

TOWN OF PEACHAM, VERMONT

BYLAWS

Approved December 7, 2005

## Table of Contents

### ARTICLE 1: ENACTMENT, PURPOSE

Section 101: Enactment .....	5
Section 102: Purpose.....	5
Section 103: Application of Regulations.....	5

### ARTICLE 2: ZONING DISTRICTS AND ZONING MAP

Section 201: Establishment of Zoning Districts.....	6
Section 202: Zoning Map .....	6
Section 203: Interpretation of Zoning District Boundaries. ....	6
203.1: Roads, Streams and Rights-of-Way .....	6
203.2: Lot Lines.....	6
203.3: Shoreline Boundaries.....	6
203.4: Parallel or Extended Boundaries .....	6
203.5: Zoning Board of Adjustment Role.....	6

### ARTICLE 3: ZONING DISTRICTS

Section 301: Rural Reserve (RR1) .....	7
Section 302: Rural Residential (RR2).....	8
Section 303: Village One (V-1).....	9
Section 304: Shoreland One District (SL1).....	10
Section 305: Shoreland Two District (SL2) .....	11
Section 306: Agricultural Overlay (AO) .....	12
Section 307: Wellhead Protection (WH) .....	14

### ARTICLE 4: GENERAL PROVISIONS

Section 401: Shoreland Vegetation.....	15
401.1: Dwelling Lots.....	15
401.2: Timber Harvesting and Vegetative Buffers.....	15
Section 402: Existing Small Lots .....	15
Section 403: Frontage On, Or Access To, Public Roads Or Waters and Curb Cuts .....	16
403.1: Access Required.....	16
403.2: Curb Cuts.....	16
Section 404: Protection of Home Occupations .....	16
Section 405: Highway Access Permits .....	17
Section 406: Temporary Uses and Structures .....	17
Section 407: On Site Sewage Disposal.....	17
Section 408: Lots in Two Zoning District or Lots in Two or More Towns .....	17
408.1: Lots in Two Zoning District.....	17
408.2: Parcel of Land in Two or More Towns .....	17
Section 409: Projections into Required Yards.....	18
Section 410: Reduction of Lot Area.....	18
Section 411: Required Area or Yards .....	18
Section 412: Yards on Corner Lots.....	18
Section 413: Limitations.....	18
Section 414: Alterations and Adjustments .....	18
Section 415: Signs - Regulations and Restrictions .....	19
415.1: Construction .....	19
415.2: Safety .....	19
415.3: Location, Size, Illumination .....	19

415.4: Business and Commercial .....	19
415.5: Moving Lights and Glare Prohibited .....	19
Section 416: Maximum Building Height.....	19
Section 417: Subdivision of Land .....	19
417.1: Subdivision.....	19
417.2: Review Process .....	20
417.3: Preliminary Review .....	20
417.4: On-Site Inspection .....	20
Section 418: Accessory Dwelling Units .....	20
Section 419: Travel Trailers .....	21
Section 420: Proposed Transfer of Land to and from Town .....	21
Section 421: Notice Prior to Construction Required .....	21

## **ARTICLE 5: NON-CONFORMING USES AND NON-CONFORMING STRUCTURES**

Section 501: Non-Conforming Uses .....	22
501.1: Non-conforming Use .....	22
501.2: Change to Another Non-conforming Use.....	22
501.3: Non-conforming Use – Abandonment and Discontinuance .....	22
Section 502: Non-Conforming Structures .....	22
502.1: Review Required.....	22
502.2: Reconstruction Time Period.....	23
502.3: Maintenance and Repair .....	23

## **ARTICLE 6: CONDITIONAL USES**

Section 601: Conditional Uses .....	24
601.1: General Standards of Review.....	24
601.2: Supplemental Considerations.....	25

## **ARTICLE 7: PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

Section 701: Planned Residential Development .....	28
701.1: Purpose .....	28
701.2: Application Procedures.....	28
701.3: Standards of Review .....	28
701.4: Open Space.....	28
701.5: Decision.....	29

## **ARTICLE 8: ADMINISTRATION AND ENFORCEMENT**

Section 801: Administrative Officer.....	30
801.1: Conformance with Ordinance .....	30
801.2: Construction Inspections .....	30
801.3: Enforcement and Administration .....	30
801.4: Recording .....	30
Section 802: Zoning Permit.....	30
802.1: Permits, Fee .....	30
802.2: Application .....	30
802.3: The Issuance of Permit .....	31
802.4: Permit Issuance - Filing and Notice.....	31
802.5: Effective Date.....	31
802.6: Permits Applied for During Ordinance Amendment Periods .....	31
Section 803: Referral to State Agencies .....	32
803.1: State Land.....	32

803.2: Limited Access Highways.....	32
803.3: Water Resources .....	32
803.4: Fish and Game Lands .....	32
Section 804: Violations.....	32
Section 805: Zoning Board of Adjustment.....	32
Section 806: Powers and Duties of Board of Adjustment.....	32
806.1: Appeals of the Administrative Officer .....	33
806.2: Variance.....	33
806.3: Conditional Use.....	33
806.4: Enforcement .....	33
Section 807: Powers and Duties of the Planning Commission .....	33
Section 808: Appeals .....	33
808.1: Appeals of Decisions of the Administrative Officer .....	33
808.2: Interested Persons .....	33
808.3: Notice of Appeal .....	34
808.4: Hearing on Appeal .....	34
808.5: Appeal of Variance .....	35
808.6: Appeals to Environmental Court.....	35
Section 809: Public Hearings .....	36
809.1: Public Notice .....	36
809.2: Hearings.....	36
Section 810: Time Extensions .....	37
 <b>ARTICLE 9: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE</b>	
Section 901: Amendments.....	38
Section 902: Interpretation .....	38
Section 903: Adoption of Bylaws and Effective Date .....	38
903.1: Voter Adoption.....	38
Section 904: Separability.....	38
Section 905: Repeal.....	38
 <b>ARTICLE 10: DEFINITIONS .....</b>	
	39

## **ARTICLE 1: ENACTMENT, PURPOSE**

### **Section 101: Enactment**

This ordinance shall be known as the "Town of Peacham, Vermont Zoning Ordinance." It is in accordance with the Vermont Planning and Development Act, Title 24 VSA, Section 4412, 4413, and Subchapters 9, 10, and 11, and reflects changes mandated by Act 115 of the Vermont State Legislature in June 2004.

### **Section 102: Purpose**

This ordinance is designed to implement the goals and objectives of the Town Plan. Furthermore, it is meant to promote the health, safety, and general welfare of the inhabitants of the Town of Peacham. Its purposes are to protect historic sites, to prevent the overcrowding of land, to facilitate an adequate provision for safety from fire and for transportation, water, sewage disposal, schools and other public requirements, and to encourage such present and future development as may be to the residential, agricultural, commercial, and cultural and recreational advantage of the Town.

### **Section 103: Application of Regulations**

No division of a parcel of land, construction, reconstruction, conversion, structural alteration, relocation or enlargement of any mining, excavation, or landfill, or any change in the use of any building or other structure, or extension of use of land shall commence except in compliance with all the regulations in this ordinance for the district in which such building or land is located.

Any use not permitted by this ordinance shall be deemed to be prohibited.

## **ARTICLE 2: ZONING DISTRICTS AND ZONING MAP**

### **Section 201: Establishment of Zoning Districts**

Peacham is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

Rural Reserve-----	designated	RR1
Rural Residential-----	“	RR2
Village One-----	“	V-1
Shoreland One-----	“	SL1
Shoreland Two-----	“	SL2
Agricultural Overlay-----	“	AO
Wellhead Protection-----	“	WH

### **Section 202: Zoning Map**

The location and boundaries of Zoning Districts are established as described below and shown on the Official Zoning Map. The Official Zoning Map is hereby made a part of this ordinance, together with all future amendments. No changes of any nature shall be made in the Official Zoning Map except in conformity with Title 24 VSA, Sections 4401 and 4402.

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the clerk of the municipality shall be the final authority as to the current zoning status of land and water areas.

### **Section 203: Interpretation of Zoning District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

#### **203.1: Roads, Streams and Rights-of-Way**

Boundaries indicated as approximately following the center lines of roads, streams, transportation and utility rights-of-ways shall be construed to follow such center-lines;

#### **203.2: Lot Lines**

Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines;

#### **203.3: Shoreline Boundaries**

Boundaries indicated as following shorelines shall be construed as following the normal mean water level;

#### **203.4: Parallel or Extended Boundaries**

Boundaries indicated as parallel to or extensions of features in 203.1 through 203.3 above shall be so construed;

#### **203.5: Zoning Board of Adjustment Role**

Where circumstances are not covered by 203.1 through 203.4 above, the Zoning Board of Adjustment shall interpret the district boundaries.

## ARTICLE 3: ZONING DISTRICTS

<b>Section 301: Rural Reserve (RRI)</b>	This district contains Peacham's central mountain range and adjacent forested areas with some developed and agricultural areas. The recommended uses of this district are forestry, agriculture and recreation. The development of land shall be consistent with the long-term management of forests and farm lands. The development of new homes and parcelization of land should be limited accordingly. While the minimum lot size for the district is 2 acres, the density of housing in this district should not be allowed to significantly increase. The purpose of allowing for a home to be built on as little as 2 acres is to reduce the extent of resource lands lost to residential use and to allow the sale of more affordable lots. Subdivisions of three or more parcels should be encouraged to apply for PRD approval to encourage more creative design and efficient use of land. The development of additional town roads within the district should be discouraged.		
<b>Allowed Uses</b>	Agriculture Home Occupation		
<b>Permitted Uses</b>	Accessory uses Accessory dwelling units Camp, private	Dwelling, one family Dwelling, two family	
<b>Conditional Uses</b>	Accessory dwelling units Community Center Churches Earth resource removal Essential services Horse riding stable Hospitals Kennel Municipal uses Nursing Homes	Planned residential development (Please see Sec. 701) Pond Recreation, outdoor Schools Solid Waste Facilities State Buildings Subdivision (Please see Sec. 417) Tourist Home: Bed & Breakfast Tourist Home: Inn	
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	2 ac	
	<b>Minimum area per primary dwelling unit</b>	2 ac	
	<b>Minimum width on frontage</b>	400 ft	
	<b>Minimum Yard</b>		
	<b>Front</b>	65ft	
	<b>Side</b>	25ft	
	<b>Back</b>	25ft	

Front yard setbacks are to be measured from the centerline of the existing right-of-way.

<b>Section 302: Rural Residential (RR2)</b>	This district contains Peacham's eastern portion and much of its agricultural areas, including the areas surrounding the three villages. The recommended uses of this district are agriculture and low-density housing. The development of land shall be consistent with the long-term management of the town's farm lands. Development of housing should be limited to only those areas where conflicts with agriculture and resource management can be avoided. While the minimum lot size for the district is 2 acres, the density of housing in this district should not be allowed to significantly increase. The purpose of allowing for a home to be built on as little as 2 acres is to reduce the extent of resource lands lost to residential use and to allow the sale of more affordable lots. Subdivisions of three or more parcels should be encouraged to consider applying for PRD approval to allow for more creative design and efficient use of land. The development of additional town roads within the district should be discouraged.		
<b>Allowed Uses</b>	Agriculture Home Occupation		
<b>Permitted Uses</b>	Accessory dwelling units Accessory uses Camp, private	Dwelling, one family Dwelling, two family Municipal uses	
<b>Conditional Uses</b>	Accessory dwelling units Animal hospital Boarding Houses Cemetery Churches Community Center Earth resource removal Essential services Horse riding stable Hospitals Light Industry Nursing Homes	Planned residential development (Please see Sec. 701) Pond Recreation, outdoor Sawmill School, private and public Solid Waste Facilities State Buildings Tourist Home: Bed & Breakfast and Inn Subdivision (Please see Sec. 417) Waste transfer station	
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	2 ac	
	<b>Minimum area per primary dwelling unit</b>	2 ac	
	<b>Minimum width on frontage</b>	300 ft	
	<b>Minimum Yard</b>		
	<b>Front</b>	45ft	
	<b>Side</b>	25ft	
	<b>Back</b>	25ft	

Front yard setbacks are to be measured from the centerline of the existing right-of-way.



<b>Section 303: Village One (V-1)</b>	<p>Peacham's villages are the population centers of the town. They contain the churches, schools, the library, the municipal building, the stores, the ball field and they are the social centers. Growth should be concentrated within or adjacent to the village centers, leaving open surrounding land undeveloped. It is important to preserve and promote the residential and historic character of the villages.</p> <p>Village One contains the areas of Peacham Corner, South Peacham and East Peacham. For boundaries, see the official zoning map insets.</p>	
<b>Allowed Uses</b>	Agriculture Home Occupation	
<b>Permitted Uses</b>	Accessory dwelling units Dwelling, one family	Dwelling, two family
<b>Conditional Uses</b>	Accessory dwelling units Accessory uses Auto service station Boarding House Cemetery Churches Community center Dwelling, multi-family Essential services Hospitals Municipal Services Nursing homes Personal services	Planned residential development (Please see Sec. 701) Pond Professional Office Recreation, outdoor Retail store School, private and public Solid Waste Facilities State Buildings Subdivision (Please see Sec. 417) Tourist Home-Bed & Breakfast Tourist Home-Inn
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	1 ac
	<b>Minimum area per primary dwelling unit</b>	1 ac
	<b>Minimum width on frontage</b>	200ft
	<b>Minimum Yard</b>	
	<b>Front</b>	45ft
	<b>Side</b>	25ft
	<b>Back</b>	25ft

Front yard setbacks are to be measured from the centerline of the existing right-of-way.

<b>Section 304: Shoreland One (SL1)</b>	The Shoreland One District provides for compact seasonal and year-round residential development in areas that are already largely developed. A principal concern in these areas is the possible adverse impact housing and other accessory uses may have on water quality. The land in SL1 is within 500 feet of the mean water level of lakes in the sections indicated on the zoning map.	
<b>Allowed Uses</b>	Agriculture Home occupation	
<b>Permitted Uses</b>	Accessory dwelling units Accessory use Dwelling, one family	
<b>Conditional Uses</b>	Accessory dwelling units Subdivision (Please see Sec. 417)	
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	1 ac
	<b>Minimum area per primary dwelling unit</b>	1 ac
	<b>Minimum width on frontage</b>	100 ft
	<b>Minimum Yard</b>	
	<b>Front</b>	100ft
	<b>Side</b>	25ft
	<b>Back</b>	35ft

Front yards are considered the shoreland side toward the water.

Front yard setbacks are to be measured from the mean water mark of the lake. Back yards are considered the side toward the primary road and are measured from the center of the right-of-way.

No part of the sewage disposal installations shall be closer than 50 feet from the shoreline.

All possible natural ground cover will be left intact, and a minimum of surface change will be allowed.

Buffer strips, as required by Section 401, shall be provided on newly developed lots and encouraged on lots that are already developed.

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<b>Section 305: Shoreland Two (SL2)</b>	The Shoreland Two District maintains the less developed character of the shoreline while allowing seasonal and year-round residential development. A principal concern in these areas is the possible adverse impact housing and other accessory uses may have on water quality. SL2 includes the less developed land within 500 feet of the mean water level of lakes in the sections indicated on the zoning map.	
<b>Allowed Uses</b>	Agriculture Home Occupation	
<b>Permitted Uses</b>	Accessory dwelling units Accessory use Dwelling, one family	
<b>Conditional Uses</b>	Accessory dwelling units Subdivision (Please see Sec. 417)	
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	2 ac
	<b>Minimum area per primary dwelling unit</b>	2 ac
	<b>Minimum width on frontage</b>	300 ft
	<b>Minimum Yard</b>	
	<b>Front</b>	100ft
	<b>Side</b>	25ft
	<b>Back</b>	35ft

Front yards are considered the shoreland side toward the water.

Front yard setbacks are to be measured from the mean water mark of the lake. Back yards are considered the side toward the primary road and is measured from the center of the right-of-way.

No part of the sewage disposal installations shall be closer than 50 feet from the shoreline.

All possible natural ground cover will be left intact, and a minimum of surface change will be allowed.

Buffer strips, as required by Section 401, shall be provided on newly developed lots and encouraged on lots that are already developed.

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<b>Section 306: Agricultural Overlay (AO)</b>	The Agricultural Overlay district superimposes on top of the Rural Reserve (RR1), and Rural Residential (RR2) districts. The provisions of the overlay district take precedent over the requirements of the underlying districts. This district contains the prime farmland as identified in official overlay map located in the town clerk's office. Agricultural uses take precedence over all other uses in this district. Residential development and the parcelization of farmland should be limited to only those cases which support improved management of land or where potential adverse impacts on resource lands or farming can be eliminated. While the minimum lot size for the district is 2 acres, the density of housing in this district should not be allowed to significantly increase. The purpose of allowing for a home to be built on as little as 2 acres is to reduce the extent of resource lands lost to residential use and to allow the sale of more affordable lots. Subdivisions of three or more parcels should be encouraged to consider applying for PRD approval to allow for more creative design and efficient use of land. The development of additional town roads within the district should be discouraged.	
<b>Allowed Uses</b>	Agriculture Home Occupation	
<b>Permitted Uses</b>	Accessory dwelling units Accessory uses	Camp, private Dwelling, one family*
<b>Conditional Uses</b>	Accessory dwelling units Churches Dwelling, two family Earth Resource Removal Essential services Horse riding stable Hospitals Nursing Homes Planned Residential Development (Please see Sec. 701)	Pond Recreation, outdoor School, private and public Solid Waste Facilities State Buildings Subdivision (Please see Sec. 417) Tourist Home: Bed & Breakfast
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	2 ac
	<b>Minimum area per primary dwelling unit</b>	2 ac
	<b>Minimum width on frontage</b>	300 or 400 ft**
	<b>Minimum Yard</b>	
	<b>Front</b>	45ft
	<b>Side</b>	25ft
	<b>Back</b>	25ft

Front yard setbacks are to be measured from the centerline of the existing right-of-way.

The overlay district excludes the village district.

\*If lot for one family dwelling in the overlay district exceeds 10 acres, the Administrative Officer shall apply the criteria below with regard to the proposed dwelling. If the Officer finds that one or more of the criteria apply, s/he shall consult with the Planning Commission which will determine if the proposed development requires a Conditional Use permit. If it does, the permit applicant shall follow the provisions for Conditional Use Permits (Section 601).

**Criteria:**

- ☐ **cause an adverse impact to water resources of the state.** Consideration should include the need for a stream crossing, development of a shoreline, development of land up-slope from a stream or water body, development of a driveway up a steep slope where stormwater is ultimately discharged to a stream or water body.
- ☐ **cause an adverse impact to a headwater area as defined by Vermont statutes.** (Upland areas with thick highly erodible soils.)
- ☐ **cause an adverse impact upon an existing water supply.**
- ☐ **cause an adverse impact on acreage known to serve or mapped as deer wintering areas.**
- ☐ **cause an adverse impact on open land traditionally used as part of an agricultural operation.**
- ☐ **cause an adverse impact on municipal services, particularly services related to road maintenance.** Consideration should include the probability that road improvements would need to be made to accommodate increased use or the need to extend school bussing services.
- ☐ **cause an adverse impact on parking and/or on traffic safety.** Consideration should include possible placement of driveways off of steep grades or on to areas with poor visibility of the public road.
- ☐ **cause an adverse impact on the traditional use or enjoyment of surrounding land.**
- ☐ **limit access to other property.**
- ☐ **cause an adverse impact upon a scenic vista, ridgeline or otherwise impact the character of the area.**
- ☐ **cause an adverse impact upon a known, historic resource or municipal or state investment.**

\*\* Minimum frontage requirements are the same as the underlying or base zone.

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<b>Section 307: Well Head Protection District (WH)</b>	<p>The district consists of the land identified by the Vermont Department of Health as indicated on the official zoning map.</p> <p>In order to protect the Village drinking water supply, the Well Head Protection area will receive special consideration. Most uses in this sensitive zone are conditional. Existing development may not be expanded or modified in use or size without first being granted an approval of Administration Officer and Planning Commission. The provisions of this district take precedence over any underlying or base district(s), and the Agricultural Overlay District (AO).</p>	
<b>Allowed Uses</b>	Agriculture-grazing of livestock in conformance with current standards for grazing established by the Vermont Department of Agriculture Home Occupation	
<b>Permitted Uses</b>	None	
<b>Conditional Uses</b>	Accessory dwelling units Accessory uses Dwelling, one family School, private and public	
<b>Prohibited Uses and Land Management Activities</b>	Underground storage of wastes, septic tank and/or leaching field Spreading of fertilizers, herbicides, or pesticides Spreading of animal waste or human waste, except to gardens of less than 1,500 square feet (and one garden per lot) Use or storage of salt or other de-icing materials on private roadways, parking areas Any other activity that is likely to pollute, contaminate, or otherwise render impure the public water supply	
<b>Minimum Lot Area and Dimensional Requirements</b>	<b>Minimum Lot</b>	2 ac
	<b>Minimum area per primary dwelling unit</b>	2 ac
	<b>Minimum width on frontage</b>	300 ft
	<b>Minimum Yard</b>	
	<b>Front</b>	45ft
	<b>Side</b>	25ft
	<b>Back</b>	25ft

Front yard setbacks are to be measured from the centerline of the existing right-of-way.

## **ARTICLE 4: GENERAL PROVISIONS**

The provisions of this ordinance shall be subject to such additions, modifications or exceptions as herein provided by the following regulations. This bylaw shall not have the effect of excluding low and moderate income housing.

### **Section 401: Shoreland Vegetation**

#### **401.1: Dwelling Lots**

The area of natural vegetation and trees at least 50 feet in width along the shoreland shall not be cut except for one opening per lot of no more than 25 feet. The intent of the buffer strip is to maintain the dense natural vegetation to protect water quality, provide wildlife habitat and screen the structures from view while on the water. The buffer is required on lots with new structures and encouraged on lots with existing structures.

Except for necessary stream crossings, a protective strip shall be left along streams and shoreland areas in which only light thinning or selective harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained.

#### **401.2: Timber Harvesting and Vegetative Buffers**

This by-law incorporates the voluntary guidelines set forth in current version of the Acceptable Management Practices (AMPs) for Maintaining Water Quality on Logging Jobs in Vermont (August 15, 1987) as adopted by the Commissioner of the Vermont Department of Forest Parks and Recreation. Guidelines of particular significance to Peacham are stream crossings and vegetative buffer strips which state the following:

There will be a protective strip of vegetation of at least 50 feet in depth left along all surface waters.

Except for necessary stream crossings, a protective strip shall be left along streams and shoreland areas in which only light thinning or selective harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained.

### **Section 402: Existing Small Lots**

Any lot that is legally subdivided, is in individual and separate and non-affiliated ownership from surrounding properties, and is in existence on the effective date of this Zoning Ordinance, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width and depth dimension of forty feet.

If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the non-conforming lot shall be deemed merged with the contiguous lot. However, a non-conforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- (i) The lots are conveyed in their pre-existing, non-conforming configuration.
- (ii) On the effective date of this Zoning Ordinance, each lot was developed with a water supply and wastewater disposal permit.
- (iii) At the time of transfer, each water supply and wastewater disposal system is functioning in an acceptable manner.
- (iv) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed

system or failed supply as defined in 10 VSA Chapter 64.

### **Section 403: Frontage On, Or Access To, Public Roads or Waters and Curb Cuts**

#### **403.1: Access Required**

No land development may be permitted on lots which do not have frontage on either a public road or public waters or, with the approval of the Zoning Board of Adjustment through a conditional use permit, access to such a road or waters by permanent easement or right-of-way of record at least 20 feet in width. In granting approval, the Zoning Board of Adjustment may provide conditions to be met in the construction and operation of said right-of-way. Such conditions would relate primarily to those requirements set forth in Section 601.1 General Standards of Review (A), (B), (C); and all Supplemental Considerations, as appropriate in 601.2.

#### **403.2: Curb Cuts**

No more than one curb cut shall be allowed onto a public or private street right-of-way affording access to a lot. The Zoning Board of Adjustment may impose further reasonable conditions regarding curb cuts including consolidation of access points to public or private street right-of-way, in the interest of minimizing to the greatest degree possible, a multiplicity of curb cuts. Notwithstanding the foregoing, the Zoning Board of Adjustment, in a conditional use proceeding, may increase the number of curb cuts, where only one curb cut would result in adverse effects on traffic circulation within the site or on traffic on roads and highways in the vicinity.

### **Section 404: Protection of Home Occupations**

No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character of the area. The home occupation shall be carried on by residents of the dwelling unit. Two additional employees who are not residents of the dwelling unit are permitted.

Home occupations are:

- Accessory uses to residential properties, which are clearly incidental and secondary to the residential use.
- Conducted wholly within the principal structure and occupy less than 25% of the entire floor area of such structures.
- Not retail in nature.

In order to ensure that a home occupation will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards:

- All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit; no outside storage shall be permitted.
- No traffic shall be generated which would be uncharacteristic of the neighborhood.
- New parking required for the home occupation shall be provided off-street and shall not be located in front yards.
- No objectionable vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home occupation.
- Exterior displays other than those normally permitted in the district shall be prohibited excepting signs which do not conflict with applicable ordinances.

Where it is determined by the zoning administrator that the proposal does not meet the definitions or standards of home occupations above, the applicant may apply for a permit under the broader use



regulations (commercial, industrial, etc.) as determined by the district in which the parcel is located.

### **Home Child Care**

A family childcare home or facility providing care to up to six children on a full-time basis within a single-family dwelling must be considered a permitted use of the dwelling. Facilities that care for up to six full-time children and four part-time children may be subject to site plan review. This only applies to facilities where the owner or operator is required to be licensed or registered by the state.

### **Section 405: Highway Access Permits**

Peacham Selectmen require a highway access permit for new or relocated driveways or access roads intersecting with town highways in accordance with Title 19 VSA, Section 1111.

### **Section 406: Temporary Uses and Structures**

Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year. Temporary structures for housing forest workers are permitted during forest operations provided they are removed when the operation is completed.

### **Section 407: On Site Sewage Disposal**

New dwellings shall be served by a septic tank sewage disposal system or other system meeting the standards set forth in the current Vermont Environmental Protection Rules, Chapter 1, Subchapter 7. All sewage disposal plans must be prepared by a certified site technician B or a professional or sanitary engineer, and must be submitted with the zoning application. As an alternative to meeting Subchapter 7 standards, innovative sewage disposal systems that fully address the purposes of the Environmental Protection Rules, and which are designed by a professional or sanitary engineer, may be approved by the Planning Commission, but, only in situations where such approval materially advances the goals of the town as outlined in the Town Plan.

### **Section 408: Lots in Two Zoning Districts or Lots in Two or More Towns**

#### **408.1: Lots in Two Zoning Districts**

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than 100 feet into the more restricted part, provided the lot has frontage on a road in the less restricted district.

#### **408.2: Parcel of Land in Two or More Towns**

The Zoning Ordinance of the town which provides the required road frontage for a lot should be used. If two towns provide frontage, the more restrictive of the two Zoning Ordinances shall apply. Side and rear yard requirements shall be determined from the town Zoning Ordinance in which the lot is located, or if in two or more towns, the most restrictive of the ordinances shall apply.

#### **Section 409: Projections into Required Yards**

No part of any principal or accessory structure, including porches or carports open at the sides but roofed, shall extend into any required front, side, or rear yard.

#### **Section 410: Reduction of Lot Area**

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this ordinance shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for public purpose.

#### **Section 411: Required Area or Yards**

Space required under this ordinance to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

#### **Section 412: Yards on Corner Lots**

Any yard adjoining a street shall be considered a front yard for the purposes of this ordinance and shall meet the minimum front yard requirements.

#### **Section 413: Limitations**

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- State or community-owned and operated institutions and facilities.
- Public and private schools and other educational institutions certified by the state department of education.
- Churches and other places of worship, convents, and parish houses.
- Public and private hospitals.
- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation. This bylaw shall not regulate accepted agricultural practices, as defined by the Secretary of Agriculture, Food, and Markets, including the construction of farm structures, except that a person shall notify the Town of Peacham of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food, and Markets.

#### **Section 414: Alterations and Adjustments**

Alterations and adjustments within the living area of a dwelling which do not change the use of the dwelling will not require a permit. Alterations which change the exterior dimensions of a structure will require a permit. A destroyed dwelling and/or other structure may be rebuilt without a permit only if it conforms to the ‘footprint’, height, and use of the former structure. The site of such a structure must be cleaned up and any cellar hole capped within one year.

## **Section 415: Signs - Regulations and Restrictions**

Signs are permitted uses considered independently of the businesses or operations they are advertising, and such signs are subject to zoning rules. No signs shall be permitted in the Town of Peacham except as follows:

### **415.1: Construction**

All signs must be well constructed and maintained in stable condition and legible.

### **415.2: Safety**

No sign shall hang so as to endanger the public.

### **415.3: Location, Size, Illumination**

Residence and professional signs shall only be erected on the premises, and located not more than 1,500 feet from a main entrance to the business. Signs may only be illuminated when the premises are open for business. These signs shall not be larger than nine square feet.

### **415.4: Business and Commercial**

Business and commercial signs: Hanging or standing signs shall have a maximum area of twelve square feet. Signs painted on or permanently attached to the wall of a building shall not occupy more than 10% of the wall.

### **415.5: Moving Lights and Glare Prohibited**

No flashing, intermittent or moving lights shall be permitted. Lighted signs must be shielded to prevent glare on adjoining roads. A sign must be removed if the indicated activity is discontinued.

## **Section 416: Maximum Building Height**

All residential buildings, including single, two and multi-family, shall be limited to a maximum height of 30 feet above the grade line of the building.

## **Section 417: Subdivision of Land**

The division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, lease, or sale shall be considered a subdivision.

Before the sale or lease of one or more (of the two or more) houses owned by one family on the same lot, the house(s) to be sold or leased must be subdivided from the original lot.

### **417.1: Subdivision**

A subdivision shall be considered a conditional use and follow the same procedure as in section 601.

The application for a multi-lot subdivision shall be submitted in advance to the Zoning Board of Adjustment with a duplicated copy to the Planning Commission and shall be accompanied by two copies of a plot plan drawn to scale depicting the boundary lines of the parcels, the proposed location of any buildings and or any structures involved and a map depicting its location in town. At a minimum, applicant for a subdivision shall supply supporting information including a current survey of the proposed subdivision performed by a licensed surveyor, design and layout of streets, sidewalks, street lighting, fire protection, landscaping, water supply, wastewater and

stormwater drainage facilities, public utilities, waste management considerations and other pertinent data. Two copies of all design and layout sheets are required.

#### **417.2: Review Process**

The Planning Commission shall review all subdivision applications at a warned meeting. The Planning Commission will write a report which may include recommendations for action to the Zoning Board of Adjustment. The report will include a summary of the major issues discussed and justification for any recommendation. The report will be delivered within 10 days of the Planning Commission meeting.

The Zoning Board of Adjustment will then review the application at a duly warned hearing. Concurrent with public notice of the hearing on the application review, the Zoning Board of Adjustment shall provide separated written notice of the pending application for proposed subdivision to the adjoining property owners, as defined in this by law, from the list as describe in Section 601 of this bylaw.

Subject to appropriate conditions, the Zoning Board of Adjustment may waive or vary, the provision of any or all improvements and requirements when in its judgment the improvements or requirements are not requisite in the interest of the public health, safety and general welfare, or when in its judgment they are inappropriate because of the inadequacy of connecting facilities in proximity to the subdivision.

#### **417.3: Preliminary Review**

The Planning Commission shall provide an opportunity for a preliminary review of any planned subdivision at a regular or special meeting. Applicant shall pay particular attention to addressing those items in the application involving the required use of public facilities and utilities and all other criteria set forth under Section 601. No fee is required for a preliminary review.

#### **417.4: On-Site Inspection**

The Administrative Officer shall conduct an on-site inspection of any structure or development for which a Conditional Use permit has been granted before use of that property may commence. Any deviations from said conditions without Zoning Board of Adjustment approval will constitute a violation of the Zoning Ordinance as set forth in Section 804.

### **Section 418: Accessory Dwelling Units**

An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- The property has sufficient wastewater capacity.
- The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- Applicable setback, coverage, and parking requirements specified in the bylaws are met.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:

- A new accessory structure, constructed after the enactment of these bylaws,
- An increase in the height or floor area of the existing dwelling, or
- An increase in the dimensions of the parking areas.

**Section 419: Travel Trailers**

Travel trailers or campers which are used as a temporary, seasonal or permanent dwelling unit that are parked on a lot for more than 180 consecutive days during a calendar year shall be considered a permanent dwelling.

Travel trailers and campers that are considered permanent dwellings must meet all the requirements of this by-law including set-backs and septic system installation. Temporary structures must meet the setback requirements of the district in which it is stored.

A property owner may store a travel trailer on a lot which has a permanent dwelling, as long as it is not used for sleeping or living quarters on that site for more than 180 consecutive days.

**Section 420: Proposed Transfer of Land to and from Town**

Proposed transfer of land to and from the Town shall be previewed by the Planning Commission with regard to its conformance with the Town Plan and Zoning Ordinance.

**Section 421: Notice Prior to Construction Required**

Consistent with 24 V.S.A. Section 4495 (April 2, 1996), farm structures are exempt from the requirement to obtain a municipal zoning permit for their construction. The amended law requires that anyone proposing to build a farm structure must notify the Town of Peacham prior to construction. The law further requires that the structures must be built in accordance with setbacks approved by the Vermont Commissioner of Agriculture, Food and Markets which, for Peacham, are those included in this ordinance.

## **ARTICLE 5: NON-CONFORMING USES AND STRUCTURES**

### **Section 501: Non-Conforming Uses**

The following provisions shall apply to all buildings and uses existing on the effective date of this ordinance which do not conform to the requirements set forth in this ordinance and to all buildings and uses that, in the future, do not conform by reason of any subsequent amendment to this ordinance, including a use improperly authorized as a result of error by the administrative officer.

Any non-conforming use existing prior to the passage of this amendment and all such uses that in the future do not conform by reason of any subsequent amendment to this Ordinance or error of the Administrative Officer may be continued subject to the following provisions:

#### **501.1: Non-conforming Use**

The current non-conforming use shall not be increased or expanded without a Conditional Use Permit.

#### **501.2: Change to Another Non-conforming Use**

A non-conforming use shall not be changed to another non-conforming use without approval by the Zoning Board of Adjustment, and then only to a use which, in the opinion of the Zoning Board of Adjustment, is of the same or of a more restrictive nature.

#### **501.3: Non-conforming Use – Abandonment and Discontinuance**

If a non-conforming use has been abandoned or discontinued, it may be re-established within twelve (12) months. After this twelve (12) month period, a non-conforming use may be re-established within twelve (12) months only with Zoning Board of Adjustment approval.

In their review of requests filed under Section 501.2 and 501.3, the Zoning Board of Adjustment shall consider the criteria listed below in Section 502 for a non-conforming structure.

### **Section 502: Non-Conforming Structures**

A non-conforming structure is 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. Non-conforming structures may continue to exist subject to the following:

#### **502.1: Review Required**

A non-conforming structure shall not be moved, enlarged, altered, extended or reconstructed without prior review and approval from the Zoning Board of Adjustment, except that non-substantial changes which will clearly not increase or extend the non-conformity of the structure may be permitted by the Administrative Officer. In their review process, the Zoning Board of Adjustment shall, at a minimum, consider the following:

- a. The proposed change does not impinge upon a public right-of-way.
- b. That the proposed change creates no danger to the public safety through traffic access, flow, and/or circulation.
- c. That the proposed change is in character with the traditional settlement and construction patterns of the area in which it exists, and

- d. That the proposed change does not create an unreasonable infringement upon land uses in the immediate neighborhood.

**502.2: Reconstruction Time Period**

If a non-conforming structure is destroyed, it may be rebuilt and the non-conforming structure may be re-established if reconstruction begins within one (1) year. Extension of this time period requires approval of the Zoning Board of Adjustment. If destruction is caused by a natural event, the time period to start construction or to re-establish the use is extended to two (2) years.

**502.3: Maintenance and Repair**

Nothing in these regulations shall be deemed to prevent normal maintenance and repair of a non-conforming building provided that such action does not increase the degree of non-conformity.

## **ARTICLE 6: CONDITIONAL USES**

### **Section 601: Conditional Uses**

Conditional Uses are those uses which must meet standards in addition to minimum lot size, dimension and set back requirements. Conditional Use proposals must be warned for a hearing before the Zoning Board of Adjustment. Any use designated as a "Conditional Use" in the table relating to a particular district may be commenced, enlarged or altered in such district after receipt of all approvals and permits as required by these by-laws and then only upon the issuance of a conditional use permit by the Zoning Board of Adjustment as provided in 4449(3) of the Act after public notice and hearing. A duly approved and permitted Conditional Use of a parcel of land, including those permits granted for subdivisions, shall continue after the transfer of ownership, lease, or sale of that land.

Conditional Use applications shall be accompanied by two sets of location and site plan maps showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces; landscaping plans, including site grading, landscape design and screening. Conditional Use applications shall also include a narrative description of the current use of the parcel of land and, if located in a agricultural overlay as described in Section 306, how that parcel of land will continue to be used in the furtherance of agricultural purposes. Any person making application for a conditional use permit shall, as a necessary attachment to the application, provide a list of all adjoining property owners. Such list must be submitted prior to the application being deemed complete and shall be used to provide direct notice to the adjoining property owners prior to or at the same time public notice of an application is posted. The Zoning Board of Adjustment shall forward a copy of the application to the Planning Commission which will provide recommendations to the Board on the conditions to be set for the proposed development. The Commission must hold a warned public meeting on the proposal, and send its recommendations to the Board within ten (10) days of approving a set of recommended conditions and before a hearing by the Board. After its review at the duly warned hearing, the Zoning Board of Adjustment shall make a written record of its deliberation of its decision upon the application including its review and discussion of the various aspects of the application and all requirements and or conditions placed upon the applicant as a result of its decision. The purpose of this requirement is to ensure adequate notice of an application to those who are most likely to be impacted by a proposed conditional use.

#### **601.1: General Standards of Review**

Under 24 V.S.A. 4414(3) the Zoning Board of Adjustment, after public notice and hearing, shall consider the following general standards before granting, and shall not grant, a permit unless it finds that the proposed conditional use will not adversely affect:

##### **(A) The Capacity of Existing or Planned Community Facilities.**

- 1) Sufficient water must be available for the short and long term needs of the project and the project shall not result in undue impacts on the municipal water supply.
- 2) The project shall not cause other undue impacts on the municipality, including public, quasi-public and private providers to provide services or facilities, and further including but not limited to education, fire protection, emergency services, health services, recreation, waste disposal and recycling.

##### **(B) The Character of the Area Affected.**

- 1) The proposed project, by its nature, scale, appearance or operation shall not adversely change the character of the potentially affected area as it exists or as the area is



projected to exist in the municipal land use plan and the zoning by-law in effect. Consideration shall be made with respect to the proposed development's effect on aesthetics, open spaces and the scenic and historic integrity of the area affected. Measures to mitigate or restore any such adverse impacts shall be considered.

(C) Traffic on Roads and Highways in the Vicinity.

- 1) The project shall not significantly reduce the safety of existing pedestrian, vehicular or recreational uses of the highways affected.
- 2) The proposed use shall not exhaust or exceed the physical capacity of the affected highway. In general, the project shall not substantially overburden the municipality in providing adequate highway construction and maintenance services.

(D) Bylaws Then in Effect.

- 1) The proposed conditional use shall comply with the bylaws and regulations adopted at the time of submission of the application.

(E) Utilization of Renewable Energy Resources.

- 1) A conditional use shall not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water, solar and forest resources) for energy conservation and utilization.

**601.2: Supplemental Considerations**

In addition to its review of the general criteria, the Zoning Board of Adjustment shall address the following considerations and performance standards and may make such additional requirements as it deems necessary to fulfill the intent of these regulations:

(A) Economic benefit.

- 1) The effect of the overall economic benefit to the community shall be considered including numbers of jobs and effects on the tax rate. Such benefits shall not, however, be used to rationalize or justify waiver of any of the supplemental considerations.

(B) Minimum lot size, width and building setbacks.

- 1) Where the Zoning Board of Adjustment determines that the minimum standard applicable to the zoning district is inadequate to avoid negative impacts to neighboring uses, it may increase the minimum requirement. This can be applied to increase setback requirement, decrease development density or increase minimum frontage requirements.

(C) Air/water/noise/light pollution and soil erosion.

- 1) The conditional use shall not adversely effect or exceed the intrinsic or inherent capability of the land to support the use.
- 2) The development shall not result in groundwater or surface water pollution or cause

an undue impact on air quality nor cause undue noise or light pollution or soil erosion.

- 3) Consideration shall be made regarding the nature of soils and topography, proximity to streams, aquifer recharge areas, groundwater table and flood plains and to storm water runoff and drainage.

Consideration shall also be given to the preservation, to the greatest extent possible, of the natural terrain, shorelines of lakes and streams, retention of vegetation and erosion control.

Consideration shall be given to the impact of the pollution source on adjacent properties.

- 4) Landscaping plans shall include number, size, type and location of plantings. Plans shall not allow for introduction of noxious or invasive species harmful to native vegetation types.

The ambient air and water quality standards shall be maintained or improved and under no circumstances shall the development be allowed to create a condition hazardous to the public health, safety or welfare.

- 5) Hours of operation shall be compatible with existing uses in the area.

(D) Wildlife habitat, agricultural and forest resources.

- 1) The conditional use shall be designed to the greatest extent practicable to preserve critical habitats including but not necessarily limited to deer yards, wetlands, endangered or threatened species habitats and stream and shoreline corridors.
- 2) The conditional use shall, to the extent feasible, preserve the viability and productivity of agricultural resources.

(E) Off-Street parking vehicular and pedestrian traffic.

- 1) Adequate off-street parking for conditional uses must be provided where on-street parking is at, or near capacity, or non-existent.
- 2) Adequacy of traffic circulation, parking and loading facilities and access to and egress from public highways must be designed with particular attention to safety of the public and employees.
- 3) Pedestrian and bicycle access shall be encouraged.

(F) Lighting, signs and fences.

- 1) Lighting and fences shall be in keeping with the natural and/or historic beauty of both the town as a whole and the particular zoning district. The Zoning Board of Adjustment shall consider the size, materials and location.

- 2) Minimum set back distances from property lines may be reasonably reduced as they apply to structures normally intended to function on or in close proximity to property lines such as signs, fences or essential services
- 3) In the interest of maintaining the rural character of Peacham and reduction of light pollution, lighting, except that which is primarily for security purposes, will not generally be permitted for use outside of normal business hours.

## **ARTICLE 7: PLANNED RESIDENTIAL DEVELOPMENT**

### **Section 701: Planned Residential Development**

In accordance with the provisions set forth in Title 24 VSA, Section 4417, RR1, RR2, V-1, and AO districts may be modified for planned residential development subject to the following conditions and in accordance with the following procedures:

#### **701.1: Purpose**

The purpose of the planned residential development provision is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open land, to provide for a mixture of housing types at different densities.

#### **701.2: Application Procedures**

Prior to the submission of a Planned Residential Development site plan, the applicant must schedule a preliminary meeting with the Planning Commission to review the appropriateness of the proposed Planned Residential Development and to receive written approval to go forward with the site plan preparation and subsequent submission of that site plan to the Commission. The site plan shall be submitted to the Planning Commission showing the location and spacing of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces, unique natural or manmade features, and physical conditions of the site accompanied by a statement setting forth the nature of all proposed modifications, changes or supplement of existing Zoning Ordinances. The Planning Commission shall hold a public hearing on all planned residential development applications.

#### **701.3: Standards for Review**

The following general standards shall be met in order for the Planning Commission to approve the application:

- A. The planned residential development is consistent with the municipal plan;
- B. The overall density of the project does not exceed the number of dwelling units which could be permitted in the Planning Commission's judgment, if the land were subdivided into lots in accordance with the district regulations;
- C. The uses proposed for the project are residential one family, two-family, and multi-family units;
- D. The development plan is proposed over a reasonable period of time in order that adequate facilities and services may be provided.

#### **701.4: Open Space**

If the planned residential development results in lands available for parks, recreation, open space or other community purposes, the Planning Commission, as a condition of its approval, may establish such conditions as to the ownership, use and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purposes.

**701.5: Decision**

The Planning Commission must approve or not approve the Planned Residential Development application in writing within thirty (30) days of the public hearing with appropriate contingencies for other approvals (local, state or federal) as may be necessary for the development.

## **ARTICLE 8: ADMINISTRATION AND ENFORCEMENT**

### **Section 801: Administrative Officer**

An Administrative Officer, who may hold any other office in the municipality, shall be nominated for a term of three years by the Planning Commission, and appointed by the Legislative Body, promptly after the adoption of the first of such ordinances or when a vacancy exists. The Administrative Officer shall administer this ordinance literally, and shall not have the power to permit any land development which is not in conformance with such ordinance. An Administrative Officer may be removed for cause at any time by the Legislative Body.

The Planning Commission may nominate and the Legislative Body appoint, an acting Administrative Officer who shall have the same duties and responsibilities as the Administrative Officer in his absence. The duties of the Administrative Officer are:

#### **801.1: Conformance with Ordinance**

To receive applications for permits for building construction and to grant permits for such construction or land use as meets the provisions of this ordinance;

#### **801.2: Construction Inspections**

To inspect such construction work so as to insure conformity with this ordinance;

#### **801.3: Enforcement and Administration**

To perform such other duties as may be required to insure the enforcement and administration of this ordinance;

#### **801.4: Recording**

To keep on file, and available to the public, a full and accurate record of all applications, permits, and violations received, Issued or Incurred during the course of his administration.

### **Section 802: Zoning Permit**

#### **802.1: Permits, Fee**

No land development may commence unless a zoning permit shall have been duly issued by the Administrative Officer, as provided for in Title 24 VSA, § 4449. The fee for such zoning permit shall be as established by the Legislative Body.

#### **802.2: Application**

All applications for zoning permits shall be submitted by the property owner and shall be accompanied by:

- A. Two copies of a sketch plan of the lot, on a sheet of paper not smaller than 8 1/2" x 11, showing dimensions and location of boundary markers which shall be in place on the ground; or, two copies of a surveyor's plan of the lot.
- B. The plan submitted must also show location of the building and accessory buildings to be erected, and the sewage disposal system. Other information as may be necessary to determine compliance with this ordinance may be required.

**802.3: The Issuance of Permit**

The Administrative Officer shall not issue a zoning permit unless an application, fee, plot plan and any other approvals required by this ordinance have been properly submitted. The Administrative Officer shall, within 30 days of submission of the application, data and approvals, either Issue or deny a zoning permit or refer the application to the appropriate municipal panel, i.e., the Planning Commission or the Zoning Board of Adjustment. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefore. If the zoning permit is approved, and construction has not started within 12 months, the permit is void.

**802.4: Permit Issuance - Filing and Notice**

Each zoning permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. Within three (3) days following the issuance of a zoning permit, the Administrative Officer shall:

- A. Deliver a copy of the permit to the listers of the municipality; and
- B. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit;
- C. Deliver a copy to the Town Office for Town Records.

The applicant within 3 days of the date of issuance shall post a copy of permit within view of nearest public right-of-way for a period of 15 days from the date of issuance. Posters are available from the Town Clerk.

**802.5: Effective Date**

No zoning permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until final adjudication of said appeal. If the Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day.

**802.6: Permits Applied for During Ordinance Amendment Periods**

If a public notice for a first public hearing is issued by the legislative body with respect to the adoption or amendment of a bylaw, the Administrative Officer, for a period of 150 days following that notice, shall review any new application filed after the date of the notice under the proposed bylaw or amendment and applicable existing bylaws and ordinances. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under existing bylaws or ordinances. An application that has been denied under a proposed bylaw or amendment that has been rejected or that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing bylaws and ordinances, upon request of the applicant. Any determination made by the Administrative Officer under these circumstances will still be subject to appeal.

### **Section 803: Referral to State Agencies**

Vermont state law (Title 24 VSA, § 4424) requires that a report be filed with a specified state agency before a zoning permit may be issued for land development in specific areas. Areas affected are:

#### **803.1: State Land**

Any use within 1,000 feet of any state owned or state leased property (Forest & Parks);

#### **803.2: Limited Access Highways**

Any use within 500 feet of the intersection of any entrance or exit ramp to any limited access highway (Highway Department);

#### **803.3: Water Resources**

Any flood plain or any stream (Water Resources);

#### **803.4: Fish and Game Lands**

Any game lands or stream bank areas owned or leased by the state (Fish & Game).

No zoning permit for land development may be granted before the expiration of thirty days following submission of a report to the state agency concerned in each case. Such a report shall describe the proposed use, the location requested and an evaluation of the effect such proposed use would have on the Peacham Municipal Plan.

### **Section 804: Violations**

Any person who violates a provision of this ordinance shall be subject to a fine of \$50 for each 24 hours or fraction thereof in which he is in violation, after proper notification of said violation and sixty (60) days to correct same. Appropriate action or proceedings shall be instituted by the Administrative Officer to prevent such violation or to prevent continuance or furtherance of the violation, according to Title 24 VSA, Sections 4451 and 4452.

Appeals related to any decision or act taken by the town's Administrative Officer must follow the procedures outlined in section 808.

### **Section 805: Zoning Board of Adjustment**

There is hereby established a Zoning Board of Adjustment which may consist of the members of the Planning Commission. Where the Planning Commission does not serve as the Zoning Board of Adjustment, members of the Zoning Board of Adjustment shall be appointed by the Legislative Body. Terms of office shall be for four years. Vacancies shall be filled by the Legislative Body of unexpired terms and upon the expiration of terms. Each member of the Board may be removed for cause by the Legislative Body upon written charges and after a public hearing.

### **Section 806: Powers and Duties of Zoning Board of Adjustment**

The Zoning Board of Adjustment shall have the following powers and duties:



**806.1: Appeals of the Administrative Officer**

To hear and decide appeals including, without limitation, those alleging that an error has been committed in any order, requirement, decision or determination made by an Administrative Officer in connection with the enforcement of this ordinance.

**806.2: Variance**

To hear and grant or deny a request for a variance.

**806.3: Conditional Use**

To hear and grant or deny a request for a zoning permit for a conditional use.

**806.4: Enforcement**

To hear and grant or deny a request for a stay of enforcement.

**Section 807: Powers and Duties of the Planning Commission**

The Planning Commission shall have the following powers and duties related to the bylaws:

- 1) To prepare proposed amendments to these regulations, and consider proposed amendments submitted by others;
- 2) To prepare and approve written reports on any proposed amendment to these regulations as required by 24 V.S.A. § 4441(c);
- 3) To hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Legislative Body [24 V.S.A. § 4441(d);
- 4) To make recommendations to the Zoning Board of Adjustment regarding Conditional Use Permits;
- 5) To prepare the permit application form for submission to the Legislative Body.

**Section 808: Appeals****808.1 Appeals of Decisions of the Administrative Officer**

Any interested person (see Section 808.2) may appeal a decision or act of the Administrative Officer (i.e., Zoning Administrator) within 15 days of the date of the decision or act by filing a notice of appeal (see Section 808.3) with the Secretary of the Zoning Board of Adjustment, or the Town Clerk if no Secretary has been elected, and by filing a copy of the notice with the Administrative Officer.

**808.2 Interested Person**

For the purpose of this section, an interested person means any one of the following (Title 24 V.S.A. § 4465(b)):

- (1) a person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
- (2) the Town of Peacham or any adjoining town;
- (3) a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical

or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaws of Peacham;

- (4) any ten (10) voters or property owners within Peacham who, by signed petition to the Zoning Board of Adjustment, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
- (5) any department or administrative subdivision of the state owning property or any interest wherein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

The Zoning Board of Adjustment will maintain a list of all interested persons and the nature of their participation in the appeal that will include their name, address, and the manner in which they participated (e.g., speaking at a hearing, writing to the Zoning Board of Adjustment) [Title 24 V.S.A. § 4471]. At the conclusion of the appeal, the list will be filed with the Administrative Officer and the Town Clerk as part of the public records of the Town of Peacham.

### **808.3 Notice of Appeal**

A notice of appeal filed under this section shall be in writing and include the following information, in accordance with Title 24 V.S.A., § 4466:

- (1) the name and address of the appellant,
- (2) a brief description of the property with respect to which the appeal is taken,
- (3) a reference to applicable provisions of these regulations,
- (4) the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
- (5) the alleged grounds why such relief is believed proper under the circumstances.

### **808.4 Hearing on Appeal**

- (1) The Zoning Board of Adjustment shall hold a public hearing on a notice of appeal within 60 days of its filing, as requested under Title 24 V.S.A. § 4468. The Board shall give public notice of the hearing (see Section 809.1) and shall mail a copy of the hearing notice to the appellant (and the applicant if not the appellant) not less than 15 days prior to the hearing date.
- (2) The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [Title 24 V.S.A. § 4470].
- (3) In accordance with title 24 V.S.A. § 4468, all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. § 810]. Any interested person or body may appear and be heard in person

or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

- (4) A decision on the appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under Title 24 V.S.A. § 4464(b). The decision shall be sent by certified mail to the appellant (and the applicant if not the appellant) within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Town Clerk as part of the public records of the Town of Peacham. Failure of the Board to issue a decision within this 45 day period shall be deemed approval of the original application and shall be effective on the 46<sup>th</sup> day.

#### **808.5 Appeal of Variance**

On an appeal for a variance from the provisions of this Zoning Ordinance, the Board shall grant variances, if all of the following facts are found:

- (1) There are unique circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) Unnecessary hardship has not been created by the appellant;
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- (5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

#### **Section 808.6 Appeals to Environmental Court**

In accordance with Title 24 V.S.A. § 4471, an interested person who has participated in a regulatory proceeding of the Zoning Board of Adjustment may appeal a decision rendered by the Board under Section 808.4, within 30 days of such decision, to the Vermont Environmental Court. Appeals to the Environmental Court shall also meet the following requirements:

- (1) "Participation" in a Board proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- (2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Administrative Officer if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested

person. If any one or more of these persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

## **Section 809: Public Hearings**

### **809.1 Public Notice**

In accordance with Title 24 V.S.A. § 4464, a warned public hearing shall be required for conditional use review (Section 601), appeals of decisions of the administrative officer and variances (Sections 808.1 and 808.5) and final subdivision review (Section 417). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

- (1) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
- (2) posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view of the public right-of-way nearest to the property for which the application is being made;
- (3) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
- (4) For hearings on subdivision plats located within 500 feet of a Town boundary, written notification to the clerk of the adjoining town.

Public notice of all other types of development review hearings, including site plan review shall be given not less than seven (7) days prior to the date of the public hearing, and shall, at minimum, include the following:

- (1) posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and
- (2) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding, is an prerequisite to the right to take any subsequent appeal.

### **809.2 Hearings**

In accordance with Title 24 V.S.A. § 4461, all meetings and hearings of the Zoning Board of Adjustment, except for deliberative sessions, shall be open to the public. For the conduct of any hearing, and the taking of any action, a quorum shall be not less than the majority of members of the Zoning Board of Adjustment. The Zoning Board of Adjustment, in conjunction with any hearing under this bylaw, may:

- (1) examine or cause to be examined any property, maps, books, or records bearing upon the matter concerned in that proceeding;

- (2) require the attendance of any person having knowledge in the premises;
- (3) take testimony and require proof material for its information; and
- (4) administer oaths or take acknowledgement in respect to those matters.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 808.2 are met. The Zoning Board of Adjustment shall keep a record of the name, address, and participation of each of these persons.

In accordance with Title 24 V.S.A. § 4464(b), 4468, the Zoning Board of Adjustment may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

#### **Section 810: Time Extensions**

All decisions of the Administrative Officer, Zoning Board of Adjustment and Planning Commission are to be made within the time constraints required in this ordinance. However, applicable time periods may be extended if there is a delay in the receipt of full application material requested or if there has been a continuation of a public hearing regarding the proposal.

## **ARTICLE 9: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE**

### **Section 901: Amendments**

This ordinance may be amended according to the requirements and procedures established in Title 24 VSA, § 4403, and 4442. Accordingly, the Planning Commission shall:

- (a) draft any proposed amendment(s);
- (b) submit a report on the proposed By-Law amendment to the Select Board (and posted publicly), stating how the By-Laws further the Town Plan; and
- (c) the report shall ensure “consistency” between the Town Plan and the By-Law amendment.

### **Section 902: Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. If any by-law is enacted with respect to any land development subject to ordinance under state statutes, the more stringent or restrictive ordinance applicable shall apply.

### **Section 903: Adoption of Bylaws and Effective Date**

This ordinance shall take effect 21 days after adoption or after its approval by the Select Board of the Town of Peacham, according to the procedures contained in Title 24 VSA, § 4442.

#### **903.1: Voter Adoption**

By action of the Select Board or by vote of legal voters of Peacham at a special or regular meeting duly warned on the issue, subsequent bylaw amendments or repeals shall be adopted by vote of the legal voters of the Town by Australian ballot at a regular or special meeting duly warned on that issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the Town.

### **Section 904: Separability**

The invalidity of any article or section of this ordinance shall not invalidate any other article or section thereof.

### **Section 905: Repeal**

The existing Zoning Regulations together with all changes and amendments thereto is repealed as of the effective date of these regulations.

## ARTICLE 10: DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their accepted meanings.

BY-LAW includes the word REGULATION.

LOT includes the words PLOT or PARCEL.

MAY is permissive except when used with a negative subject.

PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

PRESENT TENSE includes the future tense, the singular number includes the plural and the plural number includes the singular.

SHALL is mandatory.

USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED, or OCCUPIED.

**ACCESSORY DWELLING UNIT** An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

**ACCESSORY USES** A use or building customarily incidental to, subordinate to and necessary for the principal use or structure and located on the same lot. (e.g. parking, garage, workshop)

**ACRE** 43,560 square feet.

**ACT** Vermont Planning and Development Act, TITLE 24 VSA, Chapter 117.

**ADJOINING PROPERTY OWNER** Means a person who owns land in that: (1) shares a boundary or common corner with a tract of land where a proposed or actual development or subdivision is located; or (2) is adjacent to a tract of land where a proposed or actual development or subdivision is located and the two properties are separated only by a river, stream, or public highway.

**AFFORDABLE HOUSING** Housing that is owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income; OR Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

**AGRICULTURE** Includes raising crops, harvesting and processing of maple sap, dairying pasturage, bee keeping, raising of vegetables, fruit and flowers, forestry, and animal and poultry husbandry. Agriculture shall include any buildings reasonably necessary for the conduct of agricultural uses. The term shall not include the slaughtering of animals or poultry for commercial purposes or milling of lumber.

**ALLOWED USE** A use that may occur without requiring a permit from the Zoning Administrator.

**ALTERATION OR ADJUSTMENT** Structural change, re-arrangement, change of location or addition to a building, other than repairs and modification within a building.

**AUTO SERVICE (GAS) STATION** "Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories and facilities for lubricating, washing or servicing motor vehicles."

**ANIMAL HOSPITAL** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**BOARDING HOUSE** Building wherein more than four people are sheltered for profit.

**BUFFER** An unused portion of a lot where the natural vegetation is left undisturbed. It may be part of the yard area.

**BUILDING** Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattel.

**CAMP**, Private seasonal or occasional use housing that does not require an approved septic design if on land greater than ten acres or if not in permanent use (more than 180 days per calendar year). If a camp is rented, leased or used for permanent housing, a septic system design must be approved by the Administrative Officer and be built according to design as with other housing in town.

**CAMPGROUND** A commercial enterprise in which overnight cabins, travel trailers, and/or tent sites are provided with or without additional services.

**CEMETERY** Property used for the interment of the dead.

**COMMUNITY CENTER** Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, or place of religious worship not operated primarily for profit.

**CONDITIONAL USE** A use that may occur within a district but that shall be reviewed by the planning commission and/or Zoning Board of Adjustment under the criteria set forth in Article 6.

**DWELLING, ONE-FAMILY** Detached building used as living quarters by one family.

**DWELLING, MULTI-FAMILY** Building used as dwelling units by three or more families living independently of each other.

**DWELLING, TWO-FAMILY** Building used as living quarters by two families living independently of each other.

**DWELLING UNIT** Building or part thereof used as living quarters for one family.

**EARTH RESOURCE REMOVAL** The removal of sand, gravel, stone ore, or other natural resource from the ground, by digging or drilling, for use on other parcels of land.

**ESSENTIAL SERVICES** The erection, construction, alteration by public utilities, companies, town, or other governmental agencies of electrical or water distribution systems, telephones, telecommunication towers and/or facilities, or sewer systems, including buildings necessary for furnishing adequate service.

**FAMILY** One or more persons living on the same premises as a single housekeeping unit, provided that unless all members are legally related no such family shall contain over five persons, but further provided that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as a family or families.

**FARMING** (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple syrup, or horticultural and orchard crops; or (b) the raising, feeding or management of livestock, poultry, equines, fish or bees; or (c) the operation of greenhouses; or (d) the production of maple syrup; or (e) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or (f) the on-site production of fuel or power from agricultural products or waste produced on the farm.

**FARM STRUCTURE** A building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, as 'farming' is defined in section 6001(22) of Title 10, but excludes a dwelling for human habitation.

**HOME OCCUPATION** Any activity carried out for personal gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building which does not change the character thereof. Only one employee allowed in addition to the home resident.

**HOMESTEAD** The dwelling unit and accessory buildings including agricultural buildings on a lot.

**HORSE RIDING STABLE** A commercial activity related to horse riding, boarding and/or grooming.

**HOTEL** An establishment providing lodging and usually meals for travelers.

**KENNEL** An establishment in which domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

**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.

**LEGISLATIVE BODY** Board of Selectmen.

**LIGHT INDUSTRY** Any facility for the assembly, manufacture, compounding, processing, packing, treatment or testing of materials, goods or products provided these activities are conducted in such a manner so as not to generate noise, smoke, vibration, dust, glare odors, electrical interference or heat that is detectable at the boundaries of the property.

**LOT** Land that is not intersected by a road or other land and is occupied or to be occupied by a building and its accessory buildings. It must have not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a public highway or other means of access as may be determined by the Planning Commission to be adequate as a condition of the issuance of a zoning permit.

**LOT AREA** Total area within the property line excluding any part thereof lying within the boundaries of a public highway, or proposed public highway.

**LOT, CORNER** Lot which has an interior angle of less than 135 degrees at the intersection of two highways. A lot abutting a curved highway shall be considered a corner lot if the tangents to the curve at the points of intersection create an intersect at an interior angle less than 135 degrees.

**LOT DEPTH** Mean horizontal distance from the highway line of the lot to its opposite rear line measured at right angles to the building front line.

**LOT FRONTAGE** Frontage on public and private rights-of-way.

**LOT LINE** Property lines abounding a lot.

**LOT WIDTH** Width measured at right angles to its lot depth, at the required building front line.

**MANUFACTURING** Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled and packaged.

**MEAN WATER LEVEL** The level of water that is halfway between the annual high and low water levels, as determined the Water Resources Board.

**MINOR PORTION** Less than 50% of square feet of floor space of the structure.

**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** 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).

**MOTEL** Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

**MUNICIPAL USES** Any structure owned or leased and maintained by the municipality for the provision of such municipal services as fire protection, police protection, water, sewer, office, and any other uses necessary.

**NON-CONFORMING USE** Use of land or structure which does not comply with the Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of this ordinance, including a use improperly authorized as a result of error by the Administrative Officer.

**NON-CONFORMING STRUCTURE** Structure or part thereof not conforming with the Zoning Ordinances covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to enactment of this ordinance, including a structure improperly authorized as a result of error by the Administrative Officer.

**NONCONFORMITY** A non-conforming use, structure, lot, or parcel.

**NURSING HOME** Building where persons are housed and furnished with meals and nursing or convalescent care.

**PARKING SPACE** An off-street space, at least ten feet wide and twenty-two feet long (not including access driveway), having direct access to a street or approved right-of-way and is used for the temporary location of one licensed motor vehicle.

**PERMITTED USE** A use or structure that may occur within a district upon issuance of a permit from the Zoning Administrator.

**PERSONAL SERVICES** Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and business providing similar services of a personal nature.

**PLANNED RESIDENTIAL DEVELOPMENT** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one or more districts created in this Zoning Ordinance. (Please see Sec. 418 and 701)

**POND** A body of water created as a result of the impoundment of ground or surface water.

**PRINCIPAL BUILDING** A building in which is conducted the main or principal use of the lot on which said building is located.

**PRINCIPAL STRUCTURE** Same as principal building.

**PROFESSIONAL OFFICE** The office of a member of a recognized profession maintained for the conduct of that profession, and regularly frequented by persons obtaining the services of the professional.

**PROTECTIVE STRIP** A portion of land that is left undisturbed or altered with the natural vegetation left intact.

**PUBLIC DUMP** See transfer station.

**RECREATION, OUTDOOR** Includes publicly and privately owned and operated golf course, trap, skeet, and archery range, skating rink, horse riding stables, and skiing facility, playground, playfield, park, open space, swimming pool, and similar places of outdoor recreation. Does not include travel trailer park.

**RESIDENTIAL USE** Includes one-family dwelling, two-family dwelling and multi-family dwelling.

**RETAIL STORE** Includes enclosed restaurant, cafe, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

**RIGHT-OF-WAY** The right to pass over property owned by another party (either public or private) and the path or thoroughfare on which such passage is made.

**SAWMILLS** Any mill designed and constructed to allow the production of rough or finished lumber from logs.

**SCHOOL** Includes private, public, and nursery school, college, university, and recreational facility and accessory uses.

**SCHOOL, PRIVATE** Any building Which meets state requirements for primary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.

**SHORELAND** The land within 500 feet from the mean water level along lakes and ponds over 10 acres in size.

**SIGN** Sign means any structure, display, device or representation which is designed or used to advertise or call attention or directs a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended

to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached. In computing the area of a sign not including the supporting structure, the area shall be the area of the smallest rectangle with a level base line which can contain a sign including panel and frame, if any.

**SLOPE** Slope percent is calculated by dividing the rise or elevation by the run or horizontal distance. For example a slope that gains 10 feet of elevation over 100 feet of horizontal distance is a 10 percent slope:  $10/100 = 10\%$ .

**STREAM** Year-round (perennial) rivers, creeks, and streams and ponds under 10 acres as defined on current United States Geological Survey (USGS) 1:2500 scale topographic maps, Provisional Edition 1983.

**STREET FRONTAGE** Lot lines which abut a public street.

**STREET LINE** Right-of-way of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the center line of the street pavement.

**STRUCTURE** An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard sign, wall or fence, except a wall or fence on an operating farm.

**SUBDIVISION** The division of parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, lease, or sale.

**SURFACE WATER** Year-round or perennial rivers, creeks, and streams, ponds and lakes as defined on current United States Geological Survey (USGS) 1:2500 scale topographic maps Provisional Edition 1983.

**TOURIST HOME-BED AND BREAKFAST** A dwelling in which the resident family provides the transient public with room and breakfast.

**TOURIST HOME-INN** A commercial establishment providing lodging and usually meals for travelers.

**TRAILER PARK** A commercial facility operated for seasonal or year-round use in which mobile homes or trailer are the principal form of housing. Shared facilities may be available for seasonal or occasional occupants. It must be developed as either a subdivision or planned residential development with all the provisions of the appropriate district(s) and overlay(s). (see Section 419)

**TRANSFER STATION** Land used for the disposal or transfer or recycling of waste material of any kind.

**TRAVEL TRAILER** Includes any vehicle mounted on wheels used as sleeping or camping or living quarters less than 180 days per year, or a camper body usually mounted on a truck, and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

**USE, CONDITIONAL** Any use permitted upon issuance of a conditional use permit, following approval of a permit application, by the Zoning Board of Adjustment.

**USE, PERMITTED** Any use permitted upon issuance of a permit, following approval of a permit application, by the Zoning Officer.

**VARIANCE** Permission to depart from the literal requirements of the Zoning Ordinance, as provided by the requirement of Title 24, Section 4468.

**VEGETATION** The plants, shrubs and grasses that occur naturally on a site.

**YARD** Space on a lot not occupied by a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

**YARD, FRONT** The required yard between the front of a proposed or existing structure and the abutting public right-of-way as measured from the centerline of such public right-of-way

**YARD, REAR** The required yard between the rear of a proposed or existing structure and the rear lot line as measured from the rear lot line.

**YARD, SIDE** The required yard between the sides of a proposed or existing structure and the corresponding side lot lines as measured from such side lot lines.