

ARTICLE I. AUTHORITY & PURPOSE

Section 1.1 Enactment

In accordance with the Vermont Planning and Development Act [24 V.S.A. Chapter 117], hereinafter referred to as the “Act,” there are hereby established zoning, site plan review, and subdivision regulations for the Town of Bolton, Vermont. These regulations shall be known and cited as the “**Bolton Land Use & Development Regulations.**”

Section 1.2 Purpose

(A) The purposes of these regulations are to:

- encourage the appropriate and efficient use of all lands in the Town of Bolton in a manner which promotes and protects public health, safety and the general welfare of the community;
- facilitate the adequate and efficient provision of public facilities and services;
- implement the *Bolton Town Plan* as most recently amended, in accordance with the Act [§4410];
- further the goals and purposes established in the Act [§4302];
- integrate regulatory provisions enabled under the Act [§4419] into one unified set of development regulations to promote coordinated and expedited municipal review of subdivisions and land development; and to
- protect the individual property rights of landowners to the extent consistent with the other purposes of these regulations as stated above.

Section 1.3 Application & Interpretation

(A) The application of these regulations is subject to all provisions of the Act as most recently amended.

(B) In accordance with the Act [§4446], no land development or subdivision of land shall commence in the Town of Bolton except in conformance with these regulations (see Table 1.1). Any land development or subdivision of land not specifically authorized under these regulations, unless otherwise exempted under the Act or Section 9.2 (Exemptions) is prohibited.

(C) All subdivisions of land, uses and structures lawfully in existence as of the effective date of these regulations are allowed to continue indefinitely. Changes, alterations or expansions to pre-existing subdivisions, structures or uses shall be subject to all applicable requirements of these regulations, including provisions applying to pre-existing, nonconforming lots under Section 3.7, and nonconforming uses and structures under Section 3.8.

(D) These regulations are not intended to repeal, annul or in anyway impair any permit or approval previously issued. Where these regulations impose a greater restriction on the use of land or a structure than is required by any other statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these regulations shall control.

Land Development: the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land [§4303(10)].

Subdivision: The division of any parcel of land into two or more parcels for the purpose of offer, transfer, sale, conveyance, lease or development. The term also includes the re-subdivision of a previously subdivided parcel, amended subdivisions, the division of land held in common among several owners, and planned residential and planned unit developments.

Section 1.4 Effective Date

(A) In accordance with the Act [§4442(c)], these regulations shall take effect twenty-one (21) days from the date of adoption by a majority of the members of the Bolton Selectboard, or immediately upon adoption as the result of a petitioned or warned town meeting vote.

(B) All zoning and subdivision regulations previously in effect for the Town of Bolton are repealed as of the effective date of these regulations.

Section 1.5 Amendment

(A) These regulations, including any zoning maps incorporated by reference, may be amended or repealed only in accordance with the requirements and procedures established in the Act [§§4441, 4442].

(B) Proposed amendments shall be submitted to the Planning Commission for consideration. If a proposed amendment is supported by a petition signed by not less than five percent (5%) of registered Bolton voters, the Planning Commission shall make only technical corrections to the proposed amendment and shall prepare a written report as required under the Act [§4441(c)].

Section 1.6 Severability

The provisions of these regulations are severable. In the event that any part of these regulations, or their application, is judicially determined to be invalid, such determination shall not affect the validity of any other part of these regulations or their application.

Table 1.1 Municipal Permits & Approvals

Permit/Approval	Required for	Issued by	See
Zoning Regulations			
Zoning Permit [§4449]	All development, as defined in Section 10.2, including signs, conversions or changes of use, and boundary (lot line) adjustments, unless specifically exempted from these regulations.	Zoning Administrator	Section 9.3
Access approval [§4412(3)]	Development without frontage on a maintained public road or public waters	Development Review Board	Section 3.2
Site Plan Approval [§4416]	All “permitted” uses except for forestry, agriculture, single and two family dwellings, and associated accessory structures or uses. Conditional uses do not require site plan review.	Development Review Board	Section 5.3
Conditional Use Approval [§4414(3)]	All uses classified as “conditional uses” by district, or as otherwise specified in these regulations	Development Review Board	Section 5.4
Variance Approval [§4469]	Requests on appeal for a variance from the provisions of these regulations	Development Review Board	Section 9.6
Planned Unit or Planned Residential Development (PUD, PRD) Approval [§4417]	Subdivisions of land which modify the provisions of these regulations as specified for PUDs and PRDs, to be approved simultaneously with approval of a subdivision plan	Development Review Board	Article VIII
Certificate of Occupancy [§4449]	Use of a dwelling or structure constructed after the effective date of these regulations for which a zoning permit has been issued	Zoning Administrator	Section 9.4
Subdivision Regulations			
Subdivision Approval [§4418]	All subdivisions of land as defined in Section 10.2, including resubdivisions, amended subdivisions, and PRDs and PUDs	Development Review Board	Article VI
Sketch Plan Approval [§4418(2)]	All applications for subdivision approval	Development Review Board	Section 6.3
Preliminary Plan Approval [§4418(2)]	All applications for major subdivisions [the creation of four or more lots]	Development Review Board	Section 6.4
Final Plan Approval [Including plat approval] [§§4418, 4463]	All applications for the subdivision of land	Development Review Board	Section 6.5
Plat Recording [§4463(b)]	All approved subdivisions of land, including boundary or lot line adjustments	Development Review Board	Section 6.6
Certificate of Compliance [§§4449, 4464(b)]	Improvements required by the Development Review Board in association with subdivision approval, prior to further land development	Zoning Administrator	Section 9.4
Other			
Wastewater System	On-site septic systems	Sewage Officer	Wastewater Ordinance
Access (Curb Cut) Approval	Access onto town or state highways	Selectboard or VTrans (RT 2)	Access Policy
Road Cut Approval	Work within town rights-of-way	Selectboard	Road Cut Policy
Road Upgrade/Acceptance	Road upgrades, acceptance of private roads	Selectboard	Road Policy