ARTICLE 3. GENERAL REGULATIONS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 3.5 Existing Small Lots

(A) Pursuant to the Act [§4412(2)], any lot in individual and separate and non-affiliated ownership from surrounding properties that is legally in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to the minimum lot size requirements of these regulations. Development, however, is prohibited on lots that are less than one-eighth (⅛) acre in area or have a minimum width or depth dimension of less than 40 feet. Development of an existing small lot shall be subject to all other applicable requirements of these regulations, including dimensional and setback standards set forth in Article 2 and municipal and state setback standards for the location of in-ground sewage disposal systems.

(B) An existing small lot which is in affiliated or common ownership with one or more contiguous lots as of the effective date of these regulations, or which subsequently comes under affiliated or common ownership with one or more contiguous lots, shall be deemed merged with the contiguous lot(s) for the purposes of these regulations. However, such lots shall not be deemed merged and may be separately conveyed if, in accordance with the Act, ***all*** of the following apply:

(1) the lots are conveyed in their pre-existing, nonconforming configuration; and

(2) on the effective date of this bylaw, each lot had been developed with a water supply and wastewater disposal system; and
(3) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
(4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined by the state [10 V.S.A. Chapter 64].