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2 **ARTICLE 1. AUTHORITY & PURPOSE**

3 **Section 1.1 Enactment**

4 (A) Unified Development Bylaws (~~UDB~~) for the Town
5 of Hardwick are hereby established in accordance
6 with the Act. The following text and maps which
7 constitute these regulations shall be known and
8 cited as the “Town of Hardwick Unified
9 Development Bylaws:” and shall hereinafter
10 referred to as “the Bylaws” in this document.

11 **Section 1.2 Purpose**

12 (A) The purposes of the Unified Development Bylaws are
13 to:

- 14 ▪ encourage the appropriate and efficient use of all
15 lands in the Town of Hardwick in a manner which
16 promotes and protects public health, safety and the
17 general welfare of the community;
- 18 ▪ facilitate the adequate and efficient provision of
19 public facilities and services;
- 20 ▪ implement the Hardwick Town Plan as most
21 recently amended;
- 22 ▪ integrate all administrative and regulatory
23 provisions of zoning, ~~and~~ subdivision, flood hazard,
24 and telecommunication regulations as authorized
25 by the Act [~~§4401 and §4401~~] into a single
26 UDBBylaw;
- 27 ▪ further the goals and purposes established in the
28 Act [~~§4302~~];
- 29 ▪ avoid and minimize the loss of life and property,
30 the disruption of commerce, the impairment of the
31 tax base, and the extraordinary public expenditures
32 and demands on public services that result from
33 flooding;
- 34 ▪ ensure that the selection, design, creation, and use of development is reasonably safe and
35 accomplished in a manner that is consistent with public wellbeing, does not impair
36 floodplain services,
- 37 ▪ manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753, the
38 municipal hazard mitigation plan; and make the Town of Hardwick, its citizens, and
39 businesses eligible for federal flood insurance, federal disaster recovery funds, and
40 hazard mitigation funds as may be available; and

Land Development: A permit is required before commencing any form of land development, which includes construction, reconstruction, demolition, establish, change or extension of a use or structure; land subdivision, excavation, or any other activity not specifically exempted in accordance with Section 7.2 of these bylaws. See Article 8 for definition of “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 [§4303(10)].~~

Land Subdivision: The division of a parcel into two or more parcels, for the purposes of immediate or future sale, conveyance, or development. The term “subdivision” includes resubdivisions, amended subdivisions, lot line (boundary) adjustments, and the division of land held in common among several owners.

- 1 ▪ protect the individual property rights of landowners to the extent consistent with the other
2 purposes of these Bylaws as stated above.

3 **Section 1.3 Application & Interpretation**

4 (A) The application of these Bylaws is subject to all provisions of the Act. No land
5 development or land subdivision shall commence within the Town of Hardwick except in
6 conformance with the requirements of these Bylaws. Any land development or land
7 subdivision not specifically authorized under these Bylaws, or otherwise exempted under
8 Section 6.1 and/or Section 7.2, is prohibited.

9 (B) All uses or structures lawfully in existence as of the effective date of these Bylaws are
10 allowed to continue indefinitely. Changes, alterations or expansions to pre-existing
11 structures or uses shall be subject to all applicable requirements of these Bylaws,
12 including provisions applying to nonconforming uses and/or nonconforming structures
13 under Section 3.9.

14 (C) These Bylaws ~~is~~are not intended to repeal, annul or in any way to impair any permit
15 previously adopted or issued, nor shall they in any way impair or remove the necessity of
16 compliance with any other local, state, or federal laws or regulations.- Where these
17 Bylaws impose a greater restriction upon the use of a structure or land than is required by
18 any other statute, ordinance, rule, regulation, permit, easement, or agreement, the
19 provisions of these Bylaws shall control.

20 (D) In the event of changes to the Act which nullify or supersede a specific provision of these
21 bylaws, the requirements of the Act, as most recently amended, shall control.

22 **Section 1.4 Adoption & Effective Date**

23 (A) ~~In accordance with the Act [§4442], t~~These Bylaws shall take effect 21 days after the date
24 of its adoption by the Hardwick Selectboard. Upon the effective date of these Bylaws, the
25 zoning Bylaws previously in effect (“Hardwick ~~Zoning and Subdivision~~Unified
26 Development Bylaws,” effective ~~October~~November 24, 2005-30, 20038) are deemed
27 repealed.

28 (B) These Bylaws may be amended or repealed in accordance with the requirements and
29 procedures established in the Act [§§ 4441, 4442].

30 **Section 1.5 Severability**

31 The provisions of these Bylaws are severable. The invalidity of any provision or application of
32 these Bylaws shall not invalidate any other part.

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1 **ARTICLE 2. ZONING DISTRICTS**

2 **Section 2.1 Establishment of Zoning Districts & Map**

3 (A) The Town of Hardwick is hereby divided into the following zoning districts as described
4 in the accompanying tables (Tables 2.1 - 2.8) and shown on the official zoning map and
5 associated overlays:

- 6 ▪ Central Business (CB) District
- 7 ▪ Village Neighborhood (VN) District
- 8 ▪ Highway Mixed-Use (HM) District
- 9 ▪ Compact Residential (CR) District
- 10 ▪ Industrial (I) District
- 11 ▪ Rural Residential (RR) District
- 12 ▪ Forest Reserve (FR) District
- 13 ▪ Flood Hazard Overlay (FHO) District

14 (B) The location and boundaries of each zoning district are depicted on the official “Town of
15 Hardwick Zoning Map” and the most current flood insurance studies and maps published
16 by the Department of Homeland Security, Federal Emergency Management Agency,
17 National Flood Insurance Program maps, which are adopted by reference and declared to
18 be part of these bylaws. The official zoning map ~~and associated overlays~~ may only be
19 altered by amendment to these bylaws in accordance with Section 1.4 and the Act
20 [§§4441, 4442].

21 (C) The official zoning map and overlays shall be located in the Hardwick Town Office, and
22 shall be identified by the signatures of the Selectboard, as attested to by the Town Clerk.
23 These maps shall be the final authority as to the zoning status of any lands or waters in
24 the town.

25 **Section 2.2 Zoning District Boundary Interpretation**

26 (A) Where uncertainty exists as to the location of district boundaries shown on the official
27 zoning map and overlays, the following rules shall apply:

- 28 (1) Boundaries indicated as following roads, transportation or utility rights-of-way shall
29 be interpreted to follow the centerlines of such features.
- 30 (2) Boundaries indicated as following rivers or streams shall be interpreted to follow
31 the channel centerline and shall move with the centerline of such features.
- 32 (3) Boundaries indicated as following shorelines shall be interpreted as the normal
33 mean water level. In the event of change in the shoreline the boundary shall move
34 with the shoreline.
- 35 (4) Boundaries indicated as following lot lines shall be interpreted to follow the
36 delineated property boundary.
- 37 (5) Boundaries indicated as following contour lines shall be interpreted to follow a
38 constant, specified elevation as measured from mean sea level or other accepted

- 1 reference datum.
- 2 (6) Boundaries indicated as following compass headings shall be interpreted to follow
- 3 such headings.
- 4 (7) Boundaries indicated as parallel or perpendicular to, or extensions of the above
- 5 features, shall be so interpreted on the ground.
- 6 (8) Distances not specifically indicated shall be determined by the scale on the official
- 7 zoning map.

8 (B) The abandonment or relocation of a right-of-way or roadway, or the change in a line or
9 feature which references a district boundary line, after the effective date of these bylaws,
10 shall not affect the location of the district boundary line except with regard to shorelines,
11 streams and rivers as specified above.

12 (C) ~~Where available (i.e., in Zones 1–A30, AE and AH), the base flood elevations and~~
13 ~~floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood~~
14 ~~Insurance Study and accompanying maps shall be used to administer and enforce the~~
15 ~~flood hazard area overlay district provisions of these bylaws. In areas where base flood~~
16 ~~elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base~~
17 ~~flood elevations and floodway information available from state or federal agencies or~~
18 ~~other sources shall be obtained and reasonably used to administer and enforce flood~~
19 ~~hazard area overlay provisions.~~ Where available, base flood elevations and floodway
20 limits provided by the National Flood Insurance Program and in the Flood Insurance
21 Study and accompanying maps shall be used to administer and enforce these regulations.
22 In Special Flood Hazard Areas where base flood elevations and/or floodway limits have
23 not been provided by the National Flood Insurance Program in the Flood Insurance Study
24 and accompanying maps, it is the applicant’s responsibility to develop the necessary data.
25 Where available, the applicant shall use data provided by FEMA, or State, or Federal
26 agencies.

27 (D) When the Zoning Administrator cannot definitely determine the location of a district
28 boundary, the ~~Planning Commission~~ Development Review Board and/or appropriate state
29 or federal official may be consulted prior to issuing a determination. A determination by
30 the Zoning Administrator regarding the location of a district boundary may be appealed
31 to the ~~Board of Adjustment~~ Development Review Board under Section 7.3. If the
32 applicant appeals the determination of the Flood Hazard Overlay boundary made by the
33 Zoning Administrator, a Letter of Map Amendment from FEMA shall constitute proof.

34 (E) Where a district boundary divides a lot in single ownership as of the effective date of
35 these bylaws, or any amendment thereto, the ~~Board of Adjustment~~ Development Review
36 Board may permit, subject to conditional use review under Section 5.23, the extension of
37 district standards for either portion of the lot up to 30 feet beyond the district line into the
38 remaining portion of the lot.

39 (F) Where a lot is divided by a town boundary, the standards of these bylaws shall be applied
40 to that portion of the lot located in the Town of Hardwick in the same manner as if the
41 entire lot were located in this town.

42 **Section 2.3 Application of District Standards**

- 1 (A) All uses and structures, unless specifically exempted under Section 7.2, must comply
2 with all prescribed standards for the district in which they are located, as set forth in
3 Tables 2.1-2.8 and as defined in Section 8.2, unless otherwise specified in these bylaws.
4 The standards for each district shall apply uniformly to each class of use or structure,
5 unless otherwise specified. Nonconforming uses and noncomplying structures in lawful
6 existence as of the effective date of these bylaws shall be regulated in accordance with
7 Section 3.9.
- 8 (B) Overlay district standards shall be applied concurrently with the standards for underlying
9 zoning districts. Where overlay districts impose more restrictive standards on the use of
10 land or a structure, the standards of the overlay district shall apply.
- 11 (C) Uses for each district are classified as - **“permitted uses”** to be reviewed by the Zoning
12 Administrator in accordance with Section 7.1, or as **“conditional uses”** to be reviewed
13 by the ~~Board of Adjustment~~Development Review Board in accordance with Section 5.2.
14 Both permitted and conditional uses are subject to applicable district requirements and
15 general standards set forth in Article 3. Variances from the provisions of these bylaws
16 may be considered only on appeal to the ~~Board of Adjustment~~Development Review
17 Board, in accordance with Sections 7.3 and 7.4.
- 18 (D) Within specified zoning districts, the lot size and/or density requirements may vary
19 depending on the availability of municipal sewer and/or water. For this purpose, the
20 following lot classifications are established:
- 21 Class 1 – Served by both municipal water and sewer.
22 Class 2 – Served by either municipal water OR sewer, but not both.
23 Class 3 – Not served by municipal water or sewer.
- 24 ~~(E) — All uses not specifically allowed under, or exempted from, the provisions of these~~
25 ~~bylaws, are prohibited.¹~~

¹ This appears to repeat Section 1.3(A)