

TOWN OF GUILDHALL, VERMONT  
ZONING BYLAW

Adopted March 5, 1985  
Amended March 23, 1987  
Amended November 4, 2004

**APPROVED 03/01/05**

North East 6 miles.

North West 6 miles.

South East 6 miles.

Plan of Guildhall

2 3 0 4 0 Acres.

B W

\* \* \* \* \* Connecticut \* River. \* \* \*

Line

—end of 30 miles from Ammonoosuck River.

TOWN OF GUILDHALL, VERMONT  
ZONING BYLAW

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**ARTICLE I: ENACTMENT & INTENT**

**Sec 101: Enactment**

In accordance with the Vermont Planning and Development Act hereinafter referred to as the "Act", 24 VSA, Section 4401, there is hereby established a zoning bylaw for the Town of Guildhall which is set forth in the text and map that constitute this bylaw. This bylaw shall be known and cited as the "Town of Guildhall Zoning Bylaw".

**Sec 102: Intent**

It is the intent of this zoning bylaw to provide for orderly community growth and to further the purposes established in Section 4302 of the Act. By the issuance of zoning permits, the provisions of this bylaw will be enforced.

**ARTICLE II: ESTABLISHMENT OF DISTRICTS & DISTRICT REGULATIONS**

**Sec 201: Zoning Map & Districts**

The zoning map officially entitled "Town of Guildhall Zoning Map" is hereby adopted as part of this bylaw. The Zoning Map shows a division of the town into the following districts:

"RL-1"	Rural Lands One	"VIL"	Village
"RL-2"	Rural Lands Two	"FC"	Forestry-Conservation
"RL-3"	Rural Lands Three	"AGR"	Agricultural
"IND"	Industrial	"AE & FC"	Alternative Energy and Forestry-Conservation

Sec 202: Copies of Zoning Maps

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, which shall be located in the office of the Town Clerk, shall be the final authority as to the current status of the land, and water areas, buildings, and other structures in the town.

Sec 203: District Boundaries

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The abandonment of roads shall not affect the location of the district boundaries.

When the Zoning Administrative Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he / she shall refuse action, and the Board of Adjustment 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 this law.

Sec 204: Lot Classification

Tables 205.01 and 205.02 set forth minimum area and dimensional requirements for two classes of lots. This classification is based upon the proposed supply of water and is hereby established as follows:

<u>Lot Classification</u>	<u>Provision For Water</u>
Class 1	Off-lot water
Class 2	On-lot water

Sec 205: District Objectives & Land Use Control

Tables 205.1 – 205.7 set forth the objectives and provisions that apply respectively in each district established in this bylaw. Any use designated as a “Permitted Use” may be commenced pursuant to Section 206 of this bylaw. Any use designated as a “Conditional Use” may be commenced pursuant to Section 207 of this bylaw. Any use not designated by this bylaw, as a “Permitted Use” or a “Conditional Use” shall be deemed to be prohibited. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per family and the minimum lot size of such lots are set forth in Section 204 of this bylaw.

Except as hereinafter provided, no division of a parcel into two or more parcels, nor any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, nor any change in the use of land shall commence unless in conformity with the regulations herein specified for the district in which such land or structure is located.

Table 205.01: "Vil" Village District

Purpose: To preserve the integrity of the village and maintain it as a center of activities. Provision is made for medium density residential development, public uses and limited sales and service facilities. The designated Historical District is incorporated within the Village District.

Permitted Uses

1. Dwelling, single family
2. Dwelling, two family
3. Home Occupation
4. Accessory use including Accessory Dwelling
5. Agricultural use
6. Forestry use
7. Residential Care Home or Group Home
8. Day Care Center

Conditional Uses

1. Business or professional office
2. Dwelling, multi family
3. Essential service
4. Lodging House
5. Neighborhood commercial facility
6. Health and Beauty services
7. Private club
8. Public Assembly Use
9. Public or non-profit recreational facility

Lot Area And Dimensions

<u>Lot Classifications</u>	<u>1</u>	<u>2</u>
Minimum lot area (sq. ft.):	40,000	50,000
Minimum area per family (sq. ft.):	12,000	15,000
Road frontage (ft.):	200	200
Front, side, and rear setbacks*:	25	25

\*Setback is the distance from the property line to the structure.

## Rural Lands Districts

Purpose: To provide for medium density development of various types while maintaining the natural qualities and rural character of the community. There are three Rural Lands Districts with different densities based upon road access and usage, availability of public services, soil conditions and physiographic characteristics.

### Table 205.02: "RL-1" Rural Lands One

#### Permitted Uses

1. Agricultural use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry use
5. Home Occupation
6. Accessory use including Accessory Dwelling
7. Residential Care Home or Group Home
8. Day Care Center

#### Conditional Uses

1. Auto Service station
2. Business or professional office
3. Commercial recreational facility
4. Contractor's yard
5. Dwelling, multi-family
6. Essential Service
7. Extraction of soil, sand, or gravel for private use
8. Industrial accessory use
9. Lodging House
10. Manufacturing use
11. Neighborhood commercial facility
12. Health and Beauty services
13. Private club
14. Public Assembly use
15. Public facility
16. Public or non-profit recreational facility
17. Retail sales and service

- 18. Travel trailer camp
- 19. Warehouse or trucking terminal
- 20. Wholesale business

Lot Area And Dimensions

<u>Lot classification:</u>	<u>1</u>	<u>2</u>
Minimum lot area (acres):	1	2
Minimum area per family (acres):	1	2
Road frontage (ft.):	200	200
Front, rear, and side setbacks ft.):*	25	25

\*Setback is the distance from the property line to the structure.

Table 205.03: "RL-2" Rural Lands TwoPermitted Uses

1. Agricultural use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry use
5. Home Occupation
6. Accessory use including Accessory Dwelling
7. Residential Care Home or Group Home
8. Day Care Center

Conditional Uses

1. Auto Service station
2. Business or professional office
3. Commercial recreational facility
4. Contractor's yard facility
5. Dwelling, multi-family
6. Essential Service
7. Extraction of soil, sand, or gravel for private use
8. Industrial accessory use
9. Lodging House
10. Manufacturing use
11. Neighborhood commercial facility
12. Personal service
13. Private club
14. Public Assembly use
15. Public facility
16. Public or non-profit recreational facility
17. Retail sales and service
18. Travel trailer campground
19. Warehouse or trucking terminal
20. Wholesale business

Lot Area And Dimensions

Minimum lot area (acres):	2
Minimum area per family (acres):	1
Road frontage (ft.):	300
Front, rear, and side setbacks (ft.):*	25

\*Setback is the distance from the property line to the structure.

Table 205.04: "RL-3" Rural Lands ThreePermitted Uses

1. Agricultural use
2. Dwelling, single family
3. Dwelling, two family
4. Forestry use
5. Home Occupation
6. Accessory use including Accessory Dwelling
7. Residential Care Home or Group Home
8. Day Care Center

Conditional Uses

1. Commercial recreational facility
2. Essential Service
3. Lodging house
4. Public Facility
5. Public or non-profit recreational facility
6. Travel trailer campground
7. Home Occupation

Lot Area And Dimensions

Minimum lot area (acres):	5
Minimum area per family (acres):	5
Road frontage (ft.):	300
Front, rear, and side setbacks (ft.):*	25

\*Setback is the distance from the property line to the structure.

Table 205.05: "FC" Forestry Conservation District

Purpose: To protect the natural resource value of lands which are now essentially undeveloped, lack direct access to public roads, are important for wildlife habitat, have one or more physical limitations to development, or include irreplaceable or significant natural, recreational or scenic values.

Permitted Uses

1. Forestry use
2. Dwelling, single family
3. Agricultural use
4. Accessory use including Accessory Dwelling
5. Residential Care Home or Group Home
6. Day Care Center
7. Home occupation

Conditional Uses

1. Private recreational club

Lot Area And Dimensions

Minimum lot area (acres):	10
Minimum area per family (acres):	10
Road frontage (ft.):	500
Front, side, and rear setbacks (ft.):*	50

\*Setback is the distance from the property line to the structure.

Table 205.06: "AGR" Agricultural District

Purpose: To protect the irreplaceable prime agricultural lands of Guildhall from development that would preclude their use for agricultural production.

Permitted Uses

1. Agricultural use
2. Forestry use
3. Dwelling, single family
4. Home occupation
5. Accessory use including Accessory Dwelling
6. Residential Care Home or Group Home
7. Day Care Center

Lot Area and Dimensions

Minimum lot area (acres):	25
Minimum area per family (acres):	25
Frontage (ft.):	500
Front, side, and rear setbacks (ft.):*	50

\*Setback is the distance from the property line to the structure.

All agricultural construction requires notification, by a permit form, submitted to the Zoning Administrative Officer. See Sect. 323 for requirements.

Table 205.07 "AE & FC" Alternative Energy and Forestry  
Conservation District

Purpose: To protect the natural resource value of land which is now essentially undeveloped, lacks direct access to public roads, lacks phone and electric services, is important for wildlife habitat, have one or more physical and/or economic limitations to development including irreplaceable or significant natural, rural, and scenic values. To promote and preserve the existing climate of self-sufficiency, and self-containment of alternative and renewable energy usage.

Permitted Uses

1. Forestry use
2. Dwelling, single family
3. Agricultural use
4. Accessory use including Accessory Dwelling
5. Residential Care Home or Group Home
6. Day Care Center
7. Home occupation

Conditional Uses

1. Private recreational facility

Lot Area and Dimensions

Minimum lot area (acres):	10
Minimum area per family (acres):	10
Road Frontage (ft.):	500
Front side and rear setbacks (ft.):*	50

\*Setback is the distance from the property line to the structure.

Table 205.08 "Ind" Industrial District

Purpose: This district provides a location for the establishment of a variety of types of manufacturing and commercial activities to provide employment opportunities and broaden the tax base of Guildhall without conflicting with other uses. The creation of employment opportunities and broadening of Guildhall's tax base are important considerations in the creation of this district.

Permitted Uses

- |                          |                       |
|--------------------------|-----------------------|
| 1. Manufacturing         | 6. Retail Sales       |
| 2. Light Industry        | 7. Home Occupation    |
| 3. Warehouse             | 8. Essential Services |
| 4. Office                | 9. Agricultural use   |
| 5. Recreational Facility | 10. Forestry use      |

Conditional Uses

- |                               |   |
|-------------------------------|---|
| 1. Earth Resources Extraction | 5. Day Care Center                        |
| 2. Recycling Center           | 6. Dwelling, single                       |
| 3. Transfer Station           | 7. Dwelling, two family                   |
| 4. Animal Shelter             | 8. Residential Care Home<br>or Group Home |

Lot Area and Dimensions

Minimum lot area (acres):	2
Minimum area per family (acres):	2
Road Frontage (ft.):	200
Front setback (ft.):*	50
Side and rear setbacks (ft.):*	35

\*Setback is the distance from the property line to the structure.

Sec 206: Permitted Uses

Permitted uses are uses that are allowed, provided the standards established by this bylaw are met. Unless a variance or other special action by the Board of Adjustment or Planning Commission is required, the necessary permit may be issued by the Zoning Administrative Officer.

Sec 207: Conditional Uses

- 207.01 Conditional uses are those uses that may be allowed by the Board of Adjustment as provided for in section 4407(2) of the Act after public notice and hearing. In order for the permit to be granted the proposed use shall not adversely affect:
- A. The capacity of existing or planned community facilities;
  - B. The character of the area affected;
  - C. Traffic on roads and highways in the vicinity;
  - D. Bylaws then in effect, and;
  - E. The utilization of renewable energy resources.
- 207.02 In addition, the proposed use must be found to be in conformance with the specific standards for the district in which it is located.
- 207.03 As a condition of approval, the Board of Adjustment may attach such additional reasonable conditions and safeguards, as it deems necessary to implement the purposes of the Act and these zoning regulations.
- 207.04 Submission of Conditional Use Permit Application. Along with a completed zoning permit application, the applicant shall submit one set of site plans, drawn to scale, along with supporting data to the Board of Adjustment. Such application shall include the following information presented in drawn form and accompanied by written text:

- A. Name and address of the owner of record of the land in question and of adjoining lands. Name and address of the person or firm preparing the map, scale of map, north point and date;
- B. Site plan showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks.

207.05 A conditional use permit only expires if the allowed use is not commenced within two years. Once approved that approval runs with the land and binds its owner by all permit conditions.

### ARTICLE III: GENERAL PROVISIONS

The following provisions shall apply to all districts except where listed.

#### Sec 301: Existing Small Lots

If two or more adjacent lots are in single or affiliated ownership on the effective date of this bylaw (adopted March 5, 1985), and if all or part of the lots do not meet the requirements for lot frontage and area as established by this bylaw, the lots involved shall be considered to be an individual lot for the purpose of this regulation and no portion of said lot shall be used or sold which does not meet lot frontage and area requirements established by this bylaw, nor shall any division of the lot be made which leaves remaining any lot which is not in conformity with the requirements stated in this bylaw.

- 301.1 No municipality may adopt zoning regulations which do not provide for the following:
- A. Existing small lots. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of any zoning regulation, including an interim zoning regulation, may be developed

for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

- B. If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this chapter. However, such lot shall not be deemed merged and may be separately conveyed, if:
- (i) the lots are conveyed in their preexisting, nonconforming configuration; and
  - (ii) on the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and
  - (iii) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
  - (iv) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, which means the system functions in a manner:
    - (I) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;
    - (II) so that a potable water supply is contaminated or rendered not potable;
    - (III) that presents a threat to human health; or
    - (IV) that presents a serious threat to the environment.
- C. If, subsequent to separate conveyance, as authorized under subdivision B of this section, a wastewater system fails, the owner shall be

required to obtain from the secretary of natural resources a wastewater permit as required under the subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

Sec 302: Frontage on, or Access to, Public Roads or Waters

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least twenty feet in width.

Sec 303: Protection of Home Occupation

No regulation herein is intended to 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. A home occupation shall conform to the following standards:

- 303.01 The home occupation shall be carried on by members of the family. Two employees who are not members of the family are permitted;
- 303.02 The home occupation shall be carried on within the principal or accessory structures;
- 303.03 Exterior storage of material shall be screened from view;
- 303.04 Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable shall be confined to the boundaries of the business property line;
- 303.05 Parking shall be provided off-street and shall not be located in front yards except for the first two cars;

303.06 Yard sales shall not be held for periods longer than three days at a time.

Sec 304: Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend no more than fifty feet into the more restricted part, provided the lot has frontage on, or approved access to, a public road in the less restricted district.

Sec 305: Reduction of Lot Area

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

Sec 306: Required Area or Setbacks

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

Sec 307: Projections Into 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 setback, setback being defined as the distance from the structure to the property line.

Sec 308: Lots Abutting More Than One Public Road

Lots that abut on more than one public road shall provide the required frontage along each public road and any setback from a public road shall be considered a front setback for the purposes of this bylaw.

Sec 309: Location of Driveways

Title 19 VSA§1111 states that permits must be obtained from the Selectboard for use of any curb cut along any Town highway and from the Agency of Transportation for State highways. The Selectboard has the only authority in the Town for road issues.

Sec 310: Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrative Officer for a period not exceeding one year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

Sec 311: Collapsed or Burned Buildings and Structures

No owner or occupant of land in any district shall permit a demolished, collapsed or burned building to remain as such, but within one year shall remove the building or structure and clear the site to ground level, or shall repair, rebuild or replace the building or structure. The Board of Adjustment may grant an extension of one year to meet this requirement.

Sec 312: Off Street Parking

Off street parking shall be provided as follows:

312.01 Two spaces per dwelling unit for residential uses.

- 312.02 One space per one hundred square feet of floor area for commercial/industrial uses open to the general public.
- 312.03 One and one-half spaces per employee for commercial and/or industrial uses not open to the general public.
- 312.04 No parking is allowed within the town right of way or on the traveled portion of the road or highway.

Sec 313: Signs

All signs will be non-offensive in nature. In any district the following signs shall be permitted when located on the immediate property:

- 313.01 A sign not exceeding twenty-four square feet which announces the name, address, profession or home occupation of the occupant of the premises on which said sign is located.
- 313.02 A bulletin board not exceeding twenty-four square feet, in connection with any church, school or similar public structure.
- 313.03 A temporary real estate or construction sign, not exceeding twenty-four square feet, on the property being sold, leased, or developed. Such sign shall be removed promptly when it has fulfilled its function.
- 313.04 A business sign in connection with any legal business or industry located on the same premises and meeting the following requirements:
- A. Two signs are permitted for any legally established business, one free standing, the other attached to the building. The height of a freestanding sign shall not exceed 20 feet.
  - B. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic.

Illumination shall be properly focused upon or from within the sign itself.

C. Maximum square footage of any sign shall be 100 square feet or a total of one hundred-fifty square feet for the two signs.

- 313.05 Additional temporary on-site signs may be permitted by the Board of Adjustment for a business, church, or service organization.
- 313.06 A portable temporary on-site display sign not exceeding a time period of 7 days will be permitted. (i.e.: flea market, non-profit event) No permit required.
- 313.07 Setbacks for signs: Signs shall not obstruct view and be set back out of right of way.

#### Sec 314: Auto Service Stations

In addition to the district regulations, all auto service stations and repair facilities shall comply with the following requirements:

- 314.01 Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and 35 feet from side and rear lot lines.
- 314.02 There shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet.
- 314.03 A suitably curbed and landscaped area shall be maintained at least 5 feet in depth along all road frontages not used as driveway.

#### Sec 315: Earth Resource Extraction

Earth resource extraction for sale, except when incidental to construction of a building or lot improvement on the same premises,

shall be considered a conditional use and permitted only upon approval by the Board of Adjustment after a public hearing. The following provisions shall apply:

- 315.01 Before approval of any earth resource extraction operation the applicant shall agree to leave the site in a safe, attractive and useful condition upon completion of the extraction operations. The Board of Adjustment may require a performance bond or other means of security to ensure rehabilitation of the site.
- 315.02 Cut slopes, soil banks, and deep pits created by extraction operations shall not be allowed to remain but shall be graded smooth and left in a neat condition.
- 315.03 No excavation, blasting, or stock piling of materials shall be located within two hundred (200) feet of any public road or neighboring property line.
- 315.04 No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any public road or neighboring property line.
- 315.05 Steep slopes created by excavating which constitutes a safety hazard shall be fenced and appropriately screened as determined by the Board of Adjustment.
- 315.06 The Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Sec 316: Setback from Streams

No zoning permit will be issued for any structure having a setback of less than seventy-five feet from any designated stream.

## Sec 317: Flood Hazard Area Requirements

These regulations shall apply for development in all areas in the Town of Guildhall identified as areas of special flood hazard on the (current National Flood Insurance Program maps) which are hereby adopted by reference and declared to be part of these regulations.

### 317.01 Conditional Use Permit Required

- A. All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Guildhall zoning bylaw are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Zoning Board of Adjustment.
- B. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Agency of Natural Resources in accordance with 24 V.S.A. 4409. 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.
- C. Adjacent communities and the Vermont Agency of Natural Resources shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.
- D. All necessary permits shall be received from those governmental agencies from which approval is required by Federal or State law.

### 317.02 Base Flood Elevations and Floodway Limits

- A. Where available, i.e.; Zones A1-A30, AE, and AH, the base flood elevations and floodway limits provided by

the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, i.e.; Zone A, base flood elevation and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer the provisions of these regulations.

### 317.03 Conditional Use Review Procedures

- A. Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to rendering a decision thereon:
1. Obtain from the applicant;
    - a. The elevation (in relation to mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;
    - b. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be flood-proofed;
    - c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
    - d. Base flood elevation data for subdivisions and other proposed development, which contain at least 50 lots or 5 acres (whichever is the smaller).
    - e. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.
    - f. Copies of all required permits.

2. Obtain from the Vermont Department of Water Resources or other state or federal agencies any available flood elevation data.
  3. Maps are available in the Town Office.
- B. In reviewing each application, the Board of Adjustment shall consider:
1. The evaluation of the Vermont Department of Water Resources.
  2. The availability of alternative locations not subject to flooding for the proposed use.
  3. The susceptibility of the proposed improvement to flood damages.
  4. The safety of access to the property in times of flood of ordinary and emergency vehicles.
  5. The potential for damage to the property caused by erosion.
  6. The danger that materials may be swept onto other lands and cause damage to others.
  7. Such other factors as are relevant to the purposes of this bylaw.
- C. The Board of Adjustment may grant a conditional use permit for development provided:
1. All necessary permits are obtained from the governmental agencies from which approval is required by Federal or State law.
  2. The development standards of 317.04 are met or exceeded.

317.04 Development Standards

- A. All development and structures shall be:
1. Designed to minimize flood damage to the proposed development and to public facilities and utilities, and;

2. Designed to provide adequate drainage to reduce exposure to flood hazards;
  3. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
  4. Constructed with materials resistant to flood damage;
  5. Constructed by methods and practices that minimize flood damage, and;
  6. 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.
- B. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- C. New and replacement water supply and 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.
- D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- F. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

- G. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
- H. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings 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.
- I. New and replacement manufactured homes shall be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation and shall be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood. In an existing mobile home park where elevating a replacement home to one foot above base flood elevation is impossible, the floor shall be four feet above grade.
- J. Any Self-contained Recreational Vehicles placed on sites shall either (i) be on the site from 5/31 to 10/31 only, (ii) be fully licensed and ready for highway use, or (iii) meet the requirement of subsection V.B.10.
- K. A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:
  - 1. Shall not be used for human habitation

2. Shall be designed to have low flood damage potential.

L. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided the area is filled to at least one foot above the base flood elevation.

317.05 Duties and Responsibilities of the Zoning Administrative Officer. The Administrative Officer shall maintain a record of:

- A. All permits issued for development in areas of special flood hazard.
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- C. The elevation, in relation to mean sea level, to which buildings have been flood-proofed.
- D. All flood-proofing certifications required under this regulation.
- E. All variance actions, including justification for their issuances.

317.06 Variances

- A. Variances shall be granted by the Zoning Board of Adjustment only:
  - 1. In accordance with the provisions of 24 VSA section 4468;
  - 2. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
  - 3. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- 317.06 Liability Disclaimer. These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Guildhall or any official or employee thereof for any flood damages that result from reliance on this bylaw or any administrative decision lawfully made thereunder.

Sec 318: Structures

- 318.01 Structure. Anything constructed or erected that requires location on the ground or attached to something having location on the ground.
- 318.02 Movable Structure. A structure designed to be moved. These structures must conform to applicable setbacks, permits, and other conditions.
- 318.03 Temporary Structure. A structure removed when the activity or use for which the temporary structure was erected has ceased.
- 318.04 Micro Structure. A freestanding structure of 24 square feet or less. A permit is not required. Ex.: Springhouse cover, tree house, doghouse.

Sec 319: Planned Unit Development

In accordance with the provisions set forth in Section 4417 of the Act, the modification of district regulations is permitted subject to the requirements of this section. No zoning permit shall be issued by the Zoning Administrative Officer for a planned unit development until the Planning Commission grants such approval in accordance with the following procedures:

- 319.01 The purpose of the planned unit development provision is to encourage compact, pedestrian oriented, affordable

housing, innovation in design and layout, and more efficient use of land.

- A. To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- B. To encourage and preserve opportunities for energy-efficient development and redevelopment.

319.02 Proposals for planned unit developments shall be submitted to the Planning Commission in duplicate and shall include a site plan map and supporting data as required by this section.

319.03 Supporting Data Required. The following data is required and must be submitted in a written text:

- A. Name and address of the owner of record of the land in question.
- B. Names and addresses of the owners of all abutting properties.
- C. Name and address of the person or firm preparing the site plan map.
- D. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
- E. Any land use and/or deed restrictions.

319.04 Site Plan Map Required. A site plan map is required and must show the following features:

- A. Existing features, including contours, structures, large trees, streets, utility easements, and rights-of-way.
- B. Proposed structure locations and land use areas,

streets, driveways, traffic circulation, parking and loading spaces, pedestrian walks, landscaping plans, including site grading, landscape design and screening.

- 319.05 Uses shall be limited to those permitted and conditional uses within the district in which the planned unit development is proposed.
- 319.06 Density may vary within the development but the total number of dwelling units shall not exceed 25% more than the number that would be permitted, in the Planning Commission's judgment, if the land were subdivided into lots in conformance with the zoning regulations for the district in which it is located.
- 319.07 Lot size, width, depth, and frontage requirements may be waived; however, these will be evaluated by the Planning Commission on their individual merit.
- 319.08 A planned unit development shall comply with the following standards:
- A. It shall be at least ten contiguous acres.
  - B. Off-lot water and sewer may be required if for over six residential units.
  - C. At least 25% of the development shall be open space for public and/or common usage. The regulations for control and maintenance of this open space shall be approved by the Planning Commission.
- 319.09 The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in these zoning regulations for planned unit development, provided the rules and regulations are consistent with the zoning regulations.

The Planning Commission shall hold a public hearing after public notice, as required by Section 4447 of the Act,

prior to the establishment of any supplementary rules and regulations for planned unit development.

Standards for the review of proposed planned unit developments, which may vary the density of intensity of land use otherwise applicable under the provisions of the bylaw in consideration of and with respect to any of the following:

- A. The location and physical characteristics of the proposed planned unit development.
- B. The location, design, type, and use of the lots and structures proposed.
- C. The amount, location and proposed use of open space.

#### Sec 320: Historical District

As provided for in Section 4407(6) of the Act, provision is hereby made for establishment of Historical Districts.

Within the Historical District, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without approval of plans by the Planning Commission.

The procedure for obtaining approval of plans shall be as follows:

- 320.01 Any application for a zoning permit for construction, reconstruction, or alteration of any structure shall be made to the Zoning Administrative Officer with two copies of proposed plans and elevations, and a description of materials to be used on the exterior of any structure, and any proposed landscaping.
- 320.02 The Zoning Administrative Officer shall, within 15 days of receiving such plans, submit them to the Planning Commission for review.

- 320.03 The Planning Commission shall, within 45 days of receiving such plans, render a decision as to the acceptability of the plans based on the following considerations:
- A. Harmony of exterior design with other properties.
  - B. Compatibility of exterior materials to be used with other properties.
  - C. Compatibility of the proposed landscaping.
  - D. Prevention of the use of incompatible designs of buildings, color schemes or exterior materials.
- 320.04 The Planning Commission shall review and either accept or reject the proposed plans. If the plans are rejected, the Planning Commission shall state in a report to the Zoning Administrative Officer reasons for such rejection.
- 320.05 No zoning permit shall be issued by the Zoning Administrative Officer for any structure in the Historical District unless the Planning Commission fails to render a written decision within 45 days.

Sec 321: Travel Trailers & Travel Trailer Camps

- 321.01 Travel Trailers. It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach and/or motor home on any public or private property, except in accordance with the regulations as follows:
- A. In an approved travel trailer camp.
  - B. In an approved travel trailer sales lot.
  - C. Any property owner may park his travel trailer, or that of a visitor, on his own property, provided the trailer is parked no closer than six feet to any lot line.
  - D. A parked travel trailer shall not be used as living quarters for more than six months in any calendar year.

321.02 Travel Trailer Camps. It shall be unlawful for any person to construct, maintain or operate any trailer camp unless he or she or any firm holds a valid permit issued by the Zoning Administrative Officer. The issuance of a permit shall require conditional use approval by the Zoning Board of Adjustment where applicable, and proof of compliance or intent to comply with applicable state regulations. In addition to any applicable state regulations the following standards shall apply in respect to all travel trailer camps:

- A. All access driveways within a trailer camp must be at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.
- B. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines except when the camp boundary is adjacent to residential uses when the landscaped area shall be at least fifty feet in width.
- C. All trailer camps must comply with the sanitation and health laws of the State of Vermont and Town of Guildhall.

321.03 Other Provisions. Mobile homes and trailers that are a part of traveling circuses, fairs, carnivals, etc., may secure a temporary permit not to exceed 21 days, provided that all health and sanitary laws and regulations of the State of Vermont and Town of Guildhall are met.

#### Sec 322: Telecommunications

322.01 Wires, cables, equipment, and accessory structures shall be installed so as to minimize aesthetic and ecological impacts. For example: clear-cut swaths, created for power lines or access roads which go straight up the mountainside, often create far more adverse impacts than the towers they serve, and are not acceptable.

322.02 The Town reserves the right to hire independent consultants to evaluate the application and facility as well

as to monitor the facility over time. The applicant shall pay for the reasonable costs of these services.

322.03 All equipment shall be downsized as technology advances and removed when no longer used or needed. These requirements can minimize aesthetic intrusion, while maximizing the potential to serve a greater number of users in the same physical area. A bond may be required to ensure that funds are available to accomplish these purposes.

### Sec 323: Agricultural and Forestry Uses

Nothing contained herein shall restrict accepted agricultural farming practices, or accepted silvicultural practices, including the construction or farm structures, as such practices are defined by the Commissioner of agriculture, food and markets or the Commissioner of forests, parks and recreation, respectively, under 10 VSA, §§1021(f) and 1259(f) and 6 VSA, §4810. Also see §323.

- A Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrative Officer of such intent prior to the erection of such structure. No permit is required.
- B Farm structures shall comply with setbacks approved by the Commissioner of agriculture, food, and markets. The approved setbacks are those setbacks contained in §204 of this bylaw.
- C A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Commissioner of agriculture, food, and markets. Such request must include the following information:
  - 1 A statement of the reason or reasons less restrictive setbacks are necessary;
  - 2 A copy of this zoning bylaw;

- 3 A sketch plan of the proposed structure(s) showing the distance from all property lines, and;
  - 4 A description of the adjoining land uses.
- D A person may notify the Zoning Administrator regarding forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. Chapter 124 only to the extent that those changes are silviculturally sound, as determined by the commissioner of forests, parks and recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. Section 3755.

#### Sec 324: Accessory Dwelling Unit

In any district, one accessory dwelling may be created within or appurtenant to any owner-occupied, single-family dwelling, provided there is compliance with 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.

#### Sec 325: Residential Care Home or Group Home

A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. Section 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so

considered if it is located within 1,000 feet of another existing or permitted such home.

Sec 326: Child Care

A "family child care home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the state for childcare. A family childcare home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. Section 4902(3)(A), shall be considered to constitute a permitted use of property but may require site plan approval. A family childcare facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

**ARTICLE IV: NON-CONFORMING USES & NON-COMPLYING STRUCTURES**

Sec 401: Construction Approved Prior to Amendment of Bylaw

Nothing contained in this bylaw shall require any change in plans for the construction of a non-complying structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of this bylaw or which is completed, or suitable for occupancy or use within two (2) years from the effective date of this bylaw.

Sec 402: Non-Conforming Uses

In accordance with Title 24 VSA 4408, the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw:

- 402.01 Shall not be expanded, enlarged, or extended (except as specifically provided), nor shall any external evidence of such use be increased by any means whatsoever.
- 402.02 Shall not be changed to another non-conforming use.
- 402.03 Shall not be re-established if such use has been discontinued for a period of six 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.
- 402.04 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

#### Sec 403: Expansion of a Non-Conforming Use

The Zoning Board of Adjustment may, after public notice and hearing, allow expansion of any non-conforming use up to 20 percent greater than its existing size at the time of adoption of these regulations provided it conforms to any other applicable requirements of this bylaw.

#### Sec 404: Non-Complying Structures

In accordance with Title 24 VSA 4408, the following provisions shall apply to all non-complying structures:

- 404.01 A non-complying structure may be continued indefinitely and may be expanded, subject to approval by the Zoning Board of Adjustment, provided the expansion is in accordance with any applicable requirements of this bylaw, does not increase the degree of non-compliance

and meets the requirements of Section 403 regarding expansion of a non-conforming use.

404.02 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

## ARTICLE V: DEFINITIONS

For the purpose of this bylaw, certain terms or words used herein shall be interpreted as follows:

### Sec 501 Word Definitions

The word PERSON means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

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. The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED or OCCUPIED. The word LOT includes the words PLOT or PARCEL.

### Sec 502: Term Definitions

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

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, any principal use or structure. I.E. sheds, storage tanks, fences

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

ALTERNATIVE ENERGY: Individual on-site produced sources of electric energy including but not limited to solar, wind, hydro, wood, and a small fuel generator.

ANIMAL SHELTER: A structure used for the keeping of stray animals. Such a structure may also include the facilities necessary for the destruction of animals that are sick, considered to be dangerous, or for which homes could not be found.

APPLICATION: The application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.

AUTO SERVICE STATION: Any area of land, including structures thereon, that may be used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of any motorized vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning, or servicing such motor vehicles. A service station may include sales, or major repair agency for autos, trucks, or trailers.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Means any area of the building having its floor subgrade (below ground level on all sides).

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any

individual, animal, process, equipment, goods; or materials of any kind or nature.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face that is closest to the front lot line. This face includes porches, whether enclosed or unenclosed, but does not include steps or landings 25 square feet and less.

BUSINESS OFFICE / PROFESSIONAL SERVICE: Place where the business of a commercial, industrial, service provider, or professional is conducted.

CONSTRUCTION: Refers to all new construction, addition, alteration, and major repairs of residential and non-residential buildings, roads and bridges, ports and harbors, water and sewerage systems, irrigation systems, power and telecommunications systems and all construction work including land development but excluding acquisition of machinery, are also included.

CONTRACTOR'S YARD: Any parcel of land or portion thereof that is used by a contractor for the parking and storage of such contractor's construction vehicles, equipment, and materials when it is not being used.

CONVERSION: The act of changing from one use or function or purpose to another.

DAY CARE: Any use or structure registered or licensed by the State of Vermont in which are cared for 7 or more children but under no circumstances more than 12. Any state registered or licensed day care serving no more than 6 children shall be considered by right to be a single-family dwelling.

DEVELOPMENT: Means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

DISTRICT: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit, including a mobile home or a modular home, designed for and occupied by only one family.

DWELLING, TWO FAMILY: A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three or more families living independently of each other in individual dwelling units with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing independent cooking and sleeping facilities. It shall include prefabricated, modular units and mobile homes, but shall not include motels, hotels, or similar structures.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

EARTH RESOURCE EXTRACTION: Extraction or mining of sand, gravel, and stone on an open land area for sale or off-tract use.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

ENLARGEMENT: Expanding or increasing a building in size or volume or quantity of scope.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of 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 in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare.

EXCAVATION: The act of digging.

FAMILY: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

FARM STRUCTURE: A building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo but excluding a dwelling for human habitation.

FEE: A fixed charge as determined by the Town's legislative body for the purpose of covering the cost of the administration of this bylaw.

FLOOD HAZARD BOUNDARY MAP (FHBM): Means an official map of a community, issued by FEMA, where the boundaries of the flood, mudslide, (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): Means an official map of a community, on which FEMA has delineated both the special hazard areas and the risk premium applicable to the community.

FLOOD INSURANCE STUDY: Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROOFING: Means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that substantially reduce or eliminate flood damage to any combination of real estate, improved real property, water or sanitary facilities, structures, and the contents of structures.

FLOODWAY (FLOODPLAIN): Means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one foot.

FLOOR AREA: Sum of the gross horizontal area of the floors of a building, excluding unfinished basement floor areas. All dimensions shall be measured between interior faces of walls.

FORESTRY USE: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FRONTAGE: The distance along which a lot line abuts a street/road line.

HOME OCCUPATION: Accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

INDUSTRIAL ACCESSORY USE: An industrial use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal industrial use or structure.

LAND: A singular piece of real estate deeded to a specific owner.

LAND DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

LANDFILL: The occurrence of the following: 1) The depositing of fill on a surface area greater than 900 square feet in size or involving a volume of fill in excess of 300 cubic yards; and 2) which results in a substantial change in the topography, grade, or elevation of the lot.

LANDSCAPING: The treatment of the ground surface with live planting materials, including but not limited to; trees, shrubs, grass, ground cover or other growing horticultural material. Other materials such as wood chips, stone, or decorative rock may also be utilized.

LIGHT INDUSTRY: Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood-disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat, or vibration.

LODGING HOUSE: A building in which the rooms are rented with or without meals to three (3) or more persons. A bed and breakfast, boarding house, rooming house, or a furnished room shall be deemed a lodging house.

LOT:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, or of portions of lots of record.
- D. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any lot or parcel be created which does not meet the minimum requirements of this bylaw.

LOT, BUILDING: Means a lot occupied, to be occupied, or having the potential to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements.

LOT OF RECORD: A lot that is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: Shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the front lot line.

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

MANUFACTURED HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

- A. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- B. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURING USE: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including, but not limited to, the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MEAN SEA LEVEL: Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MINING: The extraction of minerals including: solids, such as coal and ores; liquids, such as crude petroleum; and gases such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NEIGHBORHOOD COMMERCIAL FACILITY: Any commercial facility such as a grocery, general, newspaper or drug store or retail service establishment intended principally to serve the area in which it is located.

NEW CONSTRUCTION: The construction of structures or filling commenced on or after the effective date of the adoption of a community's flood hazard bylaws.

NONCOMPLYING STRUCTURE (grandfathered): A structure or part thereof not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, density, or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of this bylaw.

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

NONCONFORMING USE (grandfathered): Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

OFF-LOT WATER & SEWER: The providing of water from a source and the disposal of sewage not located on the lot on which is located the building for which these utilities are provided. Further provided that each of these systems shall be designed so as to provide service to multiple users.

ON-LOT WATER & SEWER: The providing of water from a source such as but not limited to a drilled well and the disposal of the sewage by such means as a septic and drainage field located on the same lot as the building for which these utilities are located.

PARKING SPACE, OFF-STREET: Off-street space used for the temporary location of one licensed motor vehicle, which is at least

nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street or alley.

PERSONAL SERVICE: Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, laundry, Laundromat, dry cleaner, photographic studio, animal grooming, and businesses providing similar services of a personal nature.

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

PLAT: A map representing a tract of land, showing the boundaries and location of individual properties and streets.

PLOT: A parcel of land that can be identified and referenced to a recorded plat or map.

PRINCIPAL USE: The primary or predominant use of any lot.

PRIVATE CLUB: An association of persons for a common purpose that has restricted membership.

PUBLIC ASSEMBLY USE: Usage by agencies and departments of local, county, state and federal government. Includes auditorium, theater, public hall, school hall, meeting hall, church, temple, or library.

PUBLIC FACILITY: Any structure or land use necessary for either the conduct of municipal business or the or the maintenance of municipally owned structures, land, service, and/or vehicles.

RECONSTRUCTION: The activity of constructing something again.

RECREATIONAL FACILITY: Includes any indoor or outdoor recreational facility of a public or non-profit nature.

RECYLING CENTER: A building/site used to separate and process material that has been extracted from the waste stream. This is the least objectionable solid waste technology.

RELOCATE: To move an individual, household, use, or building from its original location to another location.

RENEWABLE ENERGY RESOURCES: Energy available for collection or conversion from direct sunlight, wind, running water,

organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

RESIDENTIAL CARE HOME or GROUP HOME: A home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. Section 4501.

RETAIL SALES & SERVICE: Establishments dedicated primarily to the sale and servicing of retail goods and products, including restaurants.

RIGHT-OF-WAY: The strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses. Unless indicated otherwise by Town records, all public street right-of-ways should be deemed to be fifty (50) feet in width.

SELF-CONTAINED ENERGY: Energy produced on-site for the sole consumption and use of the individual landowner.

SETBACK: The distance from the property line to the structure.

SIGN: Any material or object (including three-dimensional objects) used as a display for the advertising of a property, establishment, enterprise, profession, product, service, or other matter visible from the public way.

The following shall not be included in the application of the regulations herein:

- flags and insignia of any government except when displayed in connection with commercial promotion
- legal notices, identification, informational, or directional signs erected as required by governmental bodies
- integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights
- signs directing and guiding traffic and parking of private property, but bearing no advertising matter.

STREET / ROAD: Public way for vehicular traffic that affords the principal means of access to adjacent properties.

STREET / ROAD LINE: Right-of-way line of a street / road as dedicated by a deed of record. Where the width of the street / road right-of-way has not been established, the street / road line shall be considered to be twenty-five feet from the center of the traveled

portion of the right-of-way. For more information refer to town highway plan.

STRUCTURE: An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall or fence.

STRUCTURAL ALTERATION: Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment or fixtures.

SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged, and is being restored, before the damage occurred. However, the term does not, however, include either:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
- any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

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

TRANSFER STATION: Land, and or a building used as a Temporary collection site for solid waste.

TRAVEL TRAILER CAMP: A plot of ground on which two or more trailers are located and occupied for sleeping purposes for a fee.

TRAVEL TRAILER OR TRAILER: Travel trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways, whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons. A trailer under this bylaw shall also mean tent trailers, truck campers, vehicles converted to sleeping facilities, other than a mobile home and/or what normally constitutes a permanent dwelling unit.

USE, CONDITIONAL: Any use permitted in a district upon issuance of a conditional use permit under Sec 207: Conditional Uses, of this bylaw.

**USE, PERMITTED:** Use specifically allowed in the district; upon issuance of a zoning permit, excluding illegal uses and non-conforming uses.

**WAREHOUSE:** Includes warehouse, wholesale establishment, discount house, bulk storage, and bulk sales outlet.

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

**WHOLESALE BUSINESS:** Establishments or places or business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**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 or setback.

## **ARTICLE VI: ADMINISTRATION & ENFORCEMENT**

### **Sec 600: Zoning Administrative Officer**

Sec 600.01 For a detailed description of specific responsibilities of the Zoning Administrator, refer to the Job Description that is located at the Town Office.

Sec 600.02 The Zoning Administrative Officer or an acting Zoning Administrative Officer shall be appointed for a three year term by the Planning Commission with approval of the Selectboard. Said officer shall literally enforce this bylaw.

Sec 601: Zoning Permits

- 601.01 No land development may be commenced without a permit therefore issued by the Administrative Officer. No zoning permit may be issued by the Zoning Administrative Officer except in conformance with this bylaw.
- 601.02 Applications for zoning permits shall be made to the Zoning Administrative Officer on forms provided by him/her for that purpose.
- 601.03 Prior to the issuance of any zoning permit the Zoning Administrative Officer shall first satisfy himself/herself that the subject of the application is in conformance with this bylaw. He/she may request from an applicant any information he/she deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan, state approved septic plan/permit, and any other approvals of the Planning Commission or the Board of Adjustment required by this regulation have been properly obtained and are submitted in connection with the application. The Zoning Administrative Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit. If denied, the Zoning Administrative Officer shall so notify the applicant in writing, stating his reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall not commence before 15 days from the date of approval, and actions authorized by its issuance shall commence within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required.
- 601.04 No zoning permit issued pursuant to Section 4443 of the Act shall take effect until the time for Appeal is Section 4464(a) of the Act has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
- 601.05 In the issuance of zoning permits, the Zoning Administrative Officer shall comply with all of the provisions of Section 4443 of the Act.

- 601.06 The fee for a zoning permit shall be established by the Board of Selectmen. Said fee shall accompany each application for a permit.
- 601.07 The zoning bylaw fee schedule shall be posted in the Guildhall Town Office.
- 601.08 Appeals of the actions of the Zoning Administrative Officer must be submitted to the Board of Adjustment within 15 days of the Zoning Administrative Officer's action.

Sec 602: Enforcement

- 602.01 Penalties.
- A. Any person who violates any bylaw after it has been adopted under chapter 24 V.S.A. Chapter 117 or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than \$100.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violations within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid to the Town of Guildhall.
- B. Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary

sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with 24 V.S.A. chapter 117 and has been recorded as provided in 24 V.S.A. chapter 117, shall be fined not more than \$100.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid to the Town of Guildhall. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in 24 V.S.A. chapter 117.

602.02 Remedies.

If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any bylaw adopted under this chapter, the administrative officer shall institute in the name of the Town of Guildhall any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. A court action under 24 V.S.A. chapter 117 Section 4452 may be initiated in environmental court, or as appropriate, before the judicial bureau, as provided under 24 V.S.A. chapter 117 Section 1974a.

602.03 Limitations.

A. An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under 24 V.S.A. chapter 117 Sections 1974a, 4451, or 4452 against the

- alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.
- B. No action, injunction, or other enforcement proceeding may be instituted to enforce an alleged violation of a Town of Guildhall land use permit that received final approval from the applicable board, commissioner, or officer of the Town of Guildhall after July 1, 1998, unless the municipal land use permit or a notice of the permit generally in the form provided for in 24 V.S.A. chapter 117 subsection 1154(c) was recorded in the land records of the Town of Guildhall as required by 24 V.S.A. chapter 117 subsection 4449(c).
- C. Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by a municipality under any other authority it may have, including a municipality's authority under Title 18, relating to the authority to abate or remove public health risks or hazards.

Sec 603: Zoning Board of Adjustment

- 603.01 There is hereby established a Zoning Board of Adjustment, whose seven members are appointed by the Board of Selectmen.
- 603.02 Rules of procedure applicable to the Board of Adjustment, the nature of appeals to the Board from actions of the Administrative Officer, notice requirements, public notice, conditions for variance relief, and all other matters governing the action of said Board shall be as provided in Subchapter 8 of the Act.
- 603.03 For Variance Decision format see flow chart available at the town office.
- 603.04 All decisions shall be in compliance with 24 V.S.A. Sec. 4468 and the Town of Guildhall zoning bylaws. Decisions

shall be based on objective analysis of the facts and evidence to assure an impartial process.

603.05 The Zoning Administrator issues the zoning permit once the conditional use application is approved. The Zoning Administrator is under no statutory directive to certify the Zoning Board of Adjustment's decision.

Sec 604: Referral to State Agency

In accordance with Section 4409(c) of the Act, no zoning permit for the development of land in certain locations specified in said section shall be issued by the Zoning Administrative Officer without first submitting a report to the appropriate state agency, and compliance with the terms of Section 4409(c).

Sec 605: Public Notice

Any requirements of public notice required by this bylaw, whether or not required by any provisions of the Act, and whether applicable to the Board of Adjustment or the Planning Commission, shall be given by the publication of the date, place and purpose of such hearing in The Coos County Democrat, Herald, or Caledonia Record all of general circulation in Guildhall. The posting of such notice in one or more public places within the municipality not less than fifteen days prior to the date of the public hearing. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

**ARTICLE VII: AMENDMENTS, INTERPRETATION,  
EFFECTIVE DATE**

Sec 701: Amendments

This bylaw may be amended according to the requirements and procedures established in Sec's. 4403 and 4404 of the Act.

Sec 702: Interpretation

In their interpretation and application, the provisions of this bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except for Section 4409(b) of the Act and where, in this bylaw, specifically provided to the contrary, it is not intended by this bylaw to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where this bylaw imposes a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this bylaw shall control.

Sec 703: Effective Date

This regulation shall take effect in accordance with the voting and other procedures contained in Section 4404 of the Act.

Sec 704: Separability

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

Sec 705: Repeal

The existing ordinance relating to zoning regulations together with all changes and amendments thereto is repealed as of the effective date of this bylaw.