

Original Provision

§5.3 Conditional Uses

A. Any structure or use of a structure which requires a Conditional Use Approval shall not be granted a zoning permit by the Zoning Administrator unless the Development Review Board determines that the proposed use shall conform to the specific standards prescribed in these Regulations and shall not unduly adversely affect:

1. the capacity of existing or planned community facilities,
2. the character of the zoning district affected,
3. traffic on roads and highways in the vicinity,
4. bylaws then in effect,
5. utilization of renewable energy resources.

The DRB's review of a Conditional Use Approval for the conversion of seasonal dwellings to year-round dwellings shall apply the following performance standards:

1. Wastewater and potable water supply systems shall be permitted for year-round use by the Wastewater Division of the Agency of Natural Resources.
2. Emergency access shall be approved by the Fire Chief.
3. Off street parking for two vehicles shall be provided.

Conditional Use Approvals for year-round use shall be issued only to conforming lots.

B. In granting or denying a Conditional Use Approval, the procedures followed by the Development Review Board shall be in accordance with §4414 (3) of the Act.

C. Every application for a Conditional Use Approval for any use shall include the submission of the following plans and supporting information:

1. An application deemed complete by the Zoning Administrator;
2. A scale map showing the location of the site, including existing roads and highways and adjacent land uses;
3. A statement that includes the names and addresses of the owners of the land immediately adjacent to and across the road from the property at issue.
4. Sign-off statements of all appropriate Town Departments that they have the capacity to service the proposed conditional use.

D. The effective date of a zoning permit issued as a conditional use shall be thirty (30) days from the date of issuance, during which time appeals from the decision may be filed, in which case the result of the appeal shall determine outcome.

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The DRB's review of a Conditional Use Approval for the replacement of a compliant non-conforming dwelling in the Lake Morey Area §3.1.4.2 shall apply the following performance standards:

1. A new Agency of Natural Resources [ANR] Wastewater and Potable Water Supply permit shall be obtained by the applicant. An as-built certificate shall be recorded before the Zoning Administrator can issue a Certificate of Compliance allowing occupancy.
2. There shall be no increase in the square foot floor area of the replacement structure.
3. There shall be no increase in the footprint on the lot.
4. There shall be no increase in the number of bedrooms in the replacement structure.

The DRB's review of a Conditional Use Approval for the use of a dwelling for short term rentals shall apply the following performance standards:

1. Dwelling shall be inspected and approved by the Fire Safety Division of the Vermont Department of Labor and Industry.
2. Capacity shall be limited to 2 persons per bedroom approved under the ANR issued Wastewater and Potable Water Supply Permit.
3. Applicant shall not advertise capacities greater than permitted.
4. Short term rental usage of seasonal dwellings shall not exceed 22 weeks a year.
5. The conditional use permit only allows the use of the property for legally defined use. Short term rental operators shall be liable for permitting and payment of fees, and limitations per licensing and permitting that may be imposed by Town Ordinances.

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