

Zoning Regulations

Town of Norton, Vermont

Revised Bylaw Adopted July 1, 2014

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ARTICLE 1: ENACTMENT AND INTENT

Section 101: Enactment

In accordance with the Vermont Planning and Development Act hereinafter referred to as the “Act,” 24 V.S.A Chapter 117, there are hereby established zoning regulations for the Town of Norton which are set forth in the text and map that constitutes these regulations. These regulations shall be cited as the “Town of Norton Zoning Regulations.”

Section 102: Intent

It is the intent of these zoning bylaws to provide for orderly growth and to further the purposes established in Section 4302 of the Act and the “Norton Town Plan.”

Section 103: Precedence of Bylaw

The provisions of these bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where these regulations impose a greater restriction the provisions here shall take precedence.

Section 104: Limitations of Bylaw

The following limitations are placed on this zoning bylaw in accordance with 24 V.S.A. § 4413:

- (1) This bylaw shall not regulate:
 - a. Public utility power generating plants and transmission facilities, which are regulated under 30 V.S.A. Section 248.
 - b. 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 Zoning Administrator of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.
 - c. Accepted silvicultural practices, as those practices are defined by the Commissioner of Forests, Parks and Recreation under subsection 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.
 - d. The installation, operation, and maintenance, on a flat roof (having a slope less than or equal to five degrees) of a solar energy device that heats water or space or generates electricity.
- (2) 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:
 - a. State- or community-owned and operated institutions and facilities.
 - b. Public and private schools and other educational institutions certified by the state department of education.
 - c. Churches and other places of worship, convents, and parish houses.
 - d. Public and private hospitals.
 - e. Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

f. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

- (3) Except for State-owned and operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (2) of this subsection for compliance with the National Flood Insurance Program and the Norton Flood Hazard Overlay District standards, but shall not have the effect of interfering with the intended functional use.
- (4) This bylaw shall not prohibit or have the effect of prohibiting the installation of solar collectors not exempted from regulation under subdivision (1)(d) of this section, clotheslines, or other energy devices based on renewable resources.

ARTICLE 2: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 201: Zoning Map and Districts

The zoning map officially entitled “Town of Norton Zoning Map” is hereby adopted in accordance with Section 4414 of the Act as part of this bylaw. The Zoning Map shows a division of the Town of Norton into the following districts:

Rural Residential District (RRD)
Lakeshore and Streambank Overlay District (LSOD)
Agriculture & Forest District (AFD)
Flood Hazard Overlay District (FHO)

Section 202: Official Zoning Map

Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map shall be located in the office of the Norton Town Clerk and shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the town.

Section 203: District Boundaries

District boundaries shown within the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of district boundaries. When the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by the scale or dimension stated on the zoning map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Planning Commission shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of the bylaw.

Section 204: District Objectives of Land Use Control

The following sections establish the objectives, permitted uses, dimensional requirements, and other provisions that apply in each district.

A. Permitted and Conditional Uses

(1) Permitted uses are uses that may be established by right and require, at a minimum, administrative review by the Zoning Administrator. All permitted uses other than single- and two-family dwellings shall also be subject to Site Plan Review as outlined in Section 605 of this bylaw.

(2) Conditional uses are uses that may be established only when the Appropriate Municipal Panel is able to establish that such a use will have no undue adverse effect on all the conditions and standards as outlined in Section 607 of this bylaw. After Administrative Review by the Zoning Administrator, all conditional uses shall be referred to the Appropriate Municipal Panel for Conditional Use Review.

Section 205: Application of Regulations

The application of these Regulations is subject to 24 V.S.A. Sections 4412 and 4413. Except as provided by these regulations, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.

Section 205.01: Rural Residential District (RRD)

Objective:

This purpose of this district is to provide for residential and other compatible uses at appropriate densities while protecting the natural resource value of lands which are essentially undeveloped, lack direct access to public roads, are important for wildlife and wildlife habitat, have high potential for commercial forestry use or include significant natural, recreational or scenic resources.

Permitted Uses:

1. Accessory use to permitted principal use
2. Accessory dwelling unit*
3. Agriculture**
4. Child Care Facility*
5. Church**
6. Dwelling, single family
7. Dwelling, two family
8. Essential Service **
9. Forestry operations **
10. Group Home*
11. Health Care Clinic**
12. Recreation, Outdoor
13. Seasonal Recreational Camp
14. Schools, certified by the State Department of Education**

Conditional Uses:

1. Assisted Living Facility
2. Commercial Use*
3. Commercial or professional office
4. Dwelling, multi-family
5. Extraction of soil, sand, gravel, stone or minerals (min 5 acres)*
6. Lodging
7. Manufacturing Use*
8. Mobile home parks (min 5 acres)*
9. Planned Unit Development (min 5 acres)***
10. Recreational facility (min 5 acres for campgrounds)
11. Solar collectors or other renewable energy device**

12. Wireless Telecommunications facility**

Dimensional Standards:

Minimum lot size	2 acres
Minimum lot width/frontage	200 feet
Minimum lot area per dwelling unit	1 acre
Front yard	25 feet
Each side yard	25 feet
Rear yard	25 feet
Maximum height	35 feet

* See Article 4 “Standards for Specific Uses”

** See Section 104 “Limitations of Bylaw”

*** See Article 5: Planned Unit Developments (maximum residential density established through PUD is 1 unit per acre)

Section 205.02: Lakeshore and Streambank Overlay District (LSOD)

Objective:

The purpose of this overlay district is to provide management policies consistent with existing development and use, to provide for the beneficial use of public waters by the general public, and to protect areas unsuitable for residential and commercial use. It shall include lands within 100 feet of major streams and bodies of water. (See also FHO District Standards)

Permitted Uses:

As permitted in underlying district.

Dimensional Standards:

Lot width/frontage on water body	100 feet
Front Setback, measured from the mean water mark of a lakeshore, or the top of bank of a stream	100 feet
Minimum lot size (as required in the underlying AFD or RRD)	
Each side yard (as required in the underlying AFD or RRD)	
Rear yard (as required in the underlying AFD or RRD)	

Section 205.02.01 General Development Standards in Lakeshore and Streambank Overlay District

A. Vegetated Buffer:

The area of natural vegetation and trees shall be maintained along the shoreline to a depth of 50-feet from the mean high water mark of the lake or stream. The maintenance, but not the enlargement, of lawns, gardens, landscaped areas and beaches in existence as of the date of the adoption of this regulation is permitted.

B. Timber Harvesting:

Following the *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, a protective strip of vegetation shall be left along all shoreland areas of at least 50 feet in depth. Log transport machinery must remain outside a 25-foot margin along the stream or water body.

Section 205.03: Agricultural and Forest District (AFD)

Objective:

The purpose of the Agricultural and Forest District is to protect lands which are best suited for agricultural and forestry use and are now essentially undeveloped except for uses associated with agriculture. This district contains significant natural features, trail systems and scenic views.

Permitted Uses:

1. Accessory use to permitted principal use
2. Accessory dwelling unit*
3. Agricultural**
4. Child Care Facility*
5. Church**
6. Dwelling, Single Family
7. Essential Service **
8. Forestry operations, primary**
9. Group home *
10. Recreation, Outdoor
11. Seasonal recreational camp

Conditional Uses:

1. Planned Unit Development (min 5 acres)***
2. Recreational Facility (min 5 acres)
3. Solar collectors or other renewable energy device**
4. Wireless Telecommunications facility**

* See Article 4: Standards for Specific Uses

** See Section 104 "Limitations of Bylaw"

*** See Article 5: Planned Unit Developments (maximum residential density established through PUD is 1 unit per acre)

Area and Dimensions:

Minimum lot size	2 acres
Minimum lot width/frontage	200 feet
Minimum lot area per dwelling unit	1 acre
Front yard	25 feet
Each side yard	25 feet
Rear yard	25 feet
Maximum height	35 feet

Section 205.04: Flood Hazard Overlay District (FHOD)

A. Objective:

The purpose of the Flood Hazard Overlay District is to avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding; ensure that the design and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair flood plain services or the stream corridor; manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753; and make the Town of Norton, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

B. Lands to Which these Regulations Apply

These regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called “hazard areas”) in the Town of Norton, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. The provisions of these flood hazard regulations shall not remove the necessity of compliance with any other local, state or federal law or regulation. Where these flood hazard regulations impose a greater restriction, the provisions here shall take precedence.

These hazard areas include:

1. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in VII C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.
2. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood damages. This regulation shall not create liability on the part of the Town of Norton or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

D. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

E. Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall *constitute proof*.
2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall *constitute proof*.

Section 205.04.01 Required Review in Flood Hazard Areas

A. Permit

A permit is required from the Zoning Administrator for all development in the Flood Hazard Overlay District. Development that requires conditional use approval or a variance from the Zoning Board of Adjustment under these flood hazard regulations must have such approvals prior to the issuance of a permit by the ZA. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridors, and meeting the Development Standards in Section 205.04.02, require only an administrative permit from the ZA:

1. Non-substantial improvements to existing structures ;
2. Accessory structures of 500 square feet or less, that represent a minimal investment;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,

6. Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and River Corridors

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation or for on-site mound septic systems, if it can be demonstrated that no other practicable alternative is available;
4. Accessory structures in the floodway;
5. New critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the Board is required prior to the issuance of a permit by the ZA for the following proposed development in the Flood Hazard Overlay District:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures. A structure may be reconstructed only in circumstances where the structure cannot be relocated to a less hazardous location on the parcel, or where it can be demonstrated that an alternative location is not practicable;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities not regulated under 30 V.S.A. 248a;
8. Improvements to existing primary structures in the River Corridor that do not expand the footprint of the existing structure more than 500 square feet;
9. Accessory structures in the River Corridor, of 500 square feet or less, that represent a minimal investment;
10. Building utilities in the River Corridor; and,
11. At-grade parking for existing buildings in the River Corridor.

E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;

3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances

Variances may be granted in writing by the Board only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section 610 of this bylaw.

1. A variance for development within the River Corridor may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Nonconforming Structures and Uses

1. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months.

Section 205.04.02 Development Standards in Flood Hazard Areas

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

1. *All development* shall be:
 - a. Reasonably safe from flooding;
 - b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - c. Constructed with materials resistant to flood damage;
 - d. Constructed by methods and practices that minimize flood damage;
 - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- f. Adequately drained to reduce exposure to flood hazards;
 - g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
2. *Structures to be substantially improved* in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
3. *Non-residential structures to be substantially improved* shall:
- a. Meet the standards in Section 205.04.02. A.2 above; or,
 - b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
4. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
5. *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall:
- a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

7. *Recreational vehicles* must be fully licensed and ready for highway use;
8. A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 205.04.2. A. 5 (above).
9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. *Sanitary sewage systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.
12. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
13. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
- 14 *Subdivisions and Planned Unit Developments must be accessible by dry land access* outside the special flood hazard area.

B. Floodway Areas (NOTE: the Town of Norton does not currently have any FEMA-mapped Floodway areas. This section would apply to any newly mapped Floodways developed and supplied to the Town.)

1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
 - a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. River Corridors

1. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;
2. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
3. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
4. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
5. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
6. Bridge and culvert projects must have a Stream Alteration Permit, if applicable; and
7. Channel management activities must be authorized by the Agency of Natural Resources.

Section 205.04.03 Applications for Development in Flood Hazard Areas

A. Applications for development shall include:

- a. The name and contact information for the owner of the property, including any agents authorized to act on their behalf;
- b. A thorough description of the proposed development;
- c. General location map including the address of the property, tax parcel ID, relative locations of the existing development and the nearest public road;
- d. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
- e. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;
- f. If this is an appeal for a variance, then the appeal application must include responses to the criteria set forth in 24 VSA §4469, §4424 (E), and CFR 60.6
- g. Three (3) copies of the application, including one to be forwarded to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program; and,
- h. The appropriate fee as determined by the Selectboard.

B. For applicants seeking conditional use approval, or a variance, the following also need to be provided:

- a. A list of abutters names and mailing addresses;
- b. A statement of purpose and need for the proposed development;
- c. A description of the alternatives considered to the proposed development, including alternate locations on site, especially outside of the hazard area;
- d. Such pertinent information as identified in the regulations or deemed necessary by the Board for determining the suitability of the proposed development for the site;
- e. Copies of the application sufficient for the file, the Board members, the State National Flood Insurance Program Coordinator, and additional parties such as the VT DEC Stream Alteration Engineer and adjacent communities if affected under Section 202.04.3. C.2 (below) ; and,
- f. Any additional fees as required by the Selectboard

C. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

D. Public Notice

1. Prior to the issuance of a permit, proposals needing conditional use review, or approval for a variance, must have a warned public hearing. A copy of the application shall be submitted to VT ANR at least 30 days prior to the date of the public hearing. Public notice of the hearing shall be provided at least 15 days' notice before the date of the hearing, in accordance with Section 610 of this bylaw.

E. Decisions

1. The Zoning Administrator shall act within 30 days to approve or deny the application, or refer the application to the Board. Applications that cannot be approved in compliance with this bylaw shall be denied. The decision shall be issued in writing and include a statement of the factual bases on which the conclusions were made. Decisions of the Zoning Administrator can be appealed as below. If the ZA fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
2. The Board shall consider comments from the NFIP Coordinator at ANR. The Board may recess the proceedings on any application pending submission of additional information. The Board should close the hearing promptly after all parties have submitted the requested information, adjourn the hearing, and may deliberate prior to issuing its decision.
3. Decisions by the Board shall include a statement of the factual basis on which the Board has made its conclusions regarding how the proposed development will meet the development standards, and a statement of the conclusions. In rendering a decision in favor of the applicant, the Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this bylaw and the municipal plan then in effect. Board decisions shall be conditioned to assure that all necessary permits must be also received from those government agencies from which approval is required by Federal, State or Municipal law for the approval to be valid. The Board may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.
4. Decisions of the Board shall be issued in writing within 45 days after the adjournment of the final hearing. All decisions shall be sent by certified mail to the applicant, and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing. The decision will include a notice that an Interested Person may appeal the decision within 15 days.

F. Records

1. Within three days following the issuance of a permit, the Zoning Administrator 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 15 days from the date of issuance of the permit.
2. Within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the Zoning Administrator shall:

- a. Deliver the original or a legible copy of the permit, or notice of permit, and any approvals to the municipal clerk for recording in the land records as provided in 24 VSA, § 1154(a), and § 4449;
- b. File a copy of the permit and any approvals in the municipal office in a location where all municipal land use permits shall be kept; and,
- c. The Zoning Administrator may charge the applicant for the cost of the recording fees as required by law.

3. The Zoning Administrator shall properly file and maintain a record of:

- a. All permits issued in areas covered by this bylaw;
- b. Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
- c. All flood proofing and other certifications required under this regulation; and,
- d. All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

G. Permit Validity

Each permit issued shall:

1. Contain a statement of the period of time within which an appeal may be taken
2. Require posting of a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in has passed.
3. Not take effect until 15 days after issuance, or in the event that a notice of appeal a decision by the Zoning Administrator is properly filed, no such permit shall take effect until adjudication of that appeal by the Board is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until adjudication by the environmental court; and,
4. Be valid for a period of two years.

H. Appeals

Appeals of decisions of the Zoning Administrator and the Board may be made in accordance with the provisions outlined in Sections 608 and 611 of this bylaw.

I. Certificate of Occupancy

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or

wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area until a certificate of occupancy is issued therefore by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these regulations. A certificate of occupancy is not required for structures that were built in compliance with all local bylaws at the time of construction and have not been improved since the adoption of these regulations. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

J. Enforcement and Penalties

It shall be the duty of the Zoning Administrator to enforce the provisions of these regulations. Upon determination that a violation exists, the Zoning Administrator shall notify the alleged offender of the violation by certified mail.

1. The notice of enforcement shall state that:

- a) A violation exists;
- b) That the alleged offender has an opportunity to cure the violation within seven days of receipt;
- c) That failure to cure the violation may result in fines and/or loss of flood insurance;
- d) That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days within the next succeeding 12 months; and,
- e) That the notice of violation may be appealed as specified in Section H above;

2. Copies of the notice of violation will be:

- a) Mailed to the Vermont NFIP Coordinator and, within 30 days be
- b) Filed in the land use permit files; and,
- c) Delivered to the municipal clerk for recording in the land records.

3. After seven days, if the violation has not been remedied, in accordance with 24 VSA Chapter 59 §1974a, and Chapter 117 §4451 and §4452; any person who is found to have violated this bylaw shall be fined by the court not more than \$100.00 for each offense. No action may be brought under this section unless such notice as required in has been given as described above in this part. In default of payment of the fine, the violator shall pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense.

4. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the violator. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the Zoning Administrator making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

5. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

ARTICLE 3: GENERAL PROVISIONS

Section 301: Existing Small Lots

Any lot in existence on the effective date of these zoning regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, provided that:

- 1) the lot was legally created in accordance with the zoning bylaws in effect at the time of its creation;
- 2) the lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; and
- 3) required setbacks for new development are maintained.

Section 302: Required Frontage

Lots which abut on more than one street shall provide the required frontage along every street. No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right of way of record at least twenty feet in width. Applications for development requiring approval of access and frontage shall follow the same requirements and process as applications subject to Site Plan Review under Section 605 of these regulations and shall be reviewed and approved by the Planning Commission in accordance with Section 4464 of the Act.

Section 303: Waiver of Setback Requirements on Non-conforming Lots

Setback requirements can be reduced on a pre-existing, non-conforming lot subject to Conditional Use Review by the Zoning Board of Adjustment without the need for a variance if:

- (1) the lot cannot be developed in strict conformance to the minimum setback requirements set forth in the district regulations because of inadequate lot size; and
- (2) the reduced setback represents the least reduction needed that will afford relief, and
- (3) if within the Lakeshore and Streambank Overlay District, the setback will be at least 50 feet from the mean water mark of lakes and the top of bank or slope of streams; and
- (4) the other requirements of this bylaw are satisfied.

Section 304: Protection of Home Occupations

No regulation may 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 thereof.

Section 305: Principal Buildings and Dwellings on Lots

There shall be only one principal building or dwelling on a lot, except for accessory dwellings as permitted in Article 4 of these regulations, or in accordance with a Planned Unit Development approved in accordance with Article 5 of these regulations.

Section 306: Required Setbacks

All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard, with the exception of steps.

Section 307: Equal Treatment of Housing

No provision of this bylaw shall have the effect of prohibiting mobile homes that are mounted on a masonry foundation with wheels removed, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is prohibited. No provision of this bylaw may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4382(c).

Section 308. Collapsed or Burned Buildings and Structures

- (1) Debris from dilapidated structures and structures that have been damaged by fire or any other cause shall be removed within one year.
- (2) The property owner shall secure any state permits for demolition and clearing work, if required.
- (3) Unless repair or reconstruction of a dilapidated or damaged structure is substantially commenced within one year, excavated portions of the lot shall be filled and smoothed to natural grade.

Section 309: Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator 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.

Section 310: Landfill

In any district, dumping of refuse and waste material for landfill is prohibited. Loam, soil, rock, stone, gravel, cinders and other inert materials may be used for landfill to grades approved by the Zoning Administrator, after approval by the Planning Commission under Site Plan Review.

Section 311: Recreational Vehicles

It shall be unlawful for any person to park a recreational vehicle on any public or private property, except as follows:

1. The owner of a recreational vehicle may park it on his own property in the rear or side yards. A vehicle so parked shall not be used as living quarters and shall not be hooked up to any utilities.
2. Temporary visitors may use a recreational vehicle as living quarters when visiting residents or as a bona fide vacation or recreational camper with the permission of the landowner; however, such users may not place a recreational vehicle in a location and use it repeatedly during the course of several visits over an extended season.

Section 312: Lighting

312.01 General Standards

To ensure appropriate lighting while minimizing its undesirable effects, the following general standards shall apply to all outdoor lighting:

- A. All outdoor lighting shall be kept to the minimum required for safety, security, and intended use, consistent with the character of the area in which it is located.
- B. Permanent outdoor lighting fixtures shall not direct light upward or onto adjacent properties, road, or public waters; and shall not result in excessive lighting levels which are uncharacteristic of a rural area.
- C. Outdoor lighting fixtures shall be cast downward and shall be designed to avoid glare and harsh contrasts in color and/or lighting levels.
- D. Whenever possible outdoor lighting fixtures shall have timers, dimmers, and/or sensors to reduce energy consumption and eliminate unneeded lighting.
- E. Outdoor lighting fixtures for non-residential uses shall be illuminated only during hours of operation.

312.02 Required Review and Exceptions

1. The installation or replacement of all outdoor lighting fixtures shall require a permit, except for the following:

- A. One- or two-unit residential structures,
- B. Active farms, and
- C. Holiday lighting

2. Outdoor lighting installations involving two or fewer permanent fixtures may be approved by the Zoning Administrator, provided that no single bulb exceeds 150 watts, and that the total wattage of the bulbs does not exceed 300 watts. All other outdoor lighting installations, except for those exceptions identified in above, are subject to Site Plan Review by the Planning Commission.

3. For outdoor lighting installations subject to Site Plan Review or Conditional Use Review, the Appropriate Municipal Panel may require the following:

- A. Information regarding exterior lighting fixtures, including fixture type, mounting locations and heights, illumination levels and distribution, and color;
- B. A lighting plan, prepared by a qualified engineer or lighting expert;
- C. The underground placement of electrical service to outdoor lighting fixtures;
- D. The use of security or street lighting if unusual or hazardous conditions require it. Security lighting, if required by the Appropriate Municipal Panel, shall be shielded and aimed so that only designated surfaces are illuminated; and
- E. Street lighting, if deemed necessary by the Appropriate Municipal Panel, for safety or security, such as at road intersections, pedestrian crossings, or walkways.

4. The Appropriate Municipal Panel may waive or modify the requirements of this section if it finds that such a modification or waiver is needed for public safety, or to meet an overriding public purpose, such as the illumination of a public building or monument.

Section 313: Septic Systems

All sewage and wastewater disposal systems shall be designed and installed to conform to current State of Vermont Standards and an approved state permit shall be required as part of any development application.

Section 314: Forestry

No trees of less than 4-inch diameter breast height shall be cut within 50 feet of a public road during commercial forestry operations.

Section 315: Off-Street Parking

Off-street parking shall be provided as follows: 2 spaces per single dwelling unit; 1 space per accessory dwelling unit; and 1.5 spaces per unit of a multi-unit dwelling. Off-street parking for all other permitted uses must be approved under Site Plan Review; and off-street parking for conditionally-permitted uses shall be approved under Conditional Use Review.

ARTICLE 4: STANDARDS FOR SPECIFIC USES

Section 401: Accessory Dwelling Units

1. In accordance with 24 VSA Section 4412, accessory dwelling units shall be a permitted use wherever conventional housing is allowed. 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:

- a. The property has sufficient wastewater capacity.
 - b. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
 - c. Applicable setback, coverage, and parking requirements specified in the bylaws are met.
2. 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. A new accessory structure, constructed after the enactment of these bylaws
 - b. An increase in the height or floor area of the existing dwelling

Section 402: Group Homes

In accordance with 24 VSA Section 4412, a State licensed or registered residential care or group home, serving not more than eight persons who have a handicap or disability, shall be considered to constitute a permitted single-family residential use of property, except that no such home shall be considered a permitted use if it locates within 1,000 feet of another existing or permitted home.

Section 403: Child Care Facility

In accordance with 24 VSA Section 4412, a State licensed or registered family child care home or facility serving six or fewer children shall be considered to constitute a permitted single family residential use of property and does not require site plan review; except that

- a) Childcare homes or facilities serving up to 6 full time children and up to 4 part-time children require Site Plan Review by the Planning Commission;
- b) A family childcare facility serving more than 6 full-time and 4 part-time children requires Conditional Use Review by the Zoning Board, and shall meet the standards in Section 607 of this bylaw.

Section 404: Extraction of soil, sand, gravel, stone or minerals

The following standards shall be met:

1. Operations shall be located of parcels of at least 5 acres in size.
2. Cut slopes, spoil banks and deep pits shall be graded to a 2 on 1 slope and smoothed upon completion of operations.
3. No excavation or stock piling of materials shall be located within 50 feet of any public road or neighboring property line.
4. No power-activated sorting machine or blasting shall be located within 200 feet of any public

road or neighboring property line.

5. Slopes in excess of 2 on 1 created by excavation shall be fenced or suitable warnings posted.

Section 405: Manufacturing and Commercial Uses

The following standards shall be met:

1. Exterior storage of materials shall be screened from view
2. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property shall not be generated.
3. Parking shall be provided on the site at a minimum of one parking space per employee.

Section 406: Mobile Home Parks

Mobile home parks are subject to conditional use review in accordance with Section 607 of these regulations. In addition, the following provisions shall be met:

- (a) The parcel of land for a mobile home park shall be not less than five (5) acres.
- (b) A strip of land of at least twenty (25) feet in width shall be maintained as a landscaped area abutting all property lines and shall contain trees and shrubs for screening purposes to a minimum height of six (6) feet. No building, mobile home, parking, or service area shall be located within these buffer areas. Buffer areas shall not be included in the calculation of recreation land under (c) below. The Zoning Board of Adjustment may reduce or eliminate the screening requirements if such modification will serve to protect a scenic view, provided that privacy for adjoining property owners can be maintained.
- (c) A minimum of fifteen (15) percent of the total land area in any mobile home park shall be set aside for common recreational use.
- (d) Internal roads serving the mobile home park must have a right-of-way at least fifty (50) feet in width, must accommodate safe pedestrian and vehicular access, and be appropriately marked and illuminated for emergency vehicular access.
- (e) Individual lots within the mobile home park must be at least sixty (60) feet in width and one hundred- twenty (120) feet in depth. Either dimension may have frontage on the internal road. Each lot shall contain:
 - (1) A pad of sufficient size to accommodate the mobile home;
 - (2) A driveway at least twenty (20) feet in width;
 - (3) Two parking spaces;
 - (4) Space for an accessory building of at least one hundred (100) square feet;
 - (5) Minimum distance of twenty-five (25) feet between mobile homes and the closest edge of any internal road;
 - (6) Minimum separation distance of ten (10) feet between structures.
- (f) When applying for a permit for a mobile home park, the applicant shall provide a complete set of plans in accordance with Section 607 of this bylaw, drawn to scale, showing the location of the proposed mobile home park, as well as:
 - (1) The areas and dimensions of the tract of land;
 - (2) The maximum number, location, and size of all mobile home spaces;
 - (3) The location of any existing buildings and any proposed structures;
 - (4) The location and width of driveways, internal roads, parking areas, walkways, turnarounds, recreation and open space; and
 - (5) The location of electrical, water, storm drainage, and sewage disposal

system.

(g) In granting approval for a proposed mobile home park, the Board of Adjustment may require a performance bond from the operator of the park to ensure that the park is developed and operated in accordance with any approvals and permits granted herein.

Section 407: Bulk Storage Tank Facilities

A bulk storage tank facility, as defined in this bylaw, is a commercial use subject to conditional use review in accordance with Section 607 of these regulations. The general requirements for aboveground storage tanks, as outlined in the “Aboveground Storage Tank Rules” promulgated by the Waste Management and Prevention Division of the Department of Environmental Conservation, shall be met. In addition, the following prohibitions on the location of bulk storage tanks, as provided in the aforementioned Rules, shall apply:

No new bulk storage tank facility shall be located:

- (1) Within the Source Protection Area of a public community water system or public non-transient, non-community (NTNC) water system using a groundwater source;
- (2) Within Zone 1 or Zone 2 of a Source Protection Area of a public community water system or NTNC water system using a surface water source except that the Secretary of the Vermont Agency of Natural Resources may, on a case-by-case basis make a determination that an aboveground storage tank may be sited in the zone 2 of a source protection area of a water system using a surface water source;
- (3) Within 200 feet of a public transient, non-community (TNC) water system source;
- (4) Within 100 feet of any potable water supply source;
- (5) Within 25 feet of any public water distribution line; or
- (6) In any area designated as a Class I or Class II groundwater zone.

ARTICLE 5: PLANNED UNIT DEVELOPMENT

Section 501: Purpose

The Planning Commission is hereby empowered to vary certain zoning regulations under the criteria and procedures established in 24 V.S.A., §4417, for planned unit developments. The purposes of a planned unit development shall be to encourage development that will result in:

- (1) the conservation of agricultural land, open space, and trails;
- (2) the protection of scenic resources and views;
- (3) the protection of significant natural and fragile areas; and
- (4) the efficient use of roads and infrastructure.

Section 502: Application Requirements

Proposals for planned residential developments will require Conditional Use Review by the Planning Commission, as described in §607 of this bylaw. Proposals presented to the Planning Commission shall consist of a development plan depicting, at a scale sufficient to allow the study of all elements of the plan, the following:

- (1) Existing and proposed buildings, or building envelopes;
- (2) The location of natural features, including wetlands, streams, water bodies, and slopes greater than 20%;
- (3) the location of on-site water and sewer facilities;
- (4) Interior roadways, parking areas, and pathways for pedestrian access;
- (5) any proposed landscaping and grading;
- (6) any existing structures or significant natural features within 200 feet of the parcel boundary;
- (7) typical elevations and floorplans for any proposed building other than a single-family or two-family residence;
- (8) location and acreage of areas to remain undeveloped.

Section 503: Standards for Review

To facilitate the purposes described in section 501 above, the Planning Commission may waive the required lot size, and/or may permit the location of multiple dwelling units, attached or detached, on one lot; however, in no case shall the density of development exceed 1 dwelling unit per acre in the Agriculture & Forest District (AFD).

A planned unit development shall comply with the following standards:

- (1) The planned residential development shall be located on at least five contiguous acres.
- (2) All development that occurs within the Flood Hazard Overlay District shall be in accordance with the requirements of Section 205.04.02 of these regulations.
- (3) All development shall comply with the General Provisions contained in Article 3 of this bylaw.
- (4) Internal roads serving the planned residential development must have a right-of-way of at least 50 ft. in width, be improved to a standard consistent with Town road standards and be appropriately marked and illuminated for emergency vehicular access.

(5) The development shall provide for safe pedestrian access to public roads and to dedicated open space within the development.

(6) Open space in planned unit developments shall meet the following standards:

(a) developments on 10 acres or less shall set aside at least 2.5 acres of land as open space.

(b) developments larger than 10 acres shall set aside at least 25 percent of the total acreage as open space.

(c) areas within road rights of way shall not be included in the calculation of open space.

(d) areas designated as open space in the development are to be restricted from further development through the filing of restrictive covenants and deed restrictions, or through other approved legal means, in a form acceptable to the Planning Commission and the Town of Norton. Areas in the development designated as open space may be offered for dedication to the Town of Norton to be used as public open space, to be accepted at the discretion of the Town.

(7) In approving a planned unit development, the Planning Commission shall find that the proposed development is in conformance with the Norton Town Plan and satisfies all other requirements of the bylaw.

ARTICLE 6: ADMINISTRATION AND ENFORCEMENT

Section 601: Zoning Administrator

(1) The Zoning Administrator shall be appointed by the Selectboard, following the nomination by the Planning Commission, to administer the zoning bylaws, as provided for in 24 V.S.A. §4448. The Selectboard may remove a Zoning Administrator for cause at any time after consultation with the Planning Commission. The Zoning Administrator shall literally administer and strictly enforce the provisions of this bylaw, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate. All development review is initiated with the Zoning Administrator.

(2) The Zoning Administrator is responsible for posting, on the applicant's property, within view of the public right-of-way, any permit issued by the Zoning Administrator or any development application awaiting a hearing by the Appropriate Municipal Panel. Such posting shall occur within 24 hours of any permit issued by the Zoning Administrator; or in the case of any scheduled hearing of the Appropriate Municipal Panel, posting shall adhere to the time-frames specified in Section 610 with subsequent information on approval or denial added within 24 hours of the Board's decision. The Zoning Administrator may delegate the posting to the applicant, provided that the applicant agrees to accept responsibility for the posting by initialing acceptance on the application form.

(3) An acting Zoning Administrator may be appointed by the Selectboard, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence, or if the Zoning Administrator has a conflict of interest. In the event an acting Zoning Administrator is appointed, the Selectboard shall establish clear policies regarding the authority of the Zoning Administrator relative to the authority of the acting Zoning Administrator.

Section 602: Planning Commission

(1) The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the Norton Selectboard in accordance with 24 V.S.A. §§4321-4323. At least a majority of members shall be residents of the municipality. Any member of the Planning Commission may be removed at any time by a unanimous vote of the Selectboard.

(2) The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

(3) The Planning Commission shall have the following duties regarding this bylaw, in accordance with 24 V.S.A. §4441 and §4460:

- A. prepare proposed amendments to this bylaw, and consider proposed amendments submitted by others, including amendments supported by a petition signed by at least five percent of the voters of the Town of Norton.
- B. prepare and approve written reports on any proposed amendment to this bylaw;
- C. 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 Selectboard;

- D. review of site plans, as described in Section 605 of this bylaw;
- E. review of rights-of-way or easements for development of lots without frontage, as described in Section 302 of this bylaw;
- F. review of proposed subdivisions of land, as described in Section 606 of this bylaw; and
- G. review planned unit developments, as described in Article 5 of this bylaw.

Section 603: Zoning Board of Adjustment

(1) The Zoning Board of Adjustment shall consist of not fewer than three (3) nor more than nine (9) members appointed by the Selectboard for specified terms in accordance with 24 V.S.A. §4460(b) and (c). The Board of Adjustment may consist of the members of the Planning Commission or may include one or more members of the Planning Commission. The Selectboard may appoint alternates to the Zoning Board of Adjustment for a term to be determined by the Selectboard. Alternates may be assigned by the Selectboard to serve on the Board of Adjustment in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the Selectboard for the unexpired terms and upon the expiration of such terms. Any member of the Zoning Board of Adjustment may be removed for cause by the Selectboard upon written charges and after public hearing.

(2) The Zoning Board of Adjustment shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. §4461(a) and Vermont's Open Meeting Law.

(3) The Zoning Board of Adjustment shall have all powers and duties as set forth in 24 V.S.A. Chapter 117 to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- A. appeals from any decision, act or failure to act by the Zoning Administrator, as described in Section 608 of this bylaw,
- B. variance requests, as described in Section 609 of this bylaw; and
- C. applications for conditional use approval, as described in Section 607 of this bylaw.

Section 604: Administrative Review

(1) No land development as defined in 24 V.S.A. §4303(10) may be commenced without a permit issued by the Zoning Administrator. No zoning permit may be issued by the Zoning Administrator unless the proposed development complies with all applicable sections of this bylaw, and all applicable approvals required by the Appropriate Municipal Panel have been granted.

(2) No zoning permit shall be required for the following activities:

- A. Those activities identified in Section 104 (1) a-d of this zoning bylaw as being exempt from local regulations; except that written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for accepted agricultural practices. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary of Agriculture.

B. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as recreational facilities.

(3) An application for a zoning permit shall be filed with the Zoning Administrator on forms provided by the Town of Norton. All required application fees for all relevant development review processes, as set by the Town of Norton Selectboard, shall be submitted with the application. The applications for a permitted use shall include a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following:

- A. the dimensions of the lot, including existing property boundaries,
- B. the location, footprint and height of existing and proposed structures or additions,
- C. the location of existing and proposed accesses (curb cuts), driveways and parking areas,
- D. the location of existing and proposed easements and rights-of-way,
- E. existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands,
- F. the location of existing and proposed water and wastewater systems,
- G. proposed erosion and sedimentation control measures to be undertaken,
- H. snow removal/storage areas; and
- I. other such information as required by the Zoning Administrator to determine conformance with these regulations.

(4) Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the appropriate municipal panel for consideration. In accordance with 24 V.S.A. §§4448 and 4449, if the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. If the Zoning Administrator refers the application to the Planning Commission or Zoning Board of Adjustment, additional fees will be required, and additional information may be required.

(5) Zoning permits and letters of denial shall include a statement of the time within which appeals may be taken under Section 608 of this bylaw; and shall require posting of a notice of permit, on a form prescribed by the Town of Norton. The applicant shall post this notice of permit within view from the public right-of-way nearest the subject property until the time for appeal has expired.

(6) The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Town of Norton Listers; and shall post a copy of the permit in the Town of Norton municipal offices for a period of fifteen (15) days from the date of issuance.

(7) No zoning permit shall take effect until the time for appeal under Section 608 of this bylaw has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

(8) Zoning permits shall remain in effect for two years from the date of issuance. All development authorized by the permit shall be substantially commenced within this two-year period or reapplication shall be required to continue development.

(9) Within 30 days of the issuance of a zoning permit, the Zoning Administrator shall deliver the original, a legible copy, or a notice of the permit to the Norton Town Clerk for recording in the Town of Norton land records.

Section 604.1: Concurrent Review

If more than one type of review is required for a project, the reviews, to the extent feasible, will be conducted concurrently.

Section 605: Site Plan Review

(1) The purpose of site plan review is to ensure that the site layout and design of permitted uses are safe, functional, and of a scale that is compatible with their settings and consistent with these bylaws.

(2) No zoning permit shall be issued by the Zoning Administrator for any permitted use or structure except for one- and two-unit dwellings and accessory dwelling units until the Planning Commission grants site plan approval after public notice and hearing in accordance with 24 V.S.A. §4416.

(3) In addition to the submission requirements in Section 603(3) of this bylaw, the Planning Commission may request additional information required to make a determination. In reviewing site plans, the Planning Commission may impose appropriate safeguards with respect to the following standards and conditions:

A. Site layout and design: Site layout and design shall incorporate and/or protect significant site features – both natural and historic – including but not limited to: existing vegetation; surface waters and wetlands; historic sites and structures; prominent ridgelines, hilltops, and slopes of 20% or greater.

B. Parking, loading, and service areas: The applicant must be able to reasonably demonstrate that on-site parking, loading, and service areas are adequate, functional, and safe and pose minimal off-site impacts. Shared parking areas to serve multiple properties are encouraged. Parking, loading, and service areas shall be located to the side or rear of the building when possible.

C. Access: Provisions shall be made for adequate and safe pedestrian and vehicular access to and from the site.

D. Circulation: Adequate space for maneuvering in and out of parking, loading, and service areas, and shall be located so as not to interfere with pedestrian and vehicular circulation to, from, and within the site.

E. Landscaping and screening: Site plans shall incorporate landscaping and screening which preserves and incorporates existing vegetation, is suited to existing site conditions, enhances development and features unique to the site, and serves to buffer or screen incompatible features from

neighboring properties or public rights-of-way.

F. Stormwater management and erosion control: Site plans shall indicate what measures will be taken to minimize soil disturbance during and after construction.

G. Snow removal: Applicants shall demonstrate how snow removal will not impede pedestrian and vehicular circulation or access to the site, or pollute nearby bodies of water.

H. Signage

I. Lighting, according to §312 of this bylaw.

J. The protection and utilization of renewable energy resources.

K. Hours of operation.

L. Anticipated noise levels.

M. Placement of dumpsters.

Section 606. Subdivision of Land

(1) Applications for lot line adjustment or the subdivision of land into no more than two (2) lots shall be reviewed by the Zoning Administrator under the Administrative Review process.

(2) Applications for subdivisions of land into more than two (2) lots shall also be subject to Site Plan Review by the Planning Commission after public notice and hearing. In accordance with 24 V.S.A. §4464(a)(1), the warning period for the public hearing shall not be less than 15 days. Subdivision of land into six (6) or more lots shall require an Act 250 permit in accordance with 10 V.S.A. Chapter 151.

(3) Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing conditions and proposed development. The plat shall include all lot lines and boundary dimensions, names of roads abutting the property, location and size of existing improvements identified as “existing,” location and size of proposed improvements identified as “proposed,” setback dimensions of proposed and existing structures, location of existing and proposed driveways and culverts, location of existing and proposed wells and/or septic systems and location of waterways, wetlands, and flood plains. In addition, a topographic survey may be required.

(4) No lot that is created as the result of subdivision of land shall have more than 50% of its buildable area in slopes greater than 20%.

(5) An undersized lot resulting from subdivision of land may be created, provided it is combined with land from an adjacent property to form a conforming lot, and a single property description with a new warranty or similar deed is filed in the Town’s land records.

(6) The approved subdivision may not be officially filed until all appeal periods have expired and/or all appeals are concluded.

(7) A final plat on mylar must be submitted to the Zoning Administrator for approval before the subdivision is filed in the Town’s land records.

Section 607. Conditional Uses

(1) Submission requirements for applications for Conditional Use approval shall include the information specified in Section 603(3) of this bylaw, in addition to any additional information required by the appropriate municipal panel in order to make a determination.

(2) After public notice and hearing, the Zoning Board of Adjustment, or the Planning Commission in the case of review of a Planned Unit Development, shall determine if a proposed conditional use has the potential to have an undue adverse effect on the following:

- A. The capacity of existing or planned community facilities.
- B. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- C. Traffic on roads and highways in the vicinity
- D. Bylaws in effect with special reference to this zoning bylaw, and;
- E. The utilization of renewable energy resources.

(3) In permitting a conditional use, the appropriate municipal panel may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the municipality as a whole. These conditions may include the following:

- A. Increasing the required lot size or yard dimensions in order to protect adjacent properties.
- B. Limiting the coverage or height of buildings because of obstruction of view or reduction of light or air to nearby properties.
- C. Controlling the location and number of vehicular access points to the property.
- D. Increasing road width.
- E. Increasing the number of off-street parking or loading spaces required.
- F. Limiting the number, location, and size of signs.
- G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area.
- H. Specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use.
- I. Requiring that any future enlargement or alteration of the use be reviewed by the appropriate municipal panel to permit the specifying of new conditions.

J. As a condition of the grant of a conditional use, the appropriate municipal panel may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of 24 V.S.A. and this zoning bylaw.

(4) Change of use, expansion or contraction of land area or expansion of structures for uses which are designated as conditional uses within the district in which they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

Section 608: Appeals of Zoning Administrator Decisions

(1) Any interested person as defined under 24 V.S.A. §4465 may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by filing a copy of the notice with the Zoning Administrator. A notice of appeal filed under this section shall be in writing and include the following information:

A. the name and address of the appellant,

B. a brief description of the property with respect to which the appeal is taken,

C. a reference to applicable provisions of these regulations,

D. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and

E. the alleged grounds why such relief is believed proper under the circumstances.

(2) The Zoning Board of Adjustment shall hold a public hearing on a notice of appeal within 60 days of its filing, as required in 24 V.S.A. §4468. The Zoning Board of Adjustment shall give public notice of the hearing under Section 610 of this bylaw, and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

(3) The Zoning Board of Adjustment 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 presented by or on behalf of the appellant.

(4) All appeal hearings shall be open to the public and shall be conducted in accordance with the Zoning Board of Adjustment's rules of procedures, as required by 24 V.S.A. §4461. 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, time, and place of the continuation of the hearing are announced at the hearing.

(5) A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to 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 Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with §610 of this bylaw. If the Zoning Board of

Adjustment fails to issue a decision within this 45-day period, the appeal will be deemed approved and shall be effective on the 46th day.

Section 609: Variances

The Zoning Board of Adjustment shall hear and decide requests for variances in accordance with 24 V.S.A. §4469(a) and appeal procedures under §608 of this bylaw. In granting a variance, the Zoning Board of Adjustment may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Zoning Board of Adjustment may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

- (1) There are unique physical 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) The 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 610: Public Hearings and Decisions

(1) In accordance with 24 V.S.A. §4464, the following development review processes will be conducted in a public hearing, with notice of hearing given not less than 15 days prior to the date of the public hearing:

- A. appeals from any decision, act or failure to act by the Zoning Administrator, as described in §608 of this bylaw, and any associated variance requests, as described in §609 of this bylaw; and
- B. applications for conditional use approval, as described in §607 of this bylaw; and
- C. planned unit developments, as described in Article 5 of this bylaw; and
- D. subdivisions of land, as described in §606 of this bylaw.

(2) Warning of the abovementioned hearings in (1) shall be issued accordingly:

- A. by publishing the date, place and purpose of the hearing in a local newspaper of general circulation; and
- B. by posting the same information in three (3) or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and
- C. by written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, clearly identifying how and where additional information may be obtained, and state that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(3) In accordance with 24 V.S.A. §4464, the following development review processes will be conducted in a public hearing, with notice of hearing given not less than seven days prior to the date of the public hearing:

- A. rights-of-way or easements for development of non-frontage lots, as described in §302 of this bylaw; and
- B. site plan review, as described in §605 of this bylaw.

(4) Warning of the abovementioned hearings in (3) shall be issued accordingly:

- A. by posting the date, place and purpose of the hearing in three (3) or more public places within the municipality; and
- B. by written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, identify where and how the recipient may obtain additional information, and state that participation in the local proceeding, is a prerequisite to the right to take any subsequent appeal.

(5) All meetings and hearings of the Planning Commission and the Zoning Board of Adjustment, except for deliberative sessions, shall be open to the public and conducted in accordance with adopted Rules of Procedure and Vermont's Open Meeting Law.

(6) All hearings of the appropriate municipal panel described in (1) and (3), with the exception of appeals of decisions of the Zoning Administrator, shall be held within 45 days from the more recent of either occurrence:

- A. the date the Zoning Administrator refers the application to the appropriate municipal panel, or

B. the date the Clerk of the appropriate municipal panel receives the names and addresses of abutting property owners.

(7) In any public hearing, there shall be an opportunity for each person to attempt to demonstrate interested party status. The Secretary of each respective municipal panel shall keep a record of the name, address, and participation of these persons.

(8) The appropriate municipal panel 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.

(9) Any action or decision of the Planning Commission and the Zoning Board of Adjustment shall be taken by the concurrence of a majority of the members.

(10) In accordance with 24 V.S.A. §4464(b), the appropriate municipal panel shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

(11) All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

(12) In rendering a decision in favor of the applicant, the appropriate municipal panel may attach additional reasonable conditions and safeguards as it deems necessary to implement these regulations and the town plan currently in effect.

(13) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the municipality.

Section 611: Appeals to Environmental Court

(1) In accordance with 24 V.S.A. §4471, an interested person who has offered oral or written testimony in a hearing of the appropriate municipal panel may appeal a decision within 30 days of such decision, to the Vermont Environmental Court.

(2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Zoning Administrator of the Town of Norton, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days.

(3) 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 those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 612: Interested Persons

The definition of an interested person under 24 V.S.A. §4465(b) includes the following:

(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 Norton or any adjoining municipality;

(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 town plan or bylaw of Norton;

(4) Any ten (10) voters or property owners within the Town of Norton who, by signed petition to the appropriate municipal panel, 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 town plan or bylaw of Norton; and

(5) Any department or administrative subdivision of the state owning property or any interest therein within the municipality, and the Vermont Agency of Commerce and Community Development.

Section 613: Penalties

(1) All violations shall be pursued in accordance with 24 V.S.A. §§4451 and 4452. The Zoning Administrator shall act on behalf of the Town of Norton to impose a fine of up to, but not more than, \$100 for each violation. Each day that a violation continues shall constitute a separate offense. All fines imposed and collected shall be paid to the Town of Norton.

(2) The Zoning Administrator shall not bring any action against an alleged violation unless the alleged offender has had at least seven (7) days' notice by certified mail that such a violation exists. The notice of violation also shall be recorded in the land records of the Town of Norton. The notice of violation shall state that:

A. a violation exists,

B. that the alleged offender has had an opportunity to cure the violation within the seven-day notice period, and

C. that the alleged offender will not be entitled to an additional warning notice.

(3) Within 30 days of the issuance of a notice of violation, the Zoning Administrator shall deliver either the original or a legible copy to the Norton Town Clerk for recording in the Town of Norton land records.

(4) The Zoning Administrator may bring action without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

(5) In accordance with 24 V.S.A. §4454(a), the Zoning Administrator may take action against an alleged violation within 15 years from the date the violation first occurred, and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the alleged offender.

(6) In accordance with 24 V.S.A. §4454(b) the Zoning Administrator shall not take action against an alleged violation unless the permit or notice of the permit has been recorded in the land records of the Town of Norton.

ARTICLE 7: NON-CONFORMITIES

Section 701: Construction Approved Prior to Adoption of Regulations

Nothing contained in these regulations shall require any change in plans for the construction of a non-conforming structure for which a zoning permit has been issued, provided the structure is completed or suitable for occupancy within (2) two years from the effective date of these regulations.

Section 702: Non-conforming Structures and Uses

The following provisions shall apply to all structures and uses of land existing on the effective date of these regulations which do not conform to the requirements set forth in these regulations and to all structures and uses of land that in the future do not conform by reason of any subsequent amendment to these regulations. Non-conforming lots are subject to the provisions in Section 301 of this bylaw. Non-conforming uses and structures in the Flood Hazard Overlay District are further subject to the standards in Section 205.04.01 G of this bylaw.

Any non-conforming use of structures or land, except those specified below, may be continued indefinitely, but:

- A. Shall not be moved, enlarged, altered, extended, reconstructed, or restored (except as provided below in Section 703), nor shall any external evidence of such use be increased by any means whatsoever.
- B. 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 Board is of the same or a more restricted nature.
- C. Shall not be reestablished if such use has been discontinued for a period of eighteen 18 months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
- D. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within eighteen (18) months of such damage.

Section 703: Expansion of Non-conforming Structures and Uses.

A non-conforming structure or use may be expanded up to 20 percent greater than its existing size on the effective date of this bylaw, provided the expansion does not increase the degree of non-compliance, subject to conditional use approval by the Zoning Board of Adjustment in accordance with Section 607 of this bylaw. The expansion shall be based upon the non-conforming structure's total square footage rather than the structure's footprint.

ARTICLE 8: AMENDMENTS, EFFECTIVE DATE

Section 801: Amendments

This bylaw may be amended according to the requirements and procedures established in 24 V.S.A. §§4441 and 4442.

Section 802: Effective Date

This bylaw shall take effect in accordance with the procedures contained in 24 V.S.A. §4442.

Section 803: Separability

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Section 804: Repeal

Upon the adoption of this bylaw, the former Town of Norton Zoning Bylaw is hereby declared repealed and shall have no further force or effect.

ARTICLE 9: DEFINITIONS AND WORD USAGE

Section 901: Word Usage

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word *shall* is mandatory, the word *may* is permissive.

Section 902: Definitions

Accessory Dwelling Unit: An 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; that does not exceed 30 percent of the total habitable floor area of the single-family dwelling; and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

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

Accessory Use: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Acre: 43,560 square feet.

Agricultural Use: Use of the land for cultivating the soil, producing crops and/or raising livestock, and all other practices associated with farming, according to Title 10 §6001(22):

- A. The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- B. the raising, feeding, or management of livestock, poultry, fish, or bees; or
- C. the operation of greenhouses; or
- D. the production of maple syrup; or
- E. the onsite 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 wastes produced on the farm; or
- G. the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing, instruction and lessons in riding, training, and the management of equines.

Alteration: Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building materials.

Area of Special Flood Hazard: synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

Assisted Living Facility: A State-licensed residence that combines housing, health and supportive services to support resident independence and aging in place. At a minimum, assisted living residences shall offer, within a homelike setting, a private bedroom, private bath, living space, kitchen capacity, and a lockable door.

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

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

Bed & Breakfast: (See Lodging)

BFE: see Base Flood Elevation

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

Building: Any structure having a roof supported by columns or walls and intended for the shelter, support, or enclosure of persons, animals, chattels or property of any kind.

Building Front Line: Line parallel to the front line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Bulk storage tank facility: Any facility

(1) that stores heating fuel, motor fuel, or used oil in an aboveground tank and the principle purpose of the storage is:

(A) in the case of heating fuel, for distribution to consumer homes, and

(B) in the case of motor fuel, for distribution to a person for sale to consumers;

(2) with a total storage capacity of greater than 1,320 gallons; and

(3) that is stationary and located at a fixed location.

Burned, abandoned or dilapidated structure: Any building or structure that is unstable, collapsing, dangerous, or, if residential in nature, uninhabitable, including the debris associated with such structures.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, educational, or vacation purposes.

Camping Trailer: (see Recreational Vehicle)

Campsite: Any plot of ground within a campground intended for exclusive occupancy by a camping unit or camper.

Cemetery: Property used for the interment of the dead.

“Channel” means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

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

Childcare Facility: a state-license or registered facility operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than a child’s own parent, guardian, or relative, but not including a kindergarten approved by the state board of education.(See Section 403 of this bylaw)

Church: A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

Class I groundwater: groundwater that has been classified by the Secretary of the Vermont Agency of Natural Resources that:

- (a) is suitable for public water supply use;
- (b) has uniformly excellent character;
- (c) has no exposure to activities which pose a risk to its current or potential use as a public water supply source; and
- (d) is in use as a public water supply source, or is determined by the Secretary to have a high probability for such use.

Class II groundwater: groundwater that has been classified by the Secretary of the Vermont Agency of Natural Resources and that:

- (a) is suitable for public water supply use;
- (b) has uniformly excellent character;
- (c) is exposed to activities which may pose a risk to its current or potential use as a public water supply source; and
- (d) is in use as a public water supply source, or is determined by the Secretary to have a high probability for such use.

Commercial or Professional Office: An establishment engaged in rendering administrative support; management or consultation; or service to other business establishments or individuals on a fee or contractual basis, such as advertising and mailing; building maintenance; employment services; and research, development, and testing.

Commercial Use: retail store, general store, snack bar, restaurant, beauty salon, barber shop, automobile service station or repair garage.

“Common plan of development” is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

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

“Development” means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dwelling, Single Family: Detached building that meets three out of the five following requirements and also used as living quarters by one family:

- (1) 1200 square feet of floor area
- (2) has finished siding such as shakes, clapboard, aluminum, vinyl, or T-111 plywood
- (3) has central heating or electric baseboard in every first floor room
- (4) has hot and cold running water, bath or shower and toilet; and
- (5) has a kitchen sink in separate area for cooking.

Dwelling, Two-family: A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

Dump: land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Emergency service: Police, firefighters, and emergency medical technicians, and other first responders to public safety crises.

Essential Service: facilities maintained by public utilities or municipal or other governmental agencies including underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories.

Extraction of earth resources: Excavation and removal activities of rock, stone, ore, sand, gravel, soil, minerals, and similar materials from the surface or subsurface which total more than 5,000 cubic yards per year from existing pit development or more than 1,000 cubic yards per year from new pit locations. Lesser levels of activity shall be considered as accessory use in all instances. Any required state permits or approvals must be obtained prior to commencement of activities.

Family: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than three non-related members and further provided that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as family members.

Farm Structure: 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.

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

FIRM: Flood Insurance Rate Map

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

abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

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

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

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

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

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

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

Frontage: (see Lot frontage)

Functionally dependent use: a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. (See section 402 of this bylaw)

Health Care Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers.

Historic structure: any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Height: The vertical distance of a structure measured from the average elevation of the proposed finished grade surrounding the structure to the highest point of the structure.

Home occupation: An occupation, carried on within a principal or accessory residential structure, which is customarily incidental and secondary to the use of the premises for dwelling purposes, and which does not substantially alter the character thereof.

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 a building or other structure, or land, or extension of use of land.

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

Lodging: A building in which rooms are rented, with or without meals, to three (3) or more persons.

Lot: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having 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 road, or other means of access as may be determined by the Planning Commission to be adequate as a condition of issuance of a zoning permit.

Lot area: Total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public road.

Lot depth: Distance of a straight line connecting the midpoints of the front and rear lot lines.

Lot frontage: The distance along the front lot line which abuts a public or private right-of-way.

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

Manufactured home (or Mobile home) a prefabricated dwelling unit structure, transportable in one or more sections, which is (a) designed for long-term and continuous residential occupancy; (b) is designed to be moved on wheels, as a whole or in sections and is built on a permanent chassis and (c) upon arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on support or permanent foundation, or installation as a unit in a previously prepared structure. The term "manufactured home" does not include a "recreational vehicle"

Manufacturing Facility: Any facility for the assembly, manufacture, compounding, processing, packing, treatment, or testing of materials, goods, or products.

Minimum lot width: The smallest dimension of the lot measured, running parallel to the back of the lot's required frontage.

Mobile home: (see "Manufactured home")

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. (See Section 406 of this bylaw).

New construction: structures for which the *start of construction* commenced on or after the effective date of this bylaw and includes any subsequent improvements to such structures.

Nonconforming lot or parcel: A lot or parcel that does not conform to the present bylaws covering dimensional requirements, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

Nonconforming structure: a structure or part of a structure not in conformance with the present bylaws covering building bulk, dimensions, height, area, and yards, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws; or a

structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming use: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws; or a use improperly authorized as a result of error by the Zoning Administrator.

Nonconformity: a nonconforming use, structure, lot, or parcel.

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

Planned unit development: An area of at least five contiguous acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters, which may include appropriate public or quasi-public uses primarily for the benefit of the residential development.

Plat: A sketch or map of a proposed subdivision which is of sufficient detail for discussion and review.

Primary Forestry Operations: Includes the erection of temporary structures, the construction of logging roads for the purpose of harvesting timber, the removal of fill, gravel, loam or stone for the construction of logging roads, and the erection of temporary processing facilities incidental to harvesting operations.

Public Road: Publicly owned and maintained right-of-way for vehicular traffic which affords the principle means of access to abutting properties.

Public Water Source: means any surface water or groundwater intake used, or permitted to be used, as a source of drinking water for a public water system.

Public Water System: any system that provides drinking water through pipes or other constructed conveyances to the public and that has at least fifteen (15) service connections or serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days out of the year. A public water system is either a public community water system or a public non-community water system. This definition includes all collection, treatment, storage, and distribution facilities under the control of the water supplier and used primarily in connection with such a system. This definition also includes a system which bottles drinking water for public distribution and sale or which delivers waters to consumers or water purveyors by means other than pipeline or bottled water.

Public Community Water System: a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least 25 year-round residents.

Public Non-Transient, Non-Community (NTNC) water system: a public water system that is not a public community water system and that regularly serves at least 25 of the same persons daily for more than six months per year, such as schools or office buildings.

Public Transient, Non-Community (TNC) water system: a public non-community water system that serves a transient population, such as restaurants, motels and campgrounds.

Recreation, Indoor: A facility that is used for sports, leisure time activities, and other customary and usual recreational activities that can be performed indoors by members of the general public.

Recreation, Outdoor: Any sports, leisure time activities, and other customary and usual recreational activities that can be performed outdoors by members of the general public. Includes parks, playgrounds, skating rinks, trails, and hunting or fishing preserves, but does not include buildings.

Recreational Facility: Indoor and outdoor facilities including tennis courts, skating rinks, swimming pools, campgrounds and associated accessory buildings, owned and operated by a private for-profit or non-profit entity. Does not include recreational amenities that are accessory to a single-family dwelling.

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

Restaurant: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.

Retail store: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

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

Seasonal Recreational Camp: A structure designed and used for seasonal or temporary living purposes.

School: Any building or part thereof that is designed, constructed, or used for any education or instruction in any branch of knowledge, that is certified by the State Department of Education.

Sign: 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.

Solid Waste Facility: A facility, certified by the Agency of Natural Resources, where solid waste materials are taken from collection vehicles to be stored, disposed, or transferred to another facility.

Source Protection Area: a surface and subsurface area from or through which contaminants are reasonably likely to reach a public water system source.

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

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

the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure: an assembly of materials for occupancy or use, including but not limited to, a building, mobile home or trailer, billboard, or sign. For the purposes of administering the Flood Hazard Overlay district regulations, **“Structure”** means a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

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

Substantial improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local health officer and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Subdivision: the division of a lot, parcel, or tract of land into more than two lots, parcels, or tracts for development, sale, or lease.

Subdivision, Minor: the division of a lot, parcel, or tract of land into two lots, parcels, or tracts for development, sale, or lease.

Top of Bank: that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

Violation: the failure of a structure or other development to be fully compliant with this bylaw. For the purposes of administering the Flood Hazard Overlay District regulations in this bylaw, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Yard: Space on a lot not occupied with 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 space between the front lot line and the front line of a building extending to the side lot lines of the lot. The depth of the front yard shall be measured from the street or front property line to the front line of the building.

Yard, Rear: The space between the rear lot line and the rear line of a building, extending to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

Yard, Side: The space between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.