of structures.

Auto service station: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles. A service station may include sales or major repair facilities for autos, trucks or trailers. A service garage does not have to sell fuel.

Buffer: An unused portion of a lot abutting adjacent lots.

Building: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

Building coverage: The horizontal area measured within the outside of the exterior walls including all attached porches and decks of the ground floor and of all principal and accessory buildings on a lot.

Building Height: The vertical distance of a structure from the average elevation of the finished grade along the foundation to the highest point of the structure.

Cemetery: Property used for the interring of deceased humans.

Church: A structure which by design and/or construction is primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic: An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

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

Commercial: Any area of land, including structures thereon that is used or designed to be used for the sale or storage of goods and merchandise, the transaction of business, or the provision of services or entertainment.

Conditional use: A use that may occur within a district but that shall be reviewed by the zoning board of adjustment under the criteria set forth in § 205.

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

Decks: An open structure (without roof and/or walls), with or without railings, which may be attached to a dwelling unit or other structure.

Depth: The shortest distance between the front lot line and the rear lot line.

Dwelling, multi-family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single family: A detached residential dwelling unit designed for and occupied by one

family only.

Dwelling, two family: A detached residential dwelling unit designed for and occupied by two families only.

Earth Resource Extraction: The removal and sale of fill, gravel, stone, or loam or similar materials.

Educational facility: Includes a parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

Essential services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family: One or more persons, but not more than 5 unless all members are legally related, occupying a single dwelling unit. However, domestic servants and workers, and their families, employed on the premises may be housed therein without being considered part of the family for which they work.

Fishing tackle shop: A shop engaged in the sale of fishing tackle.

Forestry operations, primary: Includes the erection of temporary structures, the construction of logging roads for the purpose of harvesting timber, the removal of fill, gravel, stone, or loam for the construction of logging roads, and the erection of chipping facilities incidental to harvesting operations.

Forestry operations, secondary: Any facility devoted to the processing of forest products including sawmills and similar facilities.

Highway: Public way for vehicular traffic, which affords the principal means of access to abutting properties.

Highway Frontage: Lot lines, which abut a public highway.

Home occupation: Accessory use conducted within a dwelling by the residents and their employees, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

Hospital: Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis and treatment of human ailments.

Hotel: See motel.

Ice cream stand: An establishment, with or without seating, engaged in the sale of ice cream cones, sundaes, milk shakes and other treats made with frozen dairy products such as ice cream, ice milk, and/or frozen yogurt

Improvable Lot: Any lot that conforms with the minimum area and dimensional requirements for the district in which such lot is located and any lot that can be considered a pre-existing lot under the provisions set forth in §301 herein.

Industrial: Any area of land, including structures thereon that is used or designed to be used for the manufacturing, fabrication or assembly of goods and merchandise.

Land development: The division of a parcel into two or more parcels, the construction,

reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Loading Space: Off-street space used for the temporary location of one licensed vehicle.

Lodging house: A building in which the rooms are rented with or without meals to three (3) or more persons.

Lot: A lot is a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- d. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this bylaw.

Lot measurements: See Depth and Road Frontage.

Lot of record: A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Motel: Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom. This shall include hotel.

Neighborhood store: A small retail outlet that sells items such as, but not limited to, bread, milk, beverages, snacks and similar products. Such stores may also rent videos and sell ice cream cones, sundaes and similar products.

Non-conforming use: Use of land or structure which does not comply with the requirements for the district in which it is located, where such use conformed to all applicable laws and regulations prior to the enactment of this bylaw.

Non-complying structure: A structure that does not comply with the requirements for the district in which it is located, where such structure complied with all applicable laws and regulations prior to the enactment of this bylaw.

Non-residential use: All uses of buildings, structures or land except single family dwellings, two family dwellings and multi-family dwellings.

Parking Space, Off Street: A space adequate for parking an automobile with room to open doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Permitted use: A use or structure that may occur within a district upon issuance of a permit from the Zoning Administrator.

Portion, minor: An area, which consists of 25% or less of the dwelling, being considered.

Principal building: A building in which is conducted the main or principal use of the lot on which such building is located.

Private road: One that has not been officially deeded to the Town of Maidstone and accepted by the Legislative Body.

Public facility: Usage by agencies and departments of local, county, State and federal government.

Public assembly: Includes auditorium, theatre, public hall, school hall, meeting hall, church and temple.

Recreational facility: A land use or buildings, including campgrounds, mainly devoted to providing recreational opportunities.

Recorded: Included in and part of the official records in the Maidstone Town Clerk's office. Official records include the Land Records and the final version of the 1993 Municipal Tax Maps completed by Cartographic Associates for the Town of Maidstone.

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Residential use: Includes single family dwelling, mobile home dwelling, two family dwelling and multi-family dwelling.

Road frontage: Distance along a public road or right of way measured in feet.

Setback: The distance between any property line and any structure located on the lot bounded by such property lines.

Shoreland: The land within 250 feet of any streams, rivers, lakes and ponds. Within the Ponds District, Table 203.04, the shoreland shall be considered to be 500 feet from the ponds surrounded by this district.

Slope: Slope percent is calculated by dividing the rise or elevation by the run or horizontal distance. For example a slope that gains 10 feet of elevation over 100 feet of horizontal distance is a 10 percent slope: $10/100 = 10\%$.

Souvenir shop: A shop selling tee shirts, sweatshirts, spoons, postcards, coffee mugs and other keep sakes designed to remind the purchaser of Vermont and/or Maidstone Lake.

Stream: Year-round and intermittent rivers, creeks, and streams as defined on current United States Geological Survey (USGS) 1:2400 scale topographic maps.

Street: Public way for vehicular traffic that affords the principal means of access to abutting properties.

Street line: Right-of-way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street shall be considered to be twenty-five feet from the centerline of the street pavement.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include signs, buildings, swimming pools, and mobile homes.

Subdivision, major: Division of any parcel of land into four or more improvable lots within any five-year period. For the administration of this Bylaw, no lot created prior to June 23, 1994 shall be counted

Subdivision, minor: The division of any parcel of land into not more than three improvable lots.

Travel trailer or trailer: Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping

place for one or more persons, and not provided with a toilet and bathtub or shower and cannot readily be connected to a community sewer and water service. A trailer under this local law shall also mean tent trailers, truck campers, vehicles converted to sleeping facilities other than a mobile home and/or what normally constitutes a permanent dwelling unit. This definition includes uses to which trailers might be put.

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

Video rental: A shop engaged in the sale and/or rental of video and audio media.

Width: Length of a lot's frontage along a road or right-of-way.

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

Yard, front: Yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the center of the road to the point of the building closest to the road. In the case of shoreland lots, the front yard is considered the side towards the water.

Yard, rear: Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear line to the rear line of the building.

Yard side: Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.

ARTICLE 7: ADMINISTRATION AND ENFORCEMENT

§ 701: Administrative Officer

The Administrative Officer shall be appointed to administer this Zoning Bylaw pursuant to 24 VSA, § 4442. Said officer shall literally enforce the provisions of this Bylaw and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of this Bylaw. Appeals from any decision or Act taken by the Administrative Officer shall be made as provided for in 24 VSA, § 4464. An acting Administrative Officer may be appointed pursuant to 24 VSA, § 4442(b).

§ 702: Zoning permits

- 702.01 No land development, as defined in 24 VSA, § 4303(3), may be commenced without a permit therefor issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in conformance with the Bylaw.
- 702.02 Permits are not required for those activities or uses that do not, by definition, constitute land development. Accordingly, ongoing agricultural or forestry use of land (including primary forestry operations) shall not require permits, provided such use does not involve a change in, or extension of, the use of land.
- 702.03 Applications for zoning permits shall be made to the Administrative Officer on forms provided by him for that purpose.

- 702.04 Prior to the issuance of any zoning permit the Administrative Officer shall first satisfy himself that the subject of the application is in conformance with this Bylaw. He may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the planning Commission or the Board of Adjustment required by this by-law have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required.
- 702.05 In the issuance of zoning permits, the Administrative Officer shall comply with all of the provisions of 24 VSA, § 4443.
- 702.06 The fee for zoning and subdivision permits shall be established by the Legislative Body. It may be a sliding scale depending on the cost of the land development. Said fee shall accompany each application for a permit.
- 702.07 No zoning permit issued pursuant to 24 VSA, § 4443 shall take effect until the time for Appeal in 24 VSA, § 4464(a) has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

§ 703: Penalties

Any violation of the Bylaw after the effective date thereof shall be punished as provided in 24 VSA, §§ 4444 and 4445.

§ 704: Board of Adjustment

There is hereby established a Board of Adjustment whose members shall consist of the Planning Commission until such time that the Legislative Body appoints a separate zoning Board of Adjustment as provided in the 24 VSA, § 4461. Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in 24 VSA, Chapter 117, Subchapter 8.

§ 705: Referral to State Agency

In accordance with 24 VSA, § 4409(c), no zoning permit for the development of land in certain locations specified in said section shall be issued by the Administrative Officer without first submitting a report to the appropriate state agency, and compliance with the terms of 24 VSA, § 4409(c).

§ 706: Public Notice

Any requirement of public notice required by this Bylaw, whether or not required by any provision of 24 VSA, Chapter 117, and whether applicable to the Board or Adjustment or the Planning Commission, shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the Town of Maidstone and the posting of such notice in one or more public places within the municipality not less than fifteen days prior to the date of the public hearing as required by 24 VSA, § 4447. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

ARTICLE 8: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

§ 801: Amendments

This bylaw may be amended according to the requirements and procedures established in 24 VSA, §§ 4403 and 4404.

§ 802: Interpretation

In their interpretation and application, the provisions of this Bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except for 24 VSA, § 4409(b) and where, in this Bylaw, specifically provided to the contrary, it is not intended by the Bylaw to repeal, annul or in any way to impair any bylaw or permits previously adopted or issued, provided, however, that where the Bylaw imposes a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, by-law permit, easement, or agreement, the provisions of the Bylaw shall control.

§ 803: Effective Date

This by-law shall take effect in accordance with the voting and Other procedures contained in 24 VSA, § 4404.

§ 804: Separability

The invalidity of any article or section of this Bylaw shall not invalidate any other article or section thereof.

§ 805: Repeal

Upon the date of adoption of this bylaw, the former Town of Maidstone Zoning Bylaw, adopted March 2, 1999, is hereby declared repealed, and shall have no further force or effect.