



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

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## **Zoning Board of Adjustment Agenda**

**Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030**

**Remote option – Zoom details below**

**Tuesday, January 24, 2023 – 6:30 PM**

- 
1. Call to Order
  2. Agenda Review
  3. Approval of Meeting Minutes – January 10, 2023
  4. Regular meeting date change
  5. Recruitment of board members
  6. Past projects and lessons learned
  7. Compliance with existing permits and process for suspected violations
  8. Land use projects update
    - a. Bylaws – PUD Review
    - b. Bylaws – Table of Districts and Uses
    - c. Town Plan – Energy section
  9. Discussion of Items for Future Agendas
  10. Adjourn

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting:

<https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

AGENDA ITEM

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Zoning Board of Adjustment

January 10, 2023

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Willis Wood, and James Cahill. Joseph Bublat and deForest Bearse participated via zoom. Ryan Gumbart, land use administrator, was also in attendance.

There were no audience members.

2. Call to order

Todd Hindinger called the meeting to order at 6:30 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – September 27, 2022

James Cahill made a motion to approve the minutes of September 27, 2022 as corrected. Todd Hindinger seconded it. deForest Bearse and Willis Wood abstained. The motion passed.

6. Members emails

Ryan Gumbart stated that if a Board member would like a Town email address, there is a cost per email. Please let him know if you would like one. Since Joseph Bublat is a Select Board member, he currently has a Town email address. The other members present stated that they did not need a Town's email address.

7. Town Plan - PC's update of the Energy Section

Ryan Gumbart stated that the Energy Section of the Town Plan had very few changes. The red color means strikethrough, orange is new wording, and the highlighted ones are ones he has questions about. There were some new items added around technology, electric vehicle charging, solar guidelines, etc. This section is going before the Select Board for review on February 13, 2023. Joseph Bublat stated that there are safety measures for protecting what we have in regards to skylines, and no industrial solar arrays. It lists prohibited areas for large scale arrays (15 - 150 kw hours). It supports residential arrays up to 15 kw.

Ryan Gumbart stated that it prohibits large scale, greater than 150 kw, in Class I & II wetlands, elevations greater than 1500 feet, and slopes greater than 25%. In the current Bylaws, a person can not build above 1500 feet now. He stated that the PUC will consider the Town's Bylaws for an application for solar arrays, but will not look at the Town Plan. The added material for the energy section came from the town of Colchester. The Town does not have much say over the smaller solar arrays.

deForest Bearse mentioned that there are no prominent areas of steady wind in Weathersfield. She wanted to know what is the difference between 90 kw and 100 kw. She wants to make sure that there is sufficient protection. Also, there was a study done and Weathersfield does not have any viable areas of wind. Ryan Gumbart stated that the Regional Planning Commission provided information around the State areas for solar and wind and it is true that Weathersfield was not good for wind.

Todd Hindinger stated that there are a lot of standards around solar, but he would like to see some standards around wind, noise, scenic, etc. Some of the standards for solar could be used with the others. Also, there are no Town goals in regards to the Energy Section. For instance, it discusses geothermal wells, but does not say anything about protecting groundwater after it is decommissioned.

Ryan Gumbart stated that if the Zoning Board members have comments on this section, they could email them to either Todd Hindinger, or himself. He will give the Commission their notes/comments.

8. Zoning Bylaws - PC's update of districts and use tables

Ryan stated that the Planning Commission discussed districts and use tables. The Commission wants to make the terms match and delete some usages that do not exist. This is the first attempt and there is nothing dramatic for changes. They are clarifying PUD's and mult-uses. They are trying to clarify how PUD's relate to subdivisions.

Willis Wood stated that at 14 Ascutney Place, it has a PUD. There can be multiple uses on a piece of property. The new Bylaw says subdivision. Ryan Gumbart stated that PUD's are a type of subdivision. A PUD creates more lots and there could be multiple uses on a single lot.

Todd Hindinger stated that there could be two or more uses on a few acres without a subdivision. The property owner might want to subdivide, but does not have to. Ryan Gumbart stated that it could be subdivided, but keep it as one tax bill. The PUD could be just one person owner.

deForest Bearse stated that each use needs to have a certain amount of allocated land. Ryan Gumbart stated that there could be a single building with multiple uses. It would not need a PUD because it is a single building. Todd Hindinger stated that his office is located in a building that is permitted as office space. There can be only one principal use on a property, or you would need to subdivide. Ryan Gumbart stated that you do not have to have multiple parcels to do multiple principal uses. You can have multiple principal uses on a single parcel.

Todd Hindinger stated that a PUD is a perfect term because it has multiple uses on a single parcel. Ryan Gumbart read the definition of a PUD. The State merged the terms PRD and PUD to just PUD. He will look into how the State separates PUD's and subdivisions. Joseph Bublat stated that Ludlow has tons of PUD's and mountain recreational zoning. Ryan Gumbart stated that PUD's could go through subdivisions. Todd Hindinger stated that a PUD goes to the Planning Commission for a hearing. deForest Bearse stated that the Zoning Board does not decide the use and how it fits, that is the Zoning Administrator's responsibility. She wanted to know if inns and motels can be in the district village. Ryan Gumbart stated that the Planning Commission is rewriting and amending the Bylaws with definitions and uses. They are trying to get things that match up. Todd Hindinger wanted to know if the administrator could say that it does not meet the requirements. deForest Bearse stated that the administrator would see if there is an exact match or if it comfortably fits.

Todd Hindinger stated that the Planning Commission should address the language around inns, small/large hotels, and bed & breakfast. He suggested that inns could be up to 6 rooms, bed & breakfast up to 3 rooms, and hotels could be 7 or more rooms. He suggested that Ryan Gumbart fix the highlights and send it to the Select Board. Ryan Gumbart stated that the Planning Commission is trying to make minor wording changes so that it does not have to go to the Select Board. Willis Wood and deForest Bearse both mentioned how it refers to Section 6 in the Bylaws, but neither one of them could find Section 6. Ryan Gumbart stated that it is in the Bylaws, but not used for tables.

9. Discussion of Items for Future Agendas

- PUD's
- recruitment of Board members
- meeting dates
- hotel definition in Bylaws

The Board's next meeting is January 24, 2023 at 6:30 PM.

10. Adjournment

Willis Wood made a motion to adjourn at 8:05 PM. James Cahill seconded it. All were in favor.

Respectfully submitted,

Diana Stillson

AGENDA ITEM

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# February

2023

Sunday

Monday

Tuesday

Wednesday

29	30	31	1
5	6	7	8
12	13	14	15
19	20	21	22
26	27	28	1

*Handwritten notes:*

- Feb 1: P+R
- Feb 6: Selectboard
- Feb 13: Planning Commission
- Feb 20: Selectboard
- Feb 27: Planning Commission

February 2023

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March 2023

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April 2023

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30						

May 2023

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30	31					

Thursday

Friday

Saturday

2	3	4	Notes:
Groundhog Day		MMH Rental	
9	10	11	
16	17	18	
		MMH Rental	
23	24	25	
Conservation			
2	3	4	

Mar  
Apr  
May  
Jun  
Jul  
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Sep  
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Nov  
Dec



AGENDA ITEM

8

## **Key**

Black: Original remaining text

~~Red stricken: Original removed text~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

# Article 5: Development Review

## 5.1 Application Submission Requirements

An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the municipality. Required application fees, as set by the Legislative Body, also shall be submitted with each application.

### 5.1.3 PUD Review Application

Applications for PUDs shall include the following, in addition to the information required for subdivisions:

- a) **Application Form:** Supplied by the Administrative Officer; signed by the owner of record and, in the case of a non-owner applicant, by the applicant;
- b) **Site Plan:** A site plan shall meet all of the requirements of Section 5.1.2(b) of these bylaws.
- c) **Project Narrative:** A description of the proposed project shall be required as part of a complete application. Also required is a narrative that is clear and succinct and includes:
  1. SUMMARY: A brief summary of the project and how it meets the PUD standards in this section;
  2. EXCEPTIONS: A statement describing all proposed modifications, changes, or supplements to requirements in the Zoning Bylaws. Any such modification approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required and these shall be noted or appended to the plat;
  3. MANAGEMENT: A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership, such as community facilities, private roads, and/or open spaces; and,
  4. PHASING PLAN: Projects that will take more than 24 months to complete must present a description and clear plan for the project's phasing, including the area, uses, and timing of each phase. In any case, the sketch plan shall show the complete project.
  5. Additional information required by the Planning Commission to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in these Zoning Bylaws.
- d) **Application Fees:** All applicable fees must be paid as part of a complete application.
- e) PUD applications may involve single or multiple **parcels** and one owner or multiple owners under a common application.
- f) PUD applications are subject to approval by the Planning Commission in accordance with the requirements of Section 5.4 in these Bylaws.

## 5.45 Planned Unit Development

~~An applicant for PUD approval applies to the Administrative Officer, who in turn notifies the Planning Commission. The Commission has up to sixty days to hold a public hearing, and sixty after that to approve, approve with conditions, or disapprove the application based on Standards of Review in these Bylaws. Failure to act within sixty (60) days of the hearing shall be deemed approval. Prior to filing a formal application, the applicant is encouraged to meet with the Commission to discuss the project. Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1).~~

~~The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.~~

~~As applicable, the combined review process shall be conducted in the following order:~~

- ~~a) Site Plan Review~~
- ~~b) Access by right-of-way~~
- ~~c) Requests for Waivers~~
- ~~d) Requests for Variances~~
- ~~e) PUD Review~~
- ~~f) Subdivision Review (preliminary and final)~~
- ~~g) Conditional Use Review~~

~~All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.~~

In accordance with the provisions set forth in Section 4417 of The Act, Planned Unit Developments (PUDs) are allowed to permit flexibility in the application of the Zoning Bylaws for the purposes of Section 4302 of The Act and in conformance with the Weathersfield Town Plan.

### 5.4.1 Purpose

- a) To allow for multiple principal uses on a single parcel of land.
- b) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.
- c) To implement the policies of the municipal plan, such as the provision of affordable housing.
- d) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- e) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.
- f) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- g) To provide for efficient use of public facilities and infrastructure.
- h) To encourage and preserve opportunities for energy-efficient development and redevelopment.

### 5.4.2 Applicability

- a) The PUD provisions may be applied to any land development in any zoning district within the Town of Weathersfield at the request of the applicant.
- b) Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.

### 5.4.3 PUD Review Procedures

- a) Complete applications for PUDs must include the information specified in Section 5.1.
- b) PUD applications shall be reviewed under the Subdivision Application Procedures set forth in Weathersfield's Subdivision Regulations, as most recently amended.
- c) Approval granted under this section for a PUD that involves the development of one or more uses requiring approval under conditional use review (Section 5.3) does not exempt the proposed development from both review processes, although various reviews by the ZBA for PUDs may be reviewed separately or concurrently.
- d) The order of PUD review will be:
  - 1. Planning Commission – Sketch Plan Review
  - 2. Zoning Board of Adjustment – Site Plan Review, Conditional Use Review, other reviews administered by the ZBA
  - 3. Planning Commission – Preliminary Review (if required by PC)
  - 4. Planning Commission – Final Plat Review

### 5.4.5.41 General Standards

In addition to the standards set forth in Weathersfield's Subdivision Regulations, the following general standards must be met in order for the Planning Commission to approve a PUD application:

- a) PUD is consistent with Town Plan.
- b) All Site Plan Review requirements in Section 5.2~~3~~ have been met.
- c) The PUD is an appropriate and unified-singular treatment for the proposed development.
- d) The development is designed so as to be compatible with the character of the area. Particular attention will focus on the aural and visual impacts.
- ~~e)~~e) State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- ~~e)~~f) Adequate water supply and sewage disposal facilities are provided.
- ~~f)~~g) The development will not place an undue burden on municipal services.

### 5.4.5 Standards for Non-residential PUDs

- a) DENSITY: The density requirements do not exceed the number of units permitted if the land were subdivided in accordance with district regulations.
  - 1. For PUDs not requiring a subdivision, the number of uses or units of the same use will be equal to the number of subdividable lots pursuant to 5.4.5(a) of these bylaws.
- b) USE: All compatible uses allowed in the sites district are allowed as part of a non-residential PUD. The ZBA may determine if any proposed uses are not compatible. A non-residential PUD may include residential dwelling units.

- c) **OPEN SPACE:** At least 1 acre of open space shall be dedicated for the use of the residents, owners or employees.

#### ***5.4.6 Standards for Residential PUDs***

- a) **DENSITY:** The total number of dwelling units in any Residential PUD must not exceed 125% of the number of lots into which the parcel could be legally subdivided and developed based upon minimum lot size requirements and all other applicable bylaws.
- b) **USE:** Only residential and residential accessory uses shall be permitted within a Residential PUD.
- c) **DEVELOPMENT:** Of the land left open within the Residential PUD for common usage or ownership, no more than 25% shall be developed for community facilities (excluding subsurface installations), access road, parking areas, or recreational structures.
- d) **OPEN SPACE:** A minimum of 33% of the total applicable property shall be designated for open space or community facilities.
  - 1. Open space shall be designated as private (for the benefit of the residents of the PUD), or public (for the benefit of the municipality and its citizens).
  - 2. Land set aside as open space shall be of a size, type and location to meet its intended use.
  - 3. Open space should be contiguous to other existing or potential open space areas.
  - 4. Ownership of open space should be consistent with the best means of maintaining the resources on site.

#### ***5.5.2 Modification of Zoning Regulations***

After a duly-warned public hearing (per Section 6.3), simultaneously with subdivision approval, and subject to the standards and conditions set forth in this section, the Planning Commission may modify the zoning district regulations for the proposed PUD as to the following requirements only:

- a) Setbacks, including provision for zero lot lines;
- b) Height, Bulk and Spacing of Buildings;
- c) Type of Building, including ~~a mix of residential and commercial uses in one building~~, a variety of residential structures (one, two, and multi-family structures).
- d) Location of buildings; and
- e) Size of lots.

Any modification of the Bylaws for the proposed PUD granted by the Planning Commission shall be noted on the subdivision plat.

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**Statutory Authorization:** 24 V.S.A., §4417 / **Type:** REGULATORY

**Related Topic Areas:** Capital Improvement Program; Growth Centers; Housing Regulations; Impact Fees; Land Use & Development Regulations; Open Space & Resource Protection Regulations; Public Transportation; Subdivision Regulations; Transfer of Development Rights; Zoning Regulations

# Planned Unit Development

## Overview

Planned Unit Development (PUD) is a tool municipalities use to encourage or require flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives. The PUD concept emerged in the 1960s as a means to accommodate the planning and development of “new communities” that included a variety of uses, densities, and building styles. Zoning at the time typically featured single uses at uniform densities, and subdivision regulations resulted in the creation of large numbers of identical lots. The variety and interest envisioned for new, planned communities did not fit well within conventional zoning and subdivision regulations.

Under the PUD concept, a municipality can provide for planned development that incorporates a variety of uses, including a mix of housing types, such as garden apartments, townhouses, and single-family homes, as well as other uses that might not



**PUDs can be crafted to encourage creative design for compact, mixed-use neighborhoods, where private homes and public amenities are part of a single master plan. Flexible standards and density bonuses are typically used to reward developers for providing public benefits.**

otherwise be allowed under zoning. PUDs can also be used to encourage or require clustered development and are increasingly used in more rural settings to protect farmland and open space.

## Application

Chapter 117 (§4417) encourages the adoption and use of PUD provisions under local zoning and subdivision regulations for a variety of purposes, for example to promote:

- compact, pedestrian-oriented, mixed-use development, especially in downtowns, villages, and new town centers;
- affordable housing;
- open space preservation and project compatibility with surrounding rural lands;

- flexibility in lot layout and site design, including the placement and design of buildings, parking and circulation, open areas, and related design considerations that will “best achieve the goals of the area as articulated in the municipal plan and bylaws” for a particular site and its surroundings;
- the efficient use of public facilities and infrastructure; and
- energy-efficient forms of development.

PUD regulations must conform to the municipal plan, and individual PUD projects must promote policies and objectives set forth in the municipal plan.

Given their broad application, the use of PUDs and associated standards vary by municipality and often

### New Communities

In the mid-twentieth century, some very large developments, with thousands of individual dwellings, were constructed in the United States. It soon became apparent that such developments required a variety of support services, including schools, public facilities, parks, commercial centers, and places of employment. The PUD concept emerged as a means of accommodating well-planned mixed-use development, without simply allowing all uses everywhere. Early PUDs were primarily residential, but the concept has matured and is now used for a wide range of development types.

for different areas within a single community. For instance, a PUD in a rural district may focus on clustered design, open space protection, and an overall low density of residential development, while a PUD in a village district may emphasize a mix of uses, a variety of housing types, pedestrian amenities, and moderate to high densities of development.

Generally speaking, there are three types of PUDs:

**Residential PUDs.** Planned residential developments, or PRDs, are no longer separately authorized under Chapter 117 but are still allowed as a type of PUD that includes primarily residential uses. In rural districts, PRDs are often used to encourage or require limited, clustered, low-density residential development, while emphasizing the protection of important natural features and resource lands identified in the municipal plan. (See topic paper, *Open Space & Resource Regulations*.) In more urban or village settings, residential PUD standards may allow a mix of housing types and promote a more pedestrian-oriented neighborhood design that incorporates moderate to high densities of development, street trees, sidewalks, and parks.

**Nonresidential PUDs.** Similarly, a municipality may identify certain limited areas or situations for PUDs that include only nonresidential uses, for example, regional commercial centers or industrial parks. In the former, PUD provisions may empha-

size compact layout and design, a pedestrian scale of development, urban streetscapes with pedestrian amenities, high-quality landscaping, and shared, unobtrusive parking areas. In the latter, PUD standards could be used to promote a more “campus” style of development with consistent design elements, landscaping, dispersed parking and loading facilities, public transit facilities, employee amenities such as recreational and day-care facilities, and buffering and screening to minimize physical and visual impacts to neighboring properties and uses.

**Mixed-use PUDs.** Perhaps the most common use of PUDs is to promote, or require, an integrated mix of residential and nonresidential uses at moderate to higher densities of development, as are found in traditional town and village centers, new town centers, and other designated growth centers.

Depending on the vision set forth in the municipal plan, the standards for mixed-use PUDs may emphasize the appropriate mix of uses, such as the siting, orientation, and design of buildings to ensure some privacy for residential uses and to create well-defined streetscapes and public spaces that incorporate pedestrian amenities, public transit facilities, and on- and off-street parking.

In some cases, municipalities have created or used PUD provisions for very specific purposes, such as Shelburne’s “Rural Mixed Use PUD,” which accommodates the unique requirements of Shelburne Farms, Stowe’s “Resort PUD” provisions for ski areas and other large resorts, and Middlebury’s use of PUD standards to manage the development of Middlebury College holdings.

Under Chapter 117, PUD regulations *must* include the following:

- *A statement of purpose*, in conformance with the purposes of the municipal plan and regulations.
- *Review process(es)*, to be used in reviewing the planned unit development, which may include

## Importance of PUD Review Standards

Many Vermont municipalities have included PUD (and/or PRD) provisions in their zoning bylaws, often with few associated standards or requirements. This leads to uncertainty on the part of developers and encourages conflict during the review process. Chapter 117 now requires clear standards that are consistent with municipal plan policies and recommendations.

conditional use review, subdivision review, or both, as specified in the regulations. The timing and sequence of applicable reviews also must be specified in the regulations.

- *Application Requirements*, including design specifications as included or referenced in the regulations.
- *Standards* for the review of proposed planned unit developments, which may vary the intensity or density of development under the regulations with respect to site location and physical characteristics; the proposed type, design, and use of lots and structures; and the amount, location, and proposed use of open space. Standards must also cover required public and nonpublic improvements and incorporate adopted impact fee ordinances by reference. The phasing of development also may be required in accordance with municipal plan policies and an adopted capital budget and program. (See related topic papers.)

PUD regulations may also include the following:

- *Modifications*, including the authorization of uses, densities, and intensities of development that are not otherwise allowed under the regulations—as long as the municipal plan includes policies that encourage mixed-use development, or development at higher overall densities than would normally be allowed, or both.
- *Open Space Standards*, including standards for the reservation or dedication of common land or other open

## PUD Options to Consider

24 V.S.A., §4417(b)

Local bylaws may include PUD provisions that:

- apply to single or multiple properties, having one or more owners;
- are limited to parcels that have a minimum area, or minimum size or number of units;
- require PUDs for all new development within specified zoning districts, or for projects of a specified type or magnitude.



space for the use or benefit of residents of the proposed development. These standards must include provisions for determining the amount and location of common land or open space and for its improvement and long-term maintenance. Open space standards may allow for the dedication and municipal acceptance of land or interests in land for public use and maintenance; or require that the applicant provide for or establish an organization or trust for the long-term maintenance of common land and open space.

One of the important features of the PUD enabling provision is that it authorizes municipalities to modify or waive zoning uses, densities, and intensities that would otherwise apply to a proposed development. Chapter 117, however, also requires PUD language to include clear standards for

PUD review. It's important that local regulations be very clear about the type and limits of modifications that can be approved; the reviewing body has discretion only within the boundaries established in the regulations, which must, in turn, be based on the municipal plan.

## Considerations

**Statutory Provisions.** PUD provisions can be used to encourage—or require—certain types of development, based on goals and objectives in the municipal plan. These can range from affordable housing to certain forms of development such as transit-oriented or traditional neighborhood design. The regulations must clearly spell out standards regarding these objectives.

As noted above, Chapter 117

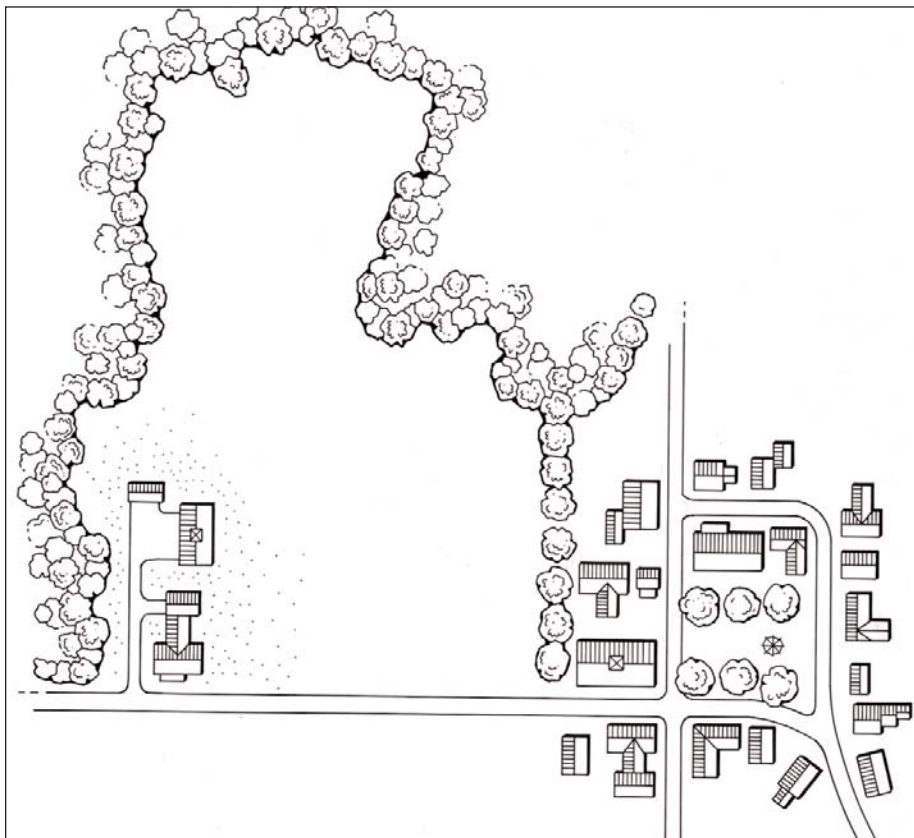
(§4417) includes a number of optional provisions that municipalities can incorporate in their PUD provisions. For instance, PUDs may be required for developments of certain size or in specified zoning districts. In addition, municipalities may craft their bylaws to allow PUDs made up of multiple properties (which may or may not be contiguous) that are held by multiple owners. South Burlington and Charlotte have used the ability to include noncontiguous properties to facilitate the transfer of development rights from a remote parcel to a more developable parcel as a part of the PUD approval process.

**Incentives.** PUD provisions are often intended to convey benefits to developers in the form of higher densities, lower development costs, and reduced infrastructure costs.

However, those benefits must be balanced by some public benefit that achieves goals or objectives set forth in the municipal plan. The regulations should make it very clear what must be provided to qualify as a PUD before benefits can be realized.

The use of density bonuses is a common feature of PUDs and can be effective in achieving affordable housing objectives; Chapter 117 once set a cap of 50 percent on affordable housing density bonuses, but under recent amendments, this statutory limit no longer applies. The regulations, however, must clarify what types of housing qualify and the connections between the amount of affordable housing provided and the amount of density bonuses to be granted. (See topic paper, *Housing Regulations*.) Density bonuses can also be used as incentives to encourage the dedication of open space or public facilities such as parks or recreation trails.

**Impacts.** PUDs often, by their nature, are larger than other developments in a community and may generate substantial demands on public facilities such as roads, schools, libraries, water and sewer systems, public safety facilities, and parks. It's



**The town of Warren adopted use and design standards for “Crossroad Hamlet” PRDs that apply to residential subdivisions in rural residential districts and are intended to maintain traditional rural settlement patterns. This illustration of a crossroad hamlet is used in the bylaw to show how development can be concentrated around a crossroads and conserve important resource lands. See topic paper, *Open Space & Resource Protection Regulations* for more information.** Illustration from the *Warren Land Use and Development Regulations*

therefore important for local PUD review to include determinations that increased demand can be satisfied by existing or planned facilities, for example, as scheduled in the community's capital improvement program. Municipalities may also include provisions to phase or limit the rate of build-out of PUDs to ensure that the capacity to provide municipal services is available when the development is occupied (see related topic papers).

Larger PUDs, particularly commercial and mixed-use PUDs, may also have substantial impacts on surrounding areas. Where PUDs are expected in or near community centers, it's important for the PUD regulations to include a brief vision or description of the type and density of development anticipated. This can then be translated into specific standards to be used by the reviewing body when approving proposed PUDs.

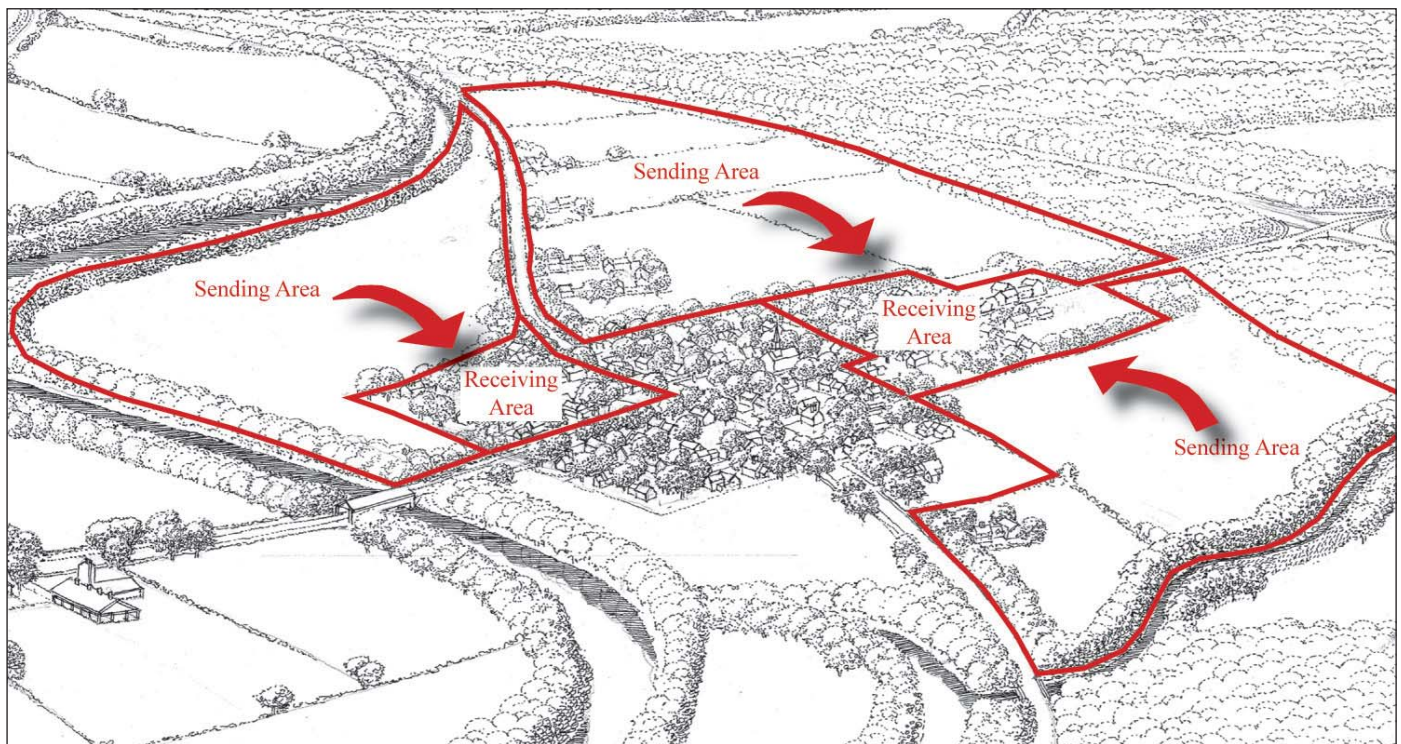
**Coordination of Review.** PUDs are often relatively complex developments that require more than one local approval. Under Chapter, 117 PUD regulations can be applied in association with subdivision or conditional use review, but depending on the types of use or location, site plan approval or even a variance may be required. As noted, under Chapter 117 (§4417), municipalities must specify in their regulations just how multiple reviews will be consolidated or sequenced to streamline the review process.

Typically, PUD review is incorporated within or conducted concurrently with subdivision review—or with conditional use review if no subdivision review is required under local regulations. Conditional use, site plan, or variance review also can be combined under final subdivision review—given similar public notice and hearing requirements—for uses

that require these approvals. If site plan, conditional use, or variance approvals cannot be granted simultaneously with PUD approval, it may make sense to require such approvals before getting too far into the details of development under advanced stages of PUD review.

Vermont communities have the ability to further a wide range of development objectives through the use of PUD regulations. PUD regulations that are carefully crafted and applied can have many benefits for both the community and local landowners and developers. The challenge is to capture this potential.

There are many examples of local PUD regulations available online. Access to municipal websites and local bylaws can be found through [www.vpic.info](http://www.vpic.info), or contact your regional planning commission for assistance.



**PUDs are normally used to shift the permitted density from one portion of a property to a smaller area to enable more efficient and concentrated development on a single parcel of land. In Vermont, PUDs can also be used to transfer density from one property to another. Such provisions, if specified in the bylaw, would allow the transfer of development rights from land the community hopes to conserve (sending areas) to land in growth centers (receiving areas), where higher-density development can be used to achieve multiple community goals.**

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## **Key**

Black: Original remaining text

~~Red stricken: Original text removed~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

# **Article 2: Zoning Districts and District Standards**

## **2.1 Introduction and Table of Districts and Uses**

The tables on pages 7 through 20 are a major part of these Bylaws and illustrate the following information:

- a) The seven types of zoning districts located in the Town of Weathersfield.
- ~~b) For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.~~
- e)b) \_\_\_\_\_ Brief description and purpose of each district.
- c) Which uses may be permitted in each district type under certain conditions and with what additional requirements.
- ~~d) Basic minimum requirements in each district.~~
- ~~e) All uses permitted within the Town of Weathersfield.~~
- ~~f) Which uses may be permitted in each district type under certain conditions and with what additional requirements.~~

For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.

~~In addition, a~~All uses must comply with any applicable General Provisions (Article 3) and ~~Special Provisions~~ Specific Use Standards (Article 4) ~~as listed in Sections 6 and 7 of this document.~~

After holding a public hearing, the Zoning Board of Adjustment may deem other uses similar in nature to those listed in the Definitions section.

Definitions of words and terms used in these Bylaws appear in ~~Section 8~~ Article 7 ~~after the section regarding Special Provisions.~~

## **2.2 Zoning Map and Interpretation**

The locations and boundaries of zoning districts are established as shown on the Official Zoning Districts Map located in the Town Office.

The Official Zoning Districts Map is hereby made a part of these regulations and a part of all future amendments to these regulations.

The Conservation District boundaries shown on the map are necessarily approximate. Actual conditions of the land shall prevail over any markings on the map.

If uncertainty exists with respect to the boundary of any zoning district on the Official Zoning Districts Map, the Zoning Board of Adjustment shall have the authority to determine the exact location of such boundary, after consultation with the Planning Commission.

## 2.3 Lot in Two Districts

Where a zoning district boundary line divides a lot of record in single ownership at the time of the adoption of the district line, permitted uses for each of the divided parts shall be as required within the district in which the land is located with the following exception:

- a) **Exception:** When the result of the adopted district boundary line produces an area of land within each district insufficient to meet the requirements for that district, the Board of Adjustment may grant a conditional use permit to extend the regulations for the less restricted part of such a lot into the more restricted part.

## 2.4 Expansion of Minimum Lot Size

- a) For a Conditional Use: The Board of Adjustment may expand the lot size requirements for resorts, bed and breakfasts, hotels, other paying guest or multi-family complexes by one acre per guest room or per family above the minimum lot size.
- b) For a Permitted Use: When the physical characteristics of the lot and/or the nature of the proposed use are such that larger lots are advisable, all parties are encouraged to consider lot sizes larger than the minimum.

## 2.5 Table of Districts and Uses

For the purpose of these Bylaws, the following Zoning Districts are hereby established for the Town of Weathersfield:

<u>District Type</u>	<u>District Designations</u>
Village	(V)
Hamlet	(H)
Rural Residential	(RR 1)
Rural Residential Reserve	(RRR 3-5)
Conservation	(C)
Highway Commercial	(HC)
Industrial	(I)

### **Description and Purpose of Each District**

#### Village (V):

- Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a rural village setting;
- intensive land use with some multi-family housing;
- efficient location for a limited number of compatible commercial activities.
- The Village District can absorb growth without greatly increasing demand for roads and school bus services.
- Central water and possibly sewer services may need to be provided to accommodate growth.

#### Hamlet (H):

- Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting;
- Reasonable location for neighborhood general stores.
- The Hamlet District is capable of absorbing limited growth without increasing demand for roads and school bus route, though school bus capacity would increase.

Rural Residential (RR 1):

- Residential growth areas surrounding villages and hamlets;
- Somewhat convenient to their amenities;
- Intended to always retain some large lots to add variety and rural scenery.
- Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

Rural Residential Reserve (RRR 3-5):

- Rural areas that give Weathersfield its valued rural atmosphere;
- A mix of open and wooded lands, agriculture, and residences, accessible and remote.
- Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

Conservation (C10):

- Areas in which sparse development is wise for one or more of the following reasons:
- Remote from roads or utility services;
- Location of scarce mineral resources;
- Prime agricultural or forested land;
- Significant or irreplaceable natural, historic, recreational or scenic resources;
- Slope elevations exceeding 25%;
- Land over 1,500 feet in elevation;
- Severe soil limitations;
- Risk of flooding or floodways need.

Highway Commercial (HC):

- Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public.
- Serves local residents and transients;
- Provides some local employment and
- Helps to broaden the tax base.
- Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

Industrial (I):

- Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers.
- Provides employment for local residents and
- Broadens the Town tax base.

- Currently located in areas partially so developed and considered to be appropriate for such use.

### **Use Requirements by District Type**

The following information describes how uses are permitted and the area, land and structural requirements for each District.

## 2.5.1 Village (v)

**Purpose:** Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a small village setting; intensive land use with some multi-family housing; efficient location for compatible commercial activities. The Village District can absorb growth without greatly increasing demand for roads and school bus services. A public water system serves the Village, but public sewer services may need to be provided to accommodate growth.

**USES THAT DO NOT REQUIRE A ZONING PERMIT:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting services~~
- ~~▪ Minor structures~~
- Temporary signs

**PERMITTED USES:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group homes~~
- Residential, Single-family dwelling
- Small enterprise<sup>1,2,3</sup> (in keeping with the Village residential/commercial mix)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

### Permitted Accessory Uses:

- Accessory dwelling unit<sup>2</sup>, Section 4.1
- Accessory use or structure
- Adult day care service<sup>2</sup>, Section 4.2.2-
- Residential a Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1
- ~~▪ Home occupations~~
- Home-based business - level 1<sup>2</sup>, Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- ~~▪ Seasonal roadside stand (See Section 4.12)~~
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

**CONDITIONAL USES:** The following uses are permitted upon granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:



- Adult day care facility<sup>1,2,3</sup>, Section 4.2.2<sup>4,3</sup>
- Family child care facility<sup>1,2,3</sup>, Section 4.2.1<sup>4,3</sup>
- Indoor or outdoor recreation facility<sup>1,3</sup>
- Inn/small hotel <sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Residential, Multi-family ~~dwelling~~<sup>1,2,3</sup> (three to six units)
- Public water, sewage treatment plant <sup>1,2,3</sup>
- ~~Residential care home~~
- School<sup>1,2,3</sup>
- Semi-public <sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Two-family ~~dwelling~~ (new construction)
- Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.)

**Conditional Accessory Uses:**

- Docks (for water access)
- ~~Home industry~~
- ~~Home-based business - level 2~~<sup>1,2</sup>, Section 4.5.4
- Wireless communication facilities<sup>2,3</sup>, Section 4.19<sup>2,3</sup>

**USES NOT PERMITTED:** The following uses are not permitted within this District:

- Campground, resort, children's camp
- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Non-highway commercial
- Self-storage facility (~~effective July 9, 2012~~)

**AREA, LAND & STRUCTURAL REQUIREMENTS:**

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

**Lot area minimum:** 1 acre

**Lot frontage and setbacks:**

Frontage	80 feet
Front Setback	40 feet
Rear Setback	20 feet
Side Setback	20 feet

**Building Height:**

Maximum Building Height: 35 feet (~~Amended 6/11/2012~~)

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7

## 2.5.2 Hamlet (H)

**Purpose:** Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting; reasonable location for neighborhood general stores. The Hamlet District is capable of absorbing limited growth without increasing demands for roads and school bus routes, though school bus capacity would increase.

**Uses that do not require a Zoning Permit:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Small enterprise<sup>1,2,3</sup> (of a neighborhood trade character; **may include one apartment**)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

### Permitted Accessory Uses:

- Accessory dwelling unit<sup>2</sup>, Section 4.1-
- Accessory use or structure
- Adult day care service<sup>2</sup>, Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based Business - level 1<sup>2</sup>, Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5 -
- ~~▪ Seasonal roadside stand~~
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:

- Adult day care facility<sup>1,2,3</sup>, Section 4.2.2<sup>4,3-</sup>

- Family child care facility<sup>1,2,3</sup>, Section 4.2.1<sup>4,3</sup>
- Indoor or outdoor recreation facility<sup>1,2,3</sup>
- Inn/small hotel<sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD~~<sup>1,3</sup>
- Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.

**Conditional Accessory Uses:**

- Docks (for water access)
- Home-based business - level 2<sup>1,2</sup>, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities<sup>2,3</sup>, Section 4.19<sup>2,3</sup>

**Uses Not Permitted:** The following uses are not permitted within this District:

- Campground, resort, children's camp
- Contractor's storage yard (materials, machinery, heavy equipment)
- Gasoline/service station
- Highway commercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling~~
- Non-highway commercial
- Self-~~S~~storage facility ~~(effective July 9, 2012)~~

**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

**Lot Area Minimum:** ~~Basic minimum~~-1 acre

Two family dwelling: 1 acre (1½ acre if no public water or if altered single family dwelling)

**Lot Frontage and Setbacks:**

Frontage	150 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

**Building Height:**

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

**Notes:**

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

### 2.5.3 Rural Residential (RR-1)

**Purpose:** Residential growth areas surrounding villages and hamlets; somewhat convenient to their amenities; intended to always retain some large lots to add variety and rural scenery. Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

**Uses that do not require a Zoning Permit:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

#### Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

#### Permitted Accessory Uses:

- Accessory dwelling unit<sup>2</sup>, Section 4.1-
- Accessory use or structure
- Adult day care service<sup>2</sup>, Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1<sup>2</sup>, Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5-
- ~~▪ Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

#### Conditional Principal Uses:

- Adult day care facility<sup>1,2,3</sup>, Section 4.2.2-

- Campground, resort, children's camp<sup>1,3</sup>
- ~~Church (see Semi-Public)~~
- Family child care facility<sup>1,2,3</sup>, Section 4.2.1
- Indoor or outdoor recreation facility<sup>1,2,3</sup>
- Inn/small hotel<sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Extraction of earth resources<sup>1,2,3</sup>, Section 4.3
- Mobile Home Park<sup>1,2</sup>, Section 4.9-
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD<sup>1,2,3</sup>~~
- Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

#### Conditional Accessory Uses:

- Docks (for water access)
- Home-based business - level 2<sup>1,2</sup>, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities<sup>2,3</sup>, Section 4.19

#### Uses Not Permitted: The following uses are not permitted within this District:

- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry ial
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Residential, Two-family ~~dwelling~~ (new construction)
- Non-highway commercial
- Small enterprise
- Self-storage facility ~~(effective July 9, 2012)~~

#### Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~        Establishment of multiple principal uses ~~on a single parcel of land~~ requires a PUD permit subdivision.
- ~~4.3.~~        Soil or terrain conditions may require larger lot sizes to satisfy Town or State public

health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

**Lot Area Minimum:** 1 acre

**Lot Frontage and Setbacks:**

Frontage	150 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

**Building Heights:**

Maximum Building Height: 35 feet ~~(Amended 6/11/2012)~~

**Notes:**

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)



## 2.5.4 Rural Residential Reserve (RRR 3-5)

**Purpose:** Rural areas that give Weathersfield its valued rural atmosphere; a mix of open and wooded lands, agriculture, and residences, accessible and remote. Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

**Uses that do not require a Zoning Permit:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

### Permitted Accessory Uses:

- Accessory dwelling unit<sup>2</sup>, Section 4.1-
- Accessory use or structure
- Adult day care service<sup>2</sup>, Section 4.2.2-
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1<sup>2</sup>, Section 4.5.3
- Non-agricultural Ponds
- ~~▪ Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:

- Adult day care facility<sup>1,2,3</sup>, Section 4.2.2

- Campground, resort, children's camp<sup>1,3</sup>
- ~~Church (see Semi-Public)<sup>superscript?</sup>~~
- Contractor's storage yard<sup>1,3</sup> (of materials, machinery heavy equipment)
- Family child care facility<sup>1,2,3</sup>, Section 4.2.1
- Indoor or outdoor recreation facility<sup>1,2,3</sup>
- Inn/small hotel<sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Extraction of earth resources<sup>1,2,3</sup>, Section 4.3
- Mobile home park<sup>1,2</sup>, Section 4.9
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD<sup>1,2,3</sup>~~
- **Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)**

**Conditional Accessory Uses:**

- Dock (for water access)
- **Home-based business - level 2<sup>1,2</sup>, Section 4.5.4**
- ~~Home Industry~~
- Wireless Communication Facilities<sup>2,3</sup>, Section 4.19

**Uses Not Permitted:** The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family~~dwelling or PRD~~
- Non-highway Commercial
- Small enterprise
- Self-Sstorage Facility ~~(effective July 9, 2012)~~

**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

Standards for soil suitability are available from the Soil Conservation Service.

**Lot Area Minimum:** 3 acres

**Lot Frontage and Setbacks:**

Frontage 200 feet

Front Setback 40 feet

Rear Setback 50 feet

Side Setback 50 feet

**Building Heights:**

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

**Notes:**

1 Site Plan Review required, Article 5

2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4

3 Certificate of Occupancy required, Section 6.7

## 2.5.5 Conservation (C-10)

**Purpose:** Areas in which sparse development is wise for one or more of the following reasons: remote from roads or utility services; location of scarce mineral resources, prime agricultural or forested land, significant or irreplaceable natural, historic, recreational or scenic resources; slope elevations exceeding 25%; land over 1,500 feet in elevation; severe soil limitations; risk of flooding; or flood ways need.

**Uses that do not require a Zoning Permit:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- ~~▪ Group home~~
- Residential, Single-family dwelling (must not defeat purpose of the District)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

### Permitted Accessory Uses:

- Accessory dwelling unit<sup>2</sup>, Section 4.1-
- Accessory use or structure
- Adult day care service<sup>2</sup>, Section 4.2.2-
- Residential Athletic structures courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1<sup>2</sup>, Section 4.5.3
- Non-agricultural Ponds
- ~~▪ Seasonal roadside stand~~
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:

- Adult day care facility<sup>1,2,3</sup>, Section 4.2.2
- Campground, resort, children's camp<sup>1,3</sup>

- Public Cemetery (private cemeteries refer to...)
- ~~Church (see Semi-Public)<sup>superscript?</sup>~~
- Contractor's storage yard<sup>1,3</sup> (materials, machinery, heavy equipment)
- Family child care facility<sup>1,2,3</sup>, Section 4.2.1
- Inn/small hotel<sup>1,3</sup> (must not defeat purpose of the District)
- Medical facility<sup>1,2,3</sup>
- Extraction of earth resources<sup>1,2,3</sup>, Section 4.3
- Outdoor recreation facility<sup>1,2,3</sup> (must not defeat the purpose of the District)
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

#### Conditional Accessory Uses:

- Dock (for water access)
- Home-based business - level 2<sup>1,2</sup>, Section 4.5.4
- ~~Home Industry~~
- Wireless Communication Facilities<sup>2,3</sup>, Section 4.19
- ~~Single-family PRD<sup>1,2,3</sup>~~

**Uses Not Permitted:** The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park, Section 4.9
- Residential, Two-family dwelling (new construction)
- Residential, Multi-family dwelling or PRD
- Non-highway Commercial
- Small enterprise
- Self-storage facility (effective July 9, 2012)

#### Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.

4.3. \_\_\_\_\_ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

**Lot Area Minimum:** 10 acres

~~Basic District Requirement: 10 acres~~ \*(The owner(s) of record prior to January 4, 1994, of a lot containing at least 6 acres and less than 20 acres and which lot, under the prior bylaws was in RRR 3-5 District, shall be permitted to subdivide said lot into 2 lots, provided both lots meet the town subdivision and zoning requirements.)

**Lot frontage and setbacks:** Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

**Building Height:**

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

**Notes:**

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7

## 2.5.6 Highway Commercial (HC)

**Purpose:** Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public. Serves local residents and transients, provides some local employment and helps to broaden the Town tax base. Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

**Uses that do not require a Zoning Permit:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Highway ~~C~~ommercial<sup>1,2,3</sup>
- Light industry~~ial~~<sup>1,3</sup>
- Self-~~S~~storage ~~F~~acility ≤10,000 sq ft of gross floor area<sup>1,2,3,4</sup>

### Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service<sup>2</sup>, Section 4.2.2-
- ~~▪ Athletic courts~~
- Bed and ~~B~~reakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1-
- ~~▪ Home occupations~~
- Non-agricultural Ponds
- ~~▪ Seasonal roadside stand~~
- Self-Storage Facility ≤10,000 sq ft of gross floor area<sup>1,2,3,4</sup>
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:

- Adult day care facility<sup>1,2,3</sup>, Section 4.2.2-
- ~~▪ Church (see Semi-Public)<sup>superscript?</sup>~~
- Contractor's storage yard<sup>1,3</sup> (materials, machinery, heavy equip.)

- Family child care facility<sup>1,2,3</sup>, Section 4.2.1
- Gasoline/service station<sup>1,2,3</sup>
- ~~Group home~~
- Indoor or outdoor recreational facility<sup>1,3</sup>
- Inn/small hotel<sup>1,3</sup>
- ~~Outdoor recreation facility~~<sup>1,2,3</sup>
- Public water, sewage treatment plant<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area<sup>1,2,3,4</sup>
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- Accessory Dwelling Unit
- Dock
- Home-based business - level 1<sup>2</sup>, Section 4.5.3
- Home-based business - level 2<sup>1,2</sup>, Section 4.5.4
- ~~Home Industry~~
- Residential athletic courts
- Wireless Communication Facilities<sup>2,3</sup>

**Uses Not Permitted:** The following uses are not permitted within this District:

- Campground, resort, children's camp
- Public Cemetery (private cemeteries refer to...)
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility (~~see definitions~~)
- ~~Mineral e~~Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family dwelling or PRD
- Non-highway Commercial
- School
- ~~Single family PRD~~
- Planned Unit Development, Residential

**Area, Land, & Structural Requirements:**



1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.~~
- ~~4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.~~

**Lot Area Minimum: 1 acre**

~~Basic District Requirement: 1 acre~~

~~\*Residential, Single-Family Dwelling: 3 acres Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.~~

~~\*Residential, Two-Family Dwelling (altered from pre-existing single family dwelling): 3 acres Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.~~

**Lot Frontage and Setbacks:**

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

**Building Height:**

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

**Notes:**

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- 4 ~~Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw~~

## 2.5.7 Industrial (I)

**Purpose:** Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers. Provides employment for local residents and broadens the Town tax base. Currently located in areas partially sodeveloped and considered to be appropriate for such use.

**Uses that do not require a Zoning Permit:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- ~~▪ Temporary signs~~

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Public water, sewage treatment plant<sup>1,2,3</sup>
- Self-Storage Facility<sup>1,2,3,4</sup>
- Small office ~~space~~

### Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service<sup>2</sup>, Section 4.2.2
- ~~▪ Athletic Courts~~
- Bed and ~~B~~breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1
- ~~▪ Home occupations~~
- Non-agricultural Pponds
- ~~▪ Seasonal roadside stand~~
- Self-Storage Facility<sup>1,2,3,4</sup>
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)

### Conditional Uses:

The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:

- Contractor's storage yard<sup>1,3</sup> (materials, machinery, heavy equip)
- Extraction of earth resources<sup>1,2,3</sup>, Section 4.3
- Family ~~day~~child care facility<sup>1,2,3</sup>, Section 4.2.1

- Highway ~~C~~commercial
- ~~Home Industry~~
- Junkyard, landfill, recycling facility (privately owned)<sup>1,2,3</sup>
- Industrial<sup>1,2,3</sup>
- Non-highway ~~C~~commercial<sup>1,2,3</sup>
- ~~Outdoor recreation facility (only as facilities for use by employees during lunch, etc. on same basis as primary industrial commercial facility)~~
- Other uses<sup>1,2,3</sup> (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- Wireless ~~C~~ommunication ~~F~~acilities<sup>2,3</sup>

**Uses Not Permitted:** The following uses are not permitted within this District:

- Adult day care facility, Section 4.2.2
- Campground, resort, children's camp
- Cemetery
- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- School
- Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Single-family ~~dwelling~~
- Planned Unit Development, Residential ~~Single family PRD~~
- Residential, Two-family ~~dwelling (new construction~~

**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

**Lot Area Minimum: 1 acre**

~~Basic District requirement: 1 acre~~

### **Lot Frontage and Setbacks:**

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

### **Building Height: 35 feet**

~~Maximum building height: 35 feet with the following exception:~~ \*In this District, proposed structures exceeding 35 feet may be allowed with a conditional use permit.

Unless increased by the ~~Planning Commission~~ Zoning Board of Adjustment during Site Plan Review, a minimum of 50' buffer with natural screening is required between industrial and residential zones. ~~(Amended 6/11/2012)~~

#### Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- 4 ~~Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw~~

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# Article 7: Definitions

*(amendments as noted)*

For the purposes of these Bylaws, meanings for the following words and phrases shall be as defined below. All other words shall retain their dictionary meaning (Webster's Ninth New Collegiate Dictionary) unless such meanings run counter to the purposes and objectives of Weathersfield's Bylaws or Town Plan. The definitions of terms defined in 24 V.S.A. §4303, and not otherwise defined herein are made a part of these Bylaws.

**A Zone:** That portion of the SFHA subject to a one percent chance of being equaled or exceeded in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e. BFEs are not determined. This is often called unnumbered A Zone or approximate A Zone.

**Accessory Dwelling Unit (ADU):** See Section 4.1.

**Accessory Structure:** A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building. If there is a question whether the use is customary, determination shall be made by the Zoning Board of Adjustment.

**Adult Day Care Service/Facility:** See Section 4.2.2.

**Affordable Housing:** Affordable housing means either of the following:

1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

**Affordable Housing Development:** A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

**Agriculture Use:** Land which is used for raising livestock, agricultural or forest products (includes farm structures and the storage of agricultural equipment); and, as an accessory use, the sale of agricultural products raised on the property.

**Airport Uses:** Fixed- and rotary-wing operations together with retail sales and service operations related to public, private, and general aviation, including aircraft sales, repair, and storage, commercial shipping and storage, restaurants, rental vehicles, and other uses designed to serve aviation passengers and industry.

**Appropriate Municipal Panel:** A planning commission, a board of adjustment or a legislative body performing development review.

**Area of Special Flood Hazard:** This term is synonymous in meaning with the phrase “Special Flood Hazard Area” for the purposes of these bylaws.

**Residential Athletic Courts:** Private, residential tennis court, basketball court or similar activities.

**Average Grade:** The average of the distance from the top of foundation to the ground measured at all foundation corners of a building or structure. ~~-(Added June 11, 2012)~~

**Background Noise:** Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

**Bankfull Width (or Channel Width):** The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

**Base Flood Elevation (BFE):** The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

**Basement:** Any area of the building having its floor elevation subgrade (below ground level) on all sides.

**Bed-and-Breakfast:** An owner-occupied residence, or portion thereof, which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

**BFE:** See Base Flood Elevation.

**Boarding House (tourist home):** A building or premises where rooms are let to individuals for compensation for a period of time greater than 30 days, and where meals may be regularly served in a common dining area. Hotels, motels, apartment houses, bed and breakfasts and historic inns shall not be considered boarding houses.

**Buffer:** An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

**Building:** A structure having a roof supported by columns and/or walls intended for the shelter or enclosure of persons, animals or chattel, excluding fences, and including a gas or liquid storage tank that is principally above ground.

**Building Height:** The distance from the lowest floor with exterior access or the lowest visible foundation point (whichever is lower) to the highest point of the roof. ~~-(12/3/2018)~~

**Building or Structure Height:** The distance from the average grade to the highest point on a building or structure. Measured from the top of the foundation no more than 8 feet of foundation showing, and excluding cupolas, chimneys, steeples, and/or roof mounted HVAC and utilities. ~~-(11/16/2020)~~

**Campground:** 9 V.S.A § 4410: Recreational campground or camping park is property where transient residence is offered or provided for seasonal or short-term vacation, or recreational, or employment, purposes on which may be located cabins, tents, or lean-tos, or campsites designed for temporary set-up of portable or mobile camping, recreational, or travel dwelling units, including tents, campers, and recreational vehicles such as motor homes, travel trailers, truck campers, and van campers.

**Public Cemetery:** Property on public or private lands used for the interment of the dead and that is available for public visitation.

**Channel:** An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

**Common Plan of Development:** Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

**Community Non-Profit:** as defined by State or Federal guidelines.

**Contractor's Storage Yard:** A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

**Coverage:** That percentage of the lot area that is covered by buildings.

**Critical Facilities:** Include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

**Daytime Hours:** Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 p.m. on Sundays and holidays.

**Decibel:** (dB) A unit of measurement of the sound level.

**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, land or extension of use of land.

**Development in the areas of special flood hazard:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**District, Zoning District:** A part of the territory of the Town of Weathersfield within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of these Bylaws.

**Dock:** A structure extending alongshore or out from the shore into a body of water, which facilitates access to the water or boats.

**Dwelling, Dwelling Unit:** A building or part thereof, including a kitchen and bathroom, used as living quarters for a single individual or family (see definition of family).

**Emitter:** Source of noise.

**Excessive Noise:** Any sound, the intensity of which exceeds the standard set forth in Section 3.7.2.

**Existing Small Lot:** Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, is in existence on the date of enactment of any bylaw, and is too small to conform to the minimum lot size requirements for the zoning district in which it is located.

**Existing manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Extraction of Earth Resources:** See Section 4.3.



**Family:** For the purposes of these Bylaws, a family shall consist of any group of two or more persons, either related or unrelated, residing in and sharing the rooms of an individual dwelling unit in the same structure (i.e., persons related by blood, marriage, or adoption; housemates; unrelated friends sharing expenses).

**Family Child Care Home:** A family child care home or facility is a day care facility which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

1. these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
2. during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

**Family Child Care Facility:** A state registered or licensed family child care facility serving ten or more children (at least six full-time and four part-time). [See Section 4.2.1.](#)

**Farming:** The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm.

**Farming structure:** A structure or structures that are used by a person for agricultural production that meets one or more of the following:

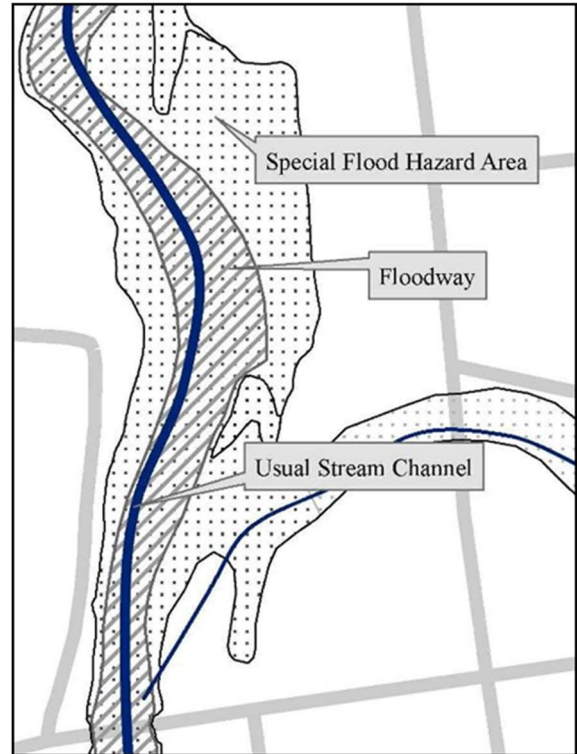
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen, sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ~~rattles~~ rarities (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
3. is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or
4. is on a farm with a business and farm management plan approved by the Secretary.

**Fill:** Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

**FIRM:** see Flood Insurance Rate Map.

**Flood:**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.



**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

**Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source (see definition of “flood”).

**Flood proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

**Fluvial Erosion:** Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

**Fluvial Geomorphic Equilibrium:** The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading (down-cutting) the channel bed elevation. When a stream or river is in an equilibrium condition the stream power and erosive process is minimized reducing damage to public and private infrastructure, reducing nutrient loading, and allowing for bank stability and habitat diversity.

**Formula Business:** A business which does or is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (formula) array of services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

**Frontage:** The length of that portion of a lot which abuts a public road right-of-way or mean watermark of a public waterway. In the case of corner lots, it shall be that portion that has or is proposed to have access.

**Functionally dDependent uUse:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Gasoline/Service Station:** A retail establishment at which motor vehicles are serviced, especially with fuel, air, and water; also called a filling station. Includes the retail sale of motor vehicle fuel carried on as part of other commercial or industrial activities.

**Group Home:** Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

**Guest House:** An accessory residential structure with no kitchen (may or may not have bath facilities) used for the sole purpose of temporary housing for nonpaying guests.

**Hazardous Materials:** Those substances, materials, or agents in such quantity, state, and form as may constitute potential risk to the health and safety of the people and environment of the Town, and which may constitute a threat to property, including, without limitation, the following: explosives; radiative materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. This shall also include any other materials listed as 'hazardous' by the Materials Transportation Bureau of the United States Department of Transportation, in Title 49 of the Code of Federal regulations, as amended, or those materials regulated pursuant to Title 10, Chapter 47, of the Vermont Statutes Annotated, or any other applicable Federal or State regulations.

**Highway-Commercial:** The use of a structure and/or lot for the following purposes:

1. motel or large hotel;
2. shopping plaza;
3. wholesale or retail sales;
4. drive-in theater;
5. restaurant;
6. drive-in food service;
7. drive-in bank;
8. **lumber yard**;
9. sales and service of automobiles, mobile homes, large boats or recreational vehicles;
10. dry cleaner;
11. bar; nightclub; or
12. any other purpose deemed by the Zoning Board of Adjustment to be similar in nature to

those listed.

**Historic Structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

**Home-Based Business:** A professional, commercial, or light industrial activity that takes place on a residential property, is for gain by the resident(s), and where these activities are subordinate to (Level 1) or augment (Level 2) the residential use. [See Section 4.5.3 and 4.5.4.](#)

**Home-Based Occupation:** Employment activity that is carried on for gain by the resident and is clearly subordinate to the residential structure. [See Section 4.5.2.](#)

**Impulse Noise:** Noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

**Indoor Recreation Facility:** A commercial or public facility for the following indoor activities: bowling, table tennis, tennis, pool, roller and ice skating, swimming, customary gym activities, rifle/pistol/archery, others deemed similar in nature by the Zoning Board of Adjustment.

**Industry:** The use of a building or land for the manufacture, production, processing, assembly or storage of goods or commodities. Includes research, testing, and large offices (more than ten employees); and others deemed similar in nature by the Zoning Board of Adjustment.

**Inn/Small hotel:** an establishment providing for a fee **three or more up to six (6)** temporary guest rooms and customary lodging services, and subject to the Vermont rooms and meals tax.

**Insignificant Activities and/or Repairs:**

1. Insignificant activities that involve the placement or erection of decorative or directional elements which do not result in new obstructions to flood flows or alter drainage or have the potential to be a substantial improvement. Insignificant activities may include mowing, planting a garden, adding soil amendments, installing a mail box for the delivery of US postal mail or newspaper, or erecting a flag pole. Insignificant activities will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement; and/or,
2. Insignificant repairs that involve projects to fix or mend to a sound condition after decay or damage and the cost of which does not exceed \$500 or does not result in the replacement, alteration, addition or extension of an existing structure. Insignificant repairs will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement.

**Junkyard:** A yard for the deposit, storage, or resale of any junk or discarded materials, machinery, or vehicles; whether or not in connection with any other commercial activity.

**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.

**Letter of Map Amendment (LOMA):** A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

**Light Industry:** Same as Industry, but limited to:

1. no more than 10 employees
2. buildings do not cover more than 10,000 square feet of land area;
3. production of noise, vibration, smoke, dust, heat, odor, glare or other disturbance shall not exceed what is characteristic of the District.
4. production of electrical interferences and line voltage variations must no create a nuisance.

**Lot:** A portion or parcel of land occupied or intended for occupancy by a use or a building.

**Lot Size:** The total area of land, excluding the road right-of-way, included within the property lines.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

**Lumber Yard:** An establishment for the retail or combined wholesale/retail sale of new lumber and/or other new building materials. For the purposes of these Bylaws, establishments engaged in the sale of other new building materials without the sale of new lumber are included.

**Manufactured Home (or Mobile Home):** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level:** For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 and other data, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Medical Facility:** For the purposes of these Bylaws, a medical facility shall include hospitals, including nurses' residential quarters; nursing homes; and homes for the elderly or incapacitated.

**Minor Structure:** [See Section 6.2.2\(l\).](#)

- ~~1) Any new, single-story, non-residential structure with a footprint of 150 square feet or less;~~
- ~~2) said structure must be accessory to an existing primary structure on the same lot as the proposed minor structure;~~
- ~~3) 150 total square feet of such structures are allowed per acre of lot size up to a maximum of 500 square feet of total structure area. (Lots that are less than one acre in size are allowed a single 150 sq. ft. structure.);~~
- ~~4) No single structure may have a footprint greater than 150 square feet;~~
- ~~5) Applicant must notify the Zoning Administrator in writing of the intent to build such structure(s) by providing such information as is required by the Zoning Administrator;~~

**Mobile Home:** A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing,

heating, cooling, and electrical systems, and is:

1. transportable in one or more sections; and
2. at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

**Mobile Home Park:** See Section 4.9. Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. ' 6201(2).

**Modular (or Prefabricated) Housing:** A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Motel or large hotel:** an establishment providing for a fee ~~three-seven~~ or more temporary guest rooms and customary lodging services, and subject to the Vermont rooms and meals tax.

~~**Multi-family Dwelling:** A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.~~

**Municipal Land Use Permit:** Means any of the following whenever issued:

1. A zoning, subdivision, site plan, or building permit or approval, any of which relate to “land development” as defined in this section, that has received final approval from the applicable board, commission, or officer of the municipality.
2. A wastewater system permit issued under any municipal ordinance adopted pursuant to 24 V.S.A. chapter 102.
3. Final official minutes of a meeting that relate to a permit or approval described in (1) or (2) above that serve as the sole evidence of that permit or approval.
4. A Certificate of Occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (1) or (2) above, if the bylaws so require.
5. An amendment of any of the documents listed in (1) through (4) above.

**New eConstruction:**

1. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
2. For floodplain management purposes, new construction means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to

be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**Nightclub or Bar:** An establishment whose major activity is the service of alcoholic beverages for consumption on the premises and which may or may not provide entertainment.

**Nighttime Hours:** The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that nighttime hours shall mean the hours between 7:30 p.m. Saturday and 10:00 on Sunday and 7:30 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

**Noise Zone:** The geographic area between emitter and receptor of noise.

**Non-agricultural Pond:** See Section 3.2.5.

**Nonconforming Lots or Parcels:** Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

**Nonconforming Structure:** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

**Nonconforming Use:** Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. 24 V.S.A. §4303(15)

**Nonconformity:** A nonconforming use, structure, lot or parcel.

**Non-highway Commercial:** The use of a structure and/or lot for the following purposes:

1. wholesaler,
2. fuel oil depot,
3. bottled gas depot,
4. coal depot,
5. **lumber yard**, and
6. other similar purposes as determined by the Zoning Board of Adjustment.

**Non-Residential:** Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

**Outdoor Recreation Facility:** A commercial or public facility for the following out-of-doors activities: customary playing fields and municipal park activities (baseball, soccer field, etc.); tennis, swimming, roller and ice skating, skiing, boating, fishing, horseback riding, golf, miniature golf, bicycling, or other similar activities as determined by the Zoning Board of Adjustment. Excludes tracks or trails for competitive and/or commercial use of motorized vehicles.

~~**Planned Residential Development (PRD):** An area for strictly residential use, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets and utilities, and to preserve open space. PRD's designated as single family contains only single family residential structures; those designated as multi-family contain one or more multi-family residential structures.~~

**Planned Unit Development (PUD):** One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

**Pre-existing:** In existence prior to the adoption date of the original Bylaws, March 5, 1974.

**Prime Agricultural Land:** Prime land identified by the Natural Resources Conservation Service (NRCS) as “P – prime” or “S – statewide significant” and as described in the Farmland Classification System for Vermont Soils, published by the United States Department of Agriculture (USDA) – NRCS and available at <http://www.nrb.state.vt.us/lup/publications/importantfarmlands.pdf>.

**Public Water, Sewage Treatment Plant:** Any community drinking water distribution system, whether publicly or privately owned. A place where sewage is cleaned so that it is not harmful or dangerous to the environment.

**Receptor:** With the intent of confining decibel levels higher than allowed to the emitter’s property, the receptor is any abutting property receiving noise.

**Recreational Vehicle:** A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular High Water Mark:** The lower limit of vegetation on the streambank. ~~(Added November 22, 2011)~~

**Renewable Energy Resources:** Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

**Residential Care Home:** A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to nine or more residents unrelated to the home operator.

**Residential, Single-Family:** The use of a structure and/or lot to house a single individual or family (see definition for family).

**Residential Structure:** Any structure designed and constructed for human residence.

**Residential, Multi-family:** ~~The use of a structure or lot to house three or more families (see definition for family) or individuals.~~ A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

**Residential, Two-Family:** The use of a structure or lot to house two families (see definition for family). A legitimate home occupation is optional.

**Residential swimming pool:** Includes in ground or above ground pools. Does not include hot tubs, or temporary pools that are removed and stored at the end of the season.

**River Corridor:** The land area adjacent to a river that is required to accommodate the



dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

**School:** Includes public, parochial and private kindergarten through college or university and accessory uses such as dormitories, fraternities and sororities. Shall not include commercially operated schools of business, driving, dance, music, cosmetology, beauty, culture, or similar establishments.

**Self-Storage Facility:** A building or group of buildings and associated external areas containing separate, individual, and private storage spaces available for lease or rent for the purpose of inactive storage only and which are not accessory structures to residential uses. ~~(Expires 8/5/2012 as an interim definition; effective 7/9/2012 as a permanent definition)~~

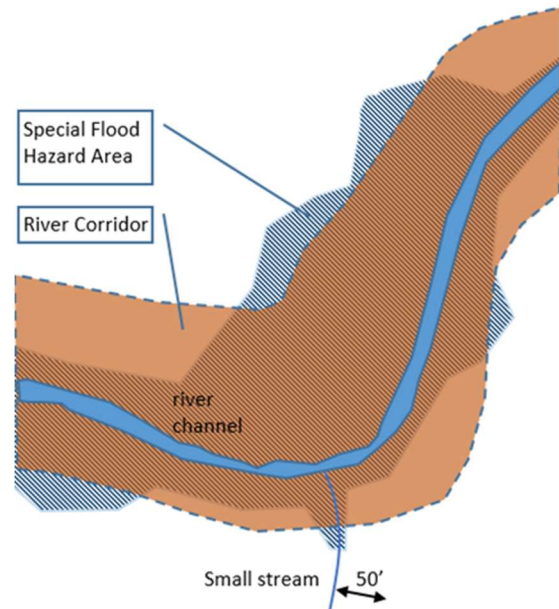
**Semi-Public:** Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the ZBA.

**Setback:**

1. The shortest distance between the exterior of a building and the nearest adjacent boundary of the building lot, measured at right angles to said boundary.
2. Porches are included as part of the building, however, steps are not.
3. Setbacks shall be measured from the nearest boundary of the road right-of-way.
4. When the road or right-of-way measures less than fifty feet in width or is of unknown width, a right-of-way width of 50 feet shall be assumed.
5. The edge of the right-of-way shall be determined by measuring half of the right-of-way width from the center of the traveled portion of the road.
6. Structures added to existing buildings in order to provide access to the disabled or handicapped (i.e., ramps, special stairways, elevators, etc.) are not required to meet setback requirements.
7. New building construction that includes such devices shall meet said requirements.

**Sign:** Any device, logo, structure, illustration, emblem, building, or part thereof for visual communication that is placed in view of the general public for the purpose of directing public attention to any business, industry, profession, product, service, or entertainment. [See Section 3.8.](#)

**Small Enterprise:** In Districts where permitted, the establishment of small enterprises is encouraged in order to promote sound economic development, to maintain the unique character of the community, to promote diversity of economic activity, and to provide a business environment benefitting from foot traffic and proximity. The small enterprise use aims to facilitate entrepreneurial activity by providing a narrow exception to obtaining a conditional use permit, while protecting and maintaining the character and diversity of businesses in the District. All applicants are encouraged to consult the Land Use Administrator prior to submitting an application. The small enterprise shall meet all criteria below.



- a) The small enterprise shall not be a formula business as defined by these Bylaws.
- b) Employs a maximum of five (5) employees on premises at a single point in time.
- c) Occupies a maximum building area of 800 square feet.
- d) Replacing and superseding Article 6.2.2(I) for the purposes of this bylaw, only one structure not in excess of 150 square feet is exempt from the zoning permit requirement. All other provisions of Article 6.2.2(I) apply.
- e) May display one non-illuminated, non-reflective sign, a maximum of nine (9) square feet in size. Additional signs may be permitted upon submission of a Zoning Permit Application.
- f) The small enterprise zoning application shall clearly define the type of business, number of employees, square footage allocated to the business, and traffic generation.
- g) All applications must be accompanied by a site plan.
- h) Any change to the original application shall require permit review.
- i) The small enterprise must comply with all performance standards set forth in Section 3.7 of these Bylaws.

Uses which exceed the thresholds established under this bylaw may still be permitted if falling within another permitted, accessory or conditional use category permitted in the same particular District.

**Small Office:** A space for ten or fewer employees with no deliveries and only employee parking allowed on-site.

**Sound Level Meter:** An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The Sound Level Meter shall conform to the ANSI Specifications for Sound Level Meters S1.4-1971.

**Special Flood Hazard Area (SFHA):** The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

**Start of Construction:** For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

**Stream:** A perennial watercourse, or portion, segment or reach of a watercourse that, in the

absence of abnormal, extended or severe drought, continuously conveys surface water flow. Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream does not include the standing waters of wetlands, lakes, and ponds. Streams are indicated on the Vermont Hydrography Dataset viewable on the Vermont Natural Resources Atlas.

**Structure:** An assembly of materials for occupancy or use for more than six (6) months. Fences, gates, stone walls, landscape timbers, sculptures, memorial monuments, TV antennae, and satellite dishes are not structures.

For floodplain management purposes, “structure” shall mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

For flood insurance purposes, “structure” shall mean:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home, also known as a mobile home, which is built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws, but does not include a recreational vehicle or a park trailer or other similar vehicle, or a gas or liquid storage tank.

**Structural Development:** The addition of a new structure to a parcel of land.

**Structure Height:** The distance from the average grade at the base of the structure to the highest point of the structure. Notwithstanding any other provision regarding setbacks in these bylaws, the setback distance of any structure which is not considered a building (see definition) from an adjacent road or parcel must be greater than or equal to the structure height. (1/3/2019)

**Subdivision:** Either:

1. division of a parcel of land into two or more lots, plots, or sites; or
2. construction of a single structure containing two or more functional units, such as but not limited to: apartment buildings, condominiums, or shopping plazas, when such actions are taken for the purpose of sale, transfer of ownership, building development or property improvement.

The term subdivision includes re-subdivision.

Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel.

**Substantial ~~d~~Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial ~~i~~Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum

necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Telecommunications Facility:** A tower or other support structure, including antennae that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

**Top of Bank:** That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope. See Figures 3 and 4 for representative illustrations for these terms.

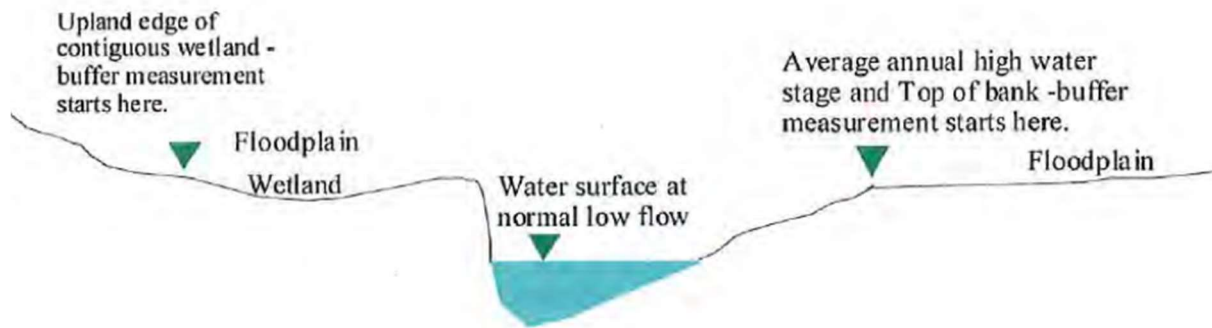


Figure 13: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

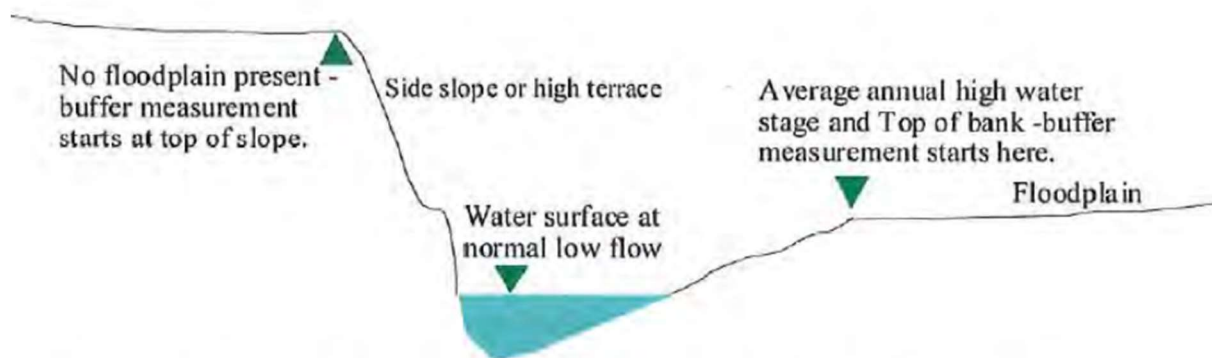


Figure 14: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

**Travel Trailer:** Any vehicle used, or so constructed as to permit such use, as a conveyance on the public roads and duly licensed as such, which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons. Includes motor homes, tent trailers, truck campers and any vehicle converted to provide temporary sleeping facilities other than a mobile home. This definition does not apply to commercial vehicles, such as 18 wheel trucks equipped with sleeping quarters, that are used to transport goods.

**Use, Associated:** A use customarily incidental to the principal use and on the same lot as the principal use.

**Use, Conditional:** A use permitted only by approval of the Board of Adjustment following a public hearing.

**Use, Permitted:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Variance:** A deviation from the strict application of the requirements of these Bylaws in the case of exceptional physical conditions. See 24 V.S.A., Section 4464 and 4469.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

**Wetlands:** Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

**Wireless Communications Facility:** A tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Wireless Communication Facilities include Wireless Telecommunication Facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

**Wireless Telecommunication Facility:** A facility consisting of the structures, including the towers and antennas mounted on towers and buildings, equipment and site improvements involved in sending and receiving telecommunications or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based or other telephone lines.