

**TOWN OF RYEGATE**

**ZONING BY-LAW**

Adopted March 5, 1996

TOWN OF RYEGATE  
ZONING BY-LAW

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TOWN OF RYEGATE  
ZONING BY-LAW

**ARTICLE 1: ENACTMENT, PURPOSE**

**Section 101: Enactment**

This by-law shall be known as the "Town of Ryegate Zoning By-Law." It is in accordance with the Vermont Planning and Development Act, Title 24 VSA, Section 4401(c).

**Section 102: Purpose**

This by-law is designed to promote the health, safety and general welfare of the inhabitants of the Town of Ryegate, and to protect and conserve the value of property, to preserve and protect historic sites, to prevent the overcrowding of land, to facilitate an adequate provision for safety from fire and for transportation, water, sewage disposal, schools and other public requirements, and to encourage such present and future development as is to the residential, agricultural, commercial, cultural and recreational advantage of the Town.

**Section 103: Application of Regulations**

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

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

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

**Section 201: Establishment of Zoning Districts**

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

- Medium Density Residential (MDR)
- Low Density (LD)
- Rural Land (RL)
- Commercial One (C1)
- Commercial Two (C2)
- Industrial (I)
- Shoreland (S)
- Resource Overlay (RO)

**Section 202: Zoning Map**

The location and boundaries of Zoning Districts are established as described below and shown on the Official Zoning Map. The Official Zoning Map are hereby made a part of this by-law, together with all future amendments. No changes of any nature shall be made in the Official Zoning Map except in conformity with Title 24 VSA, Sections 4403 and 4404.

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the clerk of the municipality, shall be the final

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

authority as to the current zoning status of land and water areas.

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

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

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

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

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

203.04 Boundaries indicated as parallel to or extensions of features in 203.01 through 203.03 above shall be so construed;

203.05 Where circumstances are not covered by 203.01 through 203.04 above, the Board of Adjustment shall interpret the district boundaries;

**ARTICLE 3: ZONING DISTRICTS**

**Section 301: Medium Density Residential (MDR)**

This district contains Ryegate's residential areas in small villages and along the main travel corridors. The recommended uses of this district are for residential, small commercial and recreation. Public water and/or sewer utilities are or can be reasonably expected in the future to service this area.

**Allowed Uses**

Home Occupation

**Permitted Uses**

- Accessory uses
- Agriculture
- Boarding House
- Dwelling, one family
- Dwelling, two family
- Essential services
- Forestry
- Hotel
- Motel
- Municipal use
- School, public

**Conditional Use**

- Animal Hospital
- Auto Service Station
- Campgrounds, commercial
- Cemetery
- Club, private
- Community Center
- Dam and water impoundments
- Dwelling, multi-family
- Funeral Home
- Hospital
- Industrial
- Kennel
- Light Industry
- Neighborhood Commercial Facilities
- Outdoor Recreation
- Recreation, public and private
- Religious Facility
- Sawmill
- School, private

**Minimum Lot Area and Dimensional Requirements**

| Minimum Lot/Family                         | Minimum Lot Width in feet | Minimum Yard in feet |      |      |
|--|---------------------------|----------------------|------|------|
|  |                           | Front                | Side | Rear |
| 1. 20,000 (off lot water <u>and</u> sewer) | 100                       | 25                   | 15   | 35   |
| 2. 40,000 (off lot water <u>or</u> sewer)  | 100                       | 25                   | 25   | 50   |
| 3. 60,000 (on lot water <u>and</u> sewer)  | 150                       | 75                   | 25   | 50   |
| 4. 80,000 (neighborhood commercial)        | 200                       | 75                   | 50   | 50   |
| 5. 200,000 (industrial)                    | 400                       | 75                   | 100  | 100  |

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

**Section 302: Low Density (LD)**

The low density district is designed to permit one-family dwellings at a lower density while encouraging agriculture, non-intensive uses, and maintenance of the open character of the area.

**Allowed Uses**

Home Occupation

**Permitted Uses**

Accessory uses

Agriculture

Boarding House

Dwelling, one family

Forestry

Municipal use

**Conditional Use**

Animal Hospital

Campgrounds, commercial

Cemetery

Club, private

Community Center

Contractor's Yard

Dam and water impoundments

Dwelling, two family

Earth Resource Removal

Essential Services

Funeral Home

Industrial

Kennel

Light Industry

Neighborhood Commercial Facilities

Nursing Home

Recreation, public and private

Religious Facility

Sawmill

School, private

School, public

**Minimum Lot Area and Dimensional Requirements**

| Minimum Lot/Family | Minimum Lot size in Sq. Feet | Minimum Lot Width in feet | Minimum Yard in feet |      |      |
|--------------------|------------------------------|---------------------------|----------------------|------|------|
|                    |                              |                           | Front                | Side | Rear |
| 5 ac               | 217,800                      | 400                       | 50                   | 50   | 75   |
| Commercial         | 80,000                       | 400                       | 50                   | 50   | 50   |
| Industrial         | 200,000                      | 400                       | 50                   | 100  | 100  |

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

**Section 303: Rural Land (RL)**

The land in the Rural Land district is characterized by poor soil, poor access, steep topography and general remoteness from existing settlements which make public utilities unduly expensive. The primary uses should be forestry, agriculture, and other non-intensive uses.

**Allowed Uses**

Home Occupation

**Permitted Uses**

Accessory uses

Agriculture

Dwelling, one family

Forestry

Municipal use

Quarrying

**Conditional Use**

Animal Hospital

Boarding House

Campgrounds

Cemetery

Community Center

Contractor's Yard

Dam and water impoundments

Dwelling, two family

Earth Resource Removal

Essential Services

Funeral Home

Kennel

Light Industry

Recreation, public and private

Religious Facility

Sawmill

School, private

School, public

| <b>Minimum Lot</b> | <b>Minimum area per dwelling unit</b> | <b>Minimum width on frontage</b> | <b>Minimum Yard</b> |             |             |
|--------------------|---------------------------------------|----------------------------------|---------------------|-------------|-------------|
|                    |                                       |                                  | <b>Front</b>        | <b>Side</b> | <b>Back</b> |
| 10 ac              | 10ac                                  | 400 ft                           | 50ft                | 50ft        | 100ft       |

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

**Section 304: Industrial (I)**

The industrial district provides for the continuation and expansion of industrial development.

**Allowed Uses**

Home Occupation

**Permitted Uses**

Accessory uses

Agriculture

Animal Hospital

Dwellings, one family

Essential services

Forestry

Industrial

Light Industry

Municipal use

Public facility

Sawmill

Recreation, public and private

**Conditional Use**

Commercial

Contractor's yard

Dams and Water Impoundments

**Minimum Lot Area and Dimensional Requirements**

| Minimum<br>Lot Size<br>in sq. feet         | Minimum<br>Lot Width<br>in feet | Minimum Yard<br>in feet |      |      |
|--|---------------------------------|-------------------------|------|------|
|  |                                 | Front                   | Side | Rear |
| 1. 20,000 (off lot water <u>and</u> sewer) | 100                             | 25                      | 10   | 20   |
| 2. 60,000 (off lot water <u>or</u> sewer)  | 100                             | 75                      | 20   | 20   |
| 3. 120,000 (on lot water <u>and</u> sewer) | 200                             | 75                      | 20   | 20   |

**Section 305: Commercial One (C1)**

The Commercial One district provides areas to concentrate commercial activity within existing developed areas.

**Allowed Uses**

Home occupation.

**Permitted Uses**

- Accessory uses
- Agriculture.
- Animal Hospital
- Club, private
- Commercial
- Community Center
- Essential services
- Forestry
- Funeral home
- Hotel
- Indoor Recreation Facility
- Light Industry
- Membership Clubhouse
- Motel
- Municipal use
- Neighborhood Commercial
- Outdoor Recreation
- Sawmill

**Conditional Use**

- Auto service station
- Car wash
- Contractor's Yard
- Dams and Water Impoundments
- Drive-In Restaurant
- Dwelling, one family
- Dwelling, two family
- Industry

**Minimum Lot Area and Dimensional Requirements**

| Minimum Lot/Family                         | Minimum Lot Width in feet | Minimum Yard in feet |      |      |
|--|---------------------------|----------------------|------|------|
|  |                           | Front                | Side | Rear |
| 1. 20,000 (off lot water <u>and</u> sewer) | 100                       | 25                   | 10   | 20   |
| 2. 40,000 (off lot water <u>or</u> sewer)  | 100                       | 75                   | 10   | 50   |
| 3. 60,000 (on lot water <u>and</u> sewer)  | 150                       | 75                   | 10   | 50   |

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

**Section 306: Commercial Two (C2)**

This district contains Ryegate's area suited for low density commercial development along Route 5 south of East Ryegate.

**Allowed Uses**

Home Occupation

**Permitted Uses**

- Accessory uses
- Agriculture
- Animal Hospital
- Boarding House
- Dwelling, one family
- Dwelling, two family
- Essential services
- Forestry
- Hotel
- Motel
- Municipal use
- School, public

**Conditional Use**

- Auto Service Station
- Campgrounds, commercial
- Cemetery
- Club, private
- Commercial
- Community Center
- Dam and water impoundments
- Drive-in Restaurant or refreshment stand
- Dwelling, multi-family
- Funeral Home
- Hospital
- Industrial
- Kennel
- Light Industry
- Neighborhood Commercial Facilities
- Outdoor Recreation
- Religious Facility
- Sawmill
- School, private

**Minimum Lot Area and Dimensional Requirements**

|    | Minimum Lot/Family                      | Minimum Lot Width in feet | Minimum Yard in feet |      |      |
|----|---|---------------------------|----------------------|------|------|
|    |   |                           | Front                | Side | Rear |
| 1. | 20,000 (off lot water <u>and</u> sewer) | 100                       | 25                   | 15   | 35   |
| 2. | 40,000 (off lot water <u>or</u> sewer)  | 100                       | 25                   | 25   | 50   |
| 3. | 60,000 (on lot water <u>and</u> sewer)  | 150                       | 75                   | 25   | 50   |
| 4. | 80,000 (neighborhood commercial)        | 200                       | 75                   | 50   | 50   |
| 5. | 200,000 (industrial)                    | 400                       | 75                   | 100  | 100  |

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**Section 307: Shoreland (S)**

The shoreland district maintains the less developed character of the shoreline while allowing limited residential development.

Shoreland includes the land within 100 feet of the mean water level of all bodies of water and streams.

**Allowed Uses**

Home occupation.

**Permitted Uses**

Agriculture.

Forestry.

Municipal use.

**Conditional Uses**

Accessory Use.

Dam and water impoundment.

Dwelling, one family.

Summer camp and retreat.

**Minimum Lot Area and Dimensional Requirements**

| Minimum<br>Lot | Minimum width<br>on frontage | Minimum Yard |      |      |
|----------------|------------------------------|--------------|------|------|
|                |                              | Front        | Side | Back |
| -----          |                              |              |      |      |
| 40,000 sq. ft. | 200 ft                       | 100ft        | 15ft | 15ft |

Front yards are considered the shoreland side toward the water. Front yard setbacks are to be measured from the mean water mark of the lake. Back yards are considered the side toward the primary road.

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

**Section 308: Resource Overlay (RO)**

The Resource overlay district superimposes on top of the other districts. The provisions of the overlay district take precedent over the requirements of the underlying districts.

This district contains wetlands as identified by the National Wetlands Inventory, the Wellhead Protection areas as designated by the Vermont Department of Health, and Natural Heritage Sites as identified by the Vermont Natural Heritage Program.

**Allowed Uses**

Home Occupation

**Permitted Uses**

Accessory uses

Agriculture

Forestry

**Conditional Uses**

Dwelling, one family

Dwelling, two family

Essential services

Dam and water impoundments

**Minimum Lot Area and Dimensional Requirements**

The minimum lot area and dimensional requirements in the overlay district will be the same as the underlying district.

NOTE: There is an overlay map showing the areas with greater than 20% slope.

This map will be used in an advisory manner by the Zoning Administrator, Planning Commission and Zoning Board of Adjustment but is not included in the Resource Overlay District.

**ARTICLE 4: GENERAL PROVISIONS**

The provisions of this by-law shall be subject to such additions, modifications or exceptions as herein provided by the following regulations.

**Section 401: Shoreland Vegetation**

**401.1: Dwelling Lots**

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

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

**401.2: Timber Harvesting**

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

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

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

Landowners are encouraged to consult with a professional forester prior to beginning any large timber harvesting operation. Large clearcuts are discouraged while sustainable timber harvesting techniques as prescribed in a management plan are encouraged.

**401.3: Logging Equipment and Vegetative Buffers**

Logging equipment and machinery should remain outside a protective strip a distance according to Table 1.

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

Table 1. Protective Strip Width Guide

| <u>Slope of Land Between Roads<br/>or Landings and Stream banks<br/>or Shorelands (percent)</u> | <u>Width of Strip between Roads<br/>or Landings and Stream (feet<br/>along surface of ground)</u> |
|---|---|
| 0-10  | 50  |
| 11-20   | 70  |
| 21-30   | 90  |
| 31-40*  | 110   |

\* Add 20 feet for each additional 10% side slope.

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

**Section 402: Existing Small Lots**

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this zoning by-law, 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.

**Section 403: Frontage On, Or Access To, Public Roads or Waters**

No land development may be permitted on lots which do not have frontage on either a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by permanent easement or right-of-way of record at least 50 feet in width. The requirement of a 50 foot right of way may be modified through a variance issued by the Zoning Board of Adjustment with respect to land development on a right of way in existence prior to the effective date of these regulations provided, however, that no such modification shall permit land development on such a right of way that is less than 20 feet in width.

**Section 404: Protection of Home Occupations**

No by-law may infringe upon the right of any resident to use a minor portion of a dwelling or accessory structure for an occupation which is customary in residential areas and which does not change the character thereof, and meets the following requirements:

- 404.01 The home occupation shall be carried on by members of the family. Three employees who are not family members are permitted;
- 404.02 The home occupation shall be carried on within the principal or accessory structures;
- 404.03 Exterior displays or signs other than those normally permitted in the district or exterior storage of material shall not be permitted;
- 404.04 Obnoxious or excessive noise, smoke, dust, vibration, glare, odors, electrical interference, or heat, that is detectable at the boundaries of the lot shall not be permitted.

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

404.05 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

404.06 Parking shall be provided off-street and shall not be located in front yards.

**Section 405: On Site Sewage Disposal**

All new dwellings, shoreland camps, and residential, industrial and commercial structures shall be served by a septic tank sewage disposal system or other system meeting the standards set forth in the Vermont Health Regulations Chapter 5 subchapter 10 (effective 6/7/83) and the Ryegate Sewerage Ordinance (September 1st, 1973). All sewage disposal plans must be prepared by the On-Site Sewage Program or a certified site technician B or a professional or sanitary engineer, and must be submitted with the zoning application.

Woodland camps, those camps located outside the shoreland district, are not required to have a septic system as long as they do not have indoor plumbing and/or bathrooms.

**Section 406: Lots in Two Zoning Districts**

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

**Section 407: Projections into Required Yards**

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

**Section 408: Lots in Affiliated Ownership**

If two or more adjacent lots are in single or affiliated ownership on the effective date of this by-law, and if all or part of the lots do not meet the requirements for a lot width and area as established by this by-law, the lots involved shall be considered to be an individual lot for the purpose of this by-law and no portion of said lot shall be used or sold which does not meet lot width and area requirements established by this by-law, nor shall any division of the lot be made which leaves remaining any lot width or area below the requirements stated in this by-law.

**Section 409: Reduction of Lot Area**

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

**Section 410: Required Area or Yards**

Space required under this by-law to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

required open space for any other building. No building will cover greater than 30 percent of area of a lot.

**Section 411: Yards/Frontage on Corner Lots**

Any yard adjoining a street shall be considered a front yard for the purposes of this by-law and shall meet the minimum front yard setback requirements.

Lots which abut on more than one street shall provide the required frontage along every street.

**Section 412: Temporary Uses and Structures**

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

**Section 413: Alterations and Adjustments**

Alterations and adjustments within the living area of a dwelling which do not change the use of the dwelling will not require a permit. Alterations which change the exterior dimensions of a structure will require a permit.

**Section 414: Signs - Regulations and Restrictions**

No signs shall be permitted in the Town of Ryegate except as follows:

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

414.02 No sign shall hang so as to endanger the public.

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

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

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

**Section 415: Maximum Building Height**

Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless a variance is given by the Zoning Board of Adjustment after public notice and hearing. The Zoning Board of Adjustment may modify the height restriction in any district after public notice and hearing, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

**Section 416: Subdivision of Land**

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

The division of parcel of land with or without streets into three (3) or more lots, plots, or other legal division of land for transfer of ownership, lease, or sale shall be considered a major subdivision.

**416.1 Minor Subdivision**

Single lot subdivisions which meet the minimum area and dimensional requirements of the By-Law shall be approved by the Administrative Officer.

The application for single lot subdivision shall consist of the zoning permit application and two copies of plot plan drawn to scale depicting the boundary lines of the parcels involved and a map depicting its location in the town.

**416.2 Major Subdivision**

Multi-lot subdivisions shall be considered a conditional use and follow the same procedure as in Article 6.

The application for a multi-lot subdivision shall be accompanied by two copies of a plot plan drawn to scale depicting the boundary lines of the parcels involved and a map depicting its location in town. Supporting information including design and layout of streets, sidewalks, street lighting, fire protection, landscaping, water supply, wastewater and stormwater drainage facilities, public utilities, waste management considerations and other pertinent data may be supplied or requested. Two copies of all design and layout sheets are required.

**Review Process**

The Zoning Board of Adjustment will review the application at a duly warned hearing and make the final ruling following their adopted rules of procedure.

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

**416.3: Preliminary Review**

Upon request, the Zoning Board of Adjustment will provide an opportunity for a preliminary review of any planned multi-lot subdivision at a regular or special meeting or warned hearing. Applicants considering any large, multi-lot subdivision especially those requiring public facilities and utilities are strongly encouraged to seek preliminary project review. No fee is required for a preliminary review.

**Section 417: Multiple Dwellings**

Any application for a permit for a second dwelling within a single ownership tract will be deemed a planned residential development and will be subject to the requirements of a planned residential development as set forth in Article 7 of this by-law and Title 24 VSA, Section 4407.

**Section 418: Camps and Travel Trailers**

Camps which are used as temporary, seasonal or permanent dwelling units for more than 90 consecutive days during a calendar year shall be considered permanent dwellings and must meet all the requirements of this by-law including septic system installation. Permanent and temporary structures including camps must meet the setback requirements of the district in which it is stored.

Travel trailers or campers which are used as temporary, seasonal or permanent dwelling units that are parked on a lot for more than 90 consecutive days during a calendar year shall be considered permanent dwellings.

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

A property owner may store a travel trailer on their lot which has a permanent dwelling, as long as it is not used for sleeping or living quarters on that site for more than 90 consecutive days. These will be considered commercial properties when a fee is charged.

**Section 419: Burned or Abandoned Structures**

Within one year after work on an excavation for a building has begun or within one year after a permanent or temporary building or structure has been destroyed, burned, demolished or abandoned, all structural materials shall be removed from the site and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

**Section 420: Off-street Parking**

Off street parking shall be provided as follows:

Residential: two spaces per dwelling unit.

Other Uses: as required by the Planning Commission under site plan review.

**Section 421: Public Utility Sub-Stations**

Public Utility substations and similar utility structures, where permitted shall comply with the following:

a: The facility shall be surrounded by a fence set back from the property lines in conformance with the district regulations of yards dimensions.

b: a landscaped area at least twenty-five feet wide shall be maintained in the front, sides and rear yards.

**Section 422: Commercial and Industrial Uses**

Commercial and industrial developments shall not generate obnoxious or excessive noise, smoke, dust, vibration, glare, odors, electrical interference, or heat, that may be noxious, offensive, or detrimental to the general public or to the owners or occupants of adjacent property or prejudicial to the general welfare of the community.

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

**Section 501: Non-Conforming Uses**

The following provisions shall apply to all buildings and uses existing on the effective date of this by-law which do not conform to the requirements set forth in this by-law and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to this by-law.

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

- 501.01 Shall not be moved, enlarged, altered, extended, reconstructed, or restored (except as provided below) nor shall any external evidence of such use be increased by any means whatsoever;
- 501.02 Shall not be changed to another non-conforming use without approval by the Board of Adjustment, and then only to a use which, in the opinion of the Board is of the same or of a more restricted nature;
- 501.03 Shall not be re-established if such use has been discontinued for a period of one year, 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.
- 501.04 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 such non-conforming use is carried on without interruption in the undamaged part of the building.

**Section 502: Non-Complying Structures**

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

**Section 503: Expansion of Non-Conforming Uses**

The Zoning Board of Adjustment may, after public notice and hearing, allow expansion of any non-conforming use or non-complying structure up to 20 percent greater than its existing size at the time of adoption of these regulations providing such expansion does not adversely affect the surrounding area.

**ARTICLE 6: CONDITIONAL USES**

**Section 601: Conditional Uses**

Conditional Uses are those uses which must meet standards in addition to minimum lot size, dimension and set back requirements. Conditional Use proposals must be warned for a hearing before the Zoning Board of Adjustment.

Any use designated as a "Conditional Use" in the table relating to a particular district may be commenced, enlarged or altered in such district after receipt of all approvals and permits as required by these by-laws and then only upon the issuance of a conditional use permit by the Zoning Board of Adjustment as provided in 4407(2) of the Act after public notice and hearing.

Conditional Use applications shall be accompanied by two sets of location and site plan maps showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces; landscaping plans, including site grading, landscape design and screening.

**601.1 GENERAL STANDARDS OF REVIEW**

Under 24 V.S.A. Section 4407 (2) the Zoning Board of Adjustment, after public notice and hearing, shall consider the following general standards before granting, and shall not grant, a permit unless it finds that the proposed conditional use will not adversely affect:

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

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

(B) The Character of the Area Affected.

- 1) The proposed project, by its nature, scale, appearance or operation shall not adversely change the character of the potentially affected area as it exists or as the area is projected to exist in the municipal land use plan and the zoning by-law in effect. Consideration shall be made with respect to the proposed development's effect on aesthetics, open spaces and the scenic and historic integrity of the area affected. Measures to mitigate or restore any such adverse impacts shall be considered.

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

- 1) The project shall not significantly reduce the safety of existing pedestrian, vehicular or recreational uses of the highways affected.

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- 2) The proposed use shall not exhaust or exceed the physical capacity of the affected highway. In general, the project shall not substantially overburden the municipality in providing adequate highway construction and maintenance services.

**(D) Bylaws Then in Effect.**

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

**(E) Utilization of Renewable Energy Resources.**

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

**601.2 SUPPLEMENTAL CONSIDERATIONS**

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

**(A) Economic benefit.**

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

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

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

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

- 1) The conditional use shall not adversely effect or exceed the intrinsic or inherent capability of the land to support the use.
- 2) The development shall not result in groundwater or surface water pollution or cause an undue impact on air quality nor cause undue noise or light pollution or soil erosion.

Consideration shall be made regarding the nature of soils and topography, proximity to streams, aquifer recharge areas, groundwater table and floodplains and to stormwater runoff and drainage.

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

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

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

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

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

(D) Wildlife habitat, agricultural and forest resources.

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

2) The conditional use shall, to the extent feasible, preserve the viability and productivity of agricultural resources.

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

1) Adequate off-street parking for conditional uses must be provided where on-street parking is at, or near capacity, or non-existent.

2) Adequacy of traffic circulation, parking and loading facilities and access to and egress from public highways must be designed with particular attention to safety of the public and employees.

3) Pedestrian and bicycle access shall be encouraged.

(F) Lighting, signs and fences.

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

2) In the interest of maintaining the rural character of Ryegate and reduction of light pollution, lighting, except that which is primarily for security purposes, will not generally be permitted for use outside of normal business hours.

**ARTICLE 7: SPECIAL PROVISIONS**

**Section 701: Site Development Plan Approval**

No zoning permit shall be issued by the Administrative Officer for any use or structure, except one and two-family dwellings and agricultural buildings, until the Planning Commission, after public notice and hearing, grants Site Development Plan Approval.

a. Submission of Site Development Plan Map and supporting Data

The Owner shall submit two sets of site plan maps and supporting data to the Planning Commission as it may require, which may include all or any of the following information presented in drawn form and accompanied by written text:

1. Name and address of person or firm preparing the map. Scale of map, north point and date. Name and address of the owner of record. Name and address of the owner(s) of record of adjoining land.
2. Map of the property showing existing features, including contours, structures, tree patterns, streets, utility easements, right-of-way, land use and deed restrictions.
3. Site plan showing proposed structure locations and land use areas; driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
4. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.

b. Site Development Plan Review Procedure.

The Planning Commission shall conform to requirements of 24 VSA, Section 4407(5) before acting upon any application. In considering its action, the Commission shall consider the objectives hereinafter recited, and may impose appropriate conditions and safeguards hereinafter recited, and may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening.

The Planning Commission shall review the site plan map and supporting data before approval and approval with stated conditions, or disapproval is given, and taking into consideration the following objectives:

1. Harmonious relationship between proposed uses and existing adjacent uses.
2. Maximum safety of vehicular circulation between the site and the street network.
3. Adequacy of circulation, parking and loading facilities with particular attention to safety.
4. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.

**Section 702 - Planned Residential Development**

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

Upon approval of a subdivision plan pursuant to the criteria and procedures established in Section 4407(3) of the Act, the Planning Commission is, after public notice and hearing, hereby empowered to modify the applicable density, lot size and set back, and other comparable provisions contained in Section 5 of Article 2 of these regulations, with respect to any district established by such section in which a Planned Residential Development is included as a conditional use.

a. Proposals for Planned Residential Development shall be submitted to the Planning Commission. The material accompanying the proposal shall contain the following:

Required site plan shall show all buildings, parking areas, and landscaping at a scale sufficient to permit the study of all elements of the plan.

All utilities shall also be shown and described. Typical elevations and floor plans of all building may also be required. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet. The application shall also state the nature of all proposed modifications, changes or supplementation of existing zoning regulations for which approval is sought.

b. The purpose of Planned Residential Development shall be to encourage a development which will result in:

1. A choice in the types of environment and living units available to the public, and quality in residential land uses so that development will be a permanent and long-term asset to the town.
2. Open space and recreation areas.
3. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
4. An efficient use of land resulting in smaller networks of utilities and streets.
5. An environment in harmony with surrounding development.
6. A more desirable environment than would be possible through the strict application of other sections of these regulations.

c. The predominant use of land shall not differ substantially from the uses permitted in the district in which the plan is located. In a Planned Residential Development, dwelling units may be multi-family.

d. Lot size, width, front yard depth, and side yard requirements may be waived; however, these will be evaluated by the Planning Commission on their individual merit.

e. A Planned Residential Development shall comply with the following standards:

1. Shall be at least ten (10) contiguous acres.
2. Off-lot water and sewer may be required when there are six or more units.

3. At least 50 percent of the development shall remain as open space for common usage.

**ARTICLE 8: ADMINISTRATION AND ENFORCEMENT**

**Section 801: Administrative Officer**

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

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

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

801.02 To inspect such construction work so as to insure conformity with this by-law;

801.03 To perform such other duties as may be required to insure the enforcement and administration of this by-law;

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

**Section 802: Zoning Permit**

802.01 Permits, Fee: No land development may commence unless a zoning permit shall have been duly issued by the Administrative Officer, as provided for in Title 24 VSA, Sec 4443. The fee for such zoning permit shall be as established by the Legislative Body.

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

A. Two copies of a sketch plan of the lot, on a sheet of paper not smaller than 8 1/2" x 11", showing dimensions and location of boundary markers which shall be in place on the ground; or, two copies of a surveyor's plan of the lot.

B. The plan submitted must also show location of the building and accessory buildings to be erected, and the sewage disposal system. Other information as may be necessary to determine compliance with this by-law may be required.

802.03 Public notice: Any required public notice required by this by-law shall

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comply with the standards set forth in the Act.

802.04 The Issuance of Permit: The Administrative Officer shall not issue a zoning permit unless an application, fee, plot plan and any other approvals required by this by-law have been properly submitted. The Administrative Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, and construction has not started within 12 months, the permit is void.

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

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

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

802.07 Permits applied for during By-law Amendment Periods: If a public notice is issued by the Legislative body regarding amendment of this by-law, zoning permits in the period commencing on the date of that public notice and ending on the effective date of adoption or rejection of the amendment(s) shall not be issued except with the written consent of the Legislative Body following a public notice and hearing.

**Section 803: Referral to State Agencies**

Vermont state law (Title 24 VSA, Sec 4409(c)) requires that a report be filed with a specified state agency before a zoning permit may be issued for land development in specific areas. Areas affected are:

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

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

803.03 Any flood plain or any stream (Water Resources);

803.04 Any game lands or stream bank areas owned or leased by the state (Fish

& Game).

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

**Section 804: Violations**

Appropriate action or proceedings shall be instituted by the Administrative Officer to prevent such violation or to prevent continuance or furtherance of the violation, according to Title 24 VSA, Sections 4444 and 4445.

**Section 805: Board of Adjustment**

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

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

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

- 806.01 To hear and decide appeals including, without limitation, those alleging that an error has been committed in any order, requirement, decision or determination made by an administrative officer in connection with the enforcement of this by-law;
- 806.02 To hear and grant or deny a request for a variance;
- 806.03 To hear and grant or deny a request for a zoning permit for a conditional use.
- 806.04 To hear and grant or deny a request for a stay of enforcement.

**Section 807: Appeals**

807.01 An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board of Adjustment or the clerk of the municipality if no such secretary has been elected within 15 days of the date of such decision or act.

For appeals for variances within flood hazard areas, the appellant shall file a notice of appeal with the Secretary of the Agency of Environmental Conservation and the regional planning commission with certification thereof to the Board of Adjustment. An interested party shall include the applicant, the municipality, adjacent property owners, and persons in the immediate neighborhood concerned with compliance with the municipal plan, any 10 persons owning real property within the municipality who petition to the Board of Adjustment that relief granted will not

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be in compliance with the municipal plan, any state agency owning property or an interest within the municipality, the Agency of Development and Community Affairs and the regional planning commission if the appeal is with regard to a permit issued for land development in a flood hazard area.

807.02The Board of Adjustment shall set a date and place for a public hearing on an appeal which shall be within 60 days of the filing of the notice of appeal according to Title 24 VSA, Sec 4465.

807.03On an appeal for a variance from the provisions of this zoning by-law, the board may grant such variance if all of the following facts are found:

- A.That there are unique physical conditions and that unnecessary hardship is due to such conditions and not to the conditions created by this zoning by-law in the district in which the property is located;
- B.That in order to enable reasonable use of the property, the provisions of this zoning by-law cannot be conformed with;
- C.That such unnecessary hardship has not been created by the appellant;
- D.That the variance would not alter the character of the district, nor adversely affect the appropriate use of adjacent property, nor be detrimental to the public welfare; and
- E.That the variance will represent the minimum that will afford relief and will represent the least modification possible of this zoning by-law and the plan. In granting any variance, the board may prescribe appropriate conditions in conformity with this by-law.

807.04The Board shall render its decision, which shall include findings of fact, within 45 days after completing the hearing and shall within that period send to the appellant, by certified mail, and to all parties testifying at the hearing, a copy of the decision. Copies of the decision shall be filed with the administrative officer and town clerk. If the Board does not render its decision within 45 days, the Board shall be deemed to have rendered a decision in favor of the appellant. If the Board approves a variance or conditional use the Administrative Officer shall then issue a permit.

807.05An interested party may appeal a decision of the Board within 30 days of such decision to the State of Vermont Environmental Court.

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

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

**Section 901: Amendments**

This by-law may be amended according to the requirements and procedures established in Title 24 VSA, Sections 4403 and 4404.

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**Section 902: Interpretation**

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

**Section 903: Effective Date**

This by-law shall take effect upon the date of its approval by the legal voters of the Town of Ryegate, according to the procedures contained in Title 24 VSA, Section 4404.

**Section 904: Separability**

The invalidity of any article or section of this by-law shall not invalidate any other article or section thereof.

**Section 905: Repeal**

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

**ARTICLE 10: DEFINITIONS**

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

BY-LAW includes the word REGULATION.

LOT includes the words PLOT or PARCEL.

MAY is permissive except when used with a negative subject.

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

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

SHALL is mandatory.

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

**ACCESSORY USES** A use or building customarily incidental to, subordinate to and necessary for the principal use or structure and located on the same lot.

**ACRE** 43,560 square feet.

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

**AGRICULTURE** Includes raising crops, harvesting and processing of maple sap, dairying, pasturage, bee keeping, raising of vegetables, fruit and flowers, forestry, and animal and poultry husbandry. Agriculture shall include any buildings reasonably necessary for the conduct of agricultural uses. The term

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shall not include the slaughtering of animals or poultry for commercial purposes or milling of lumber.

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

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

**AUTO SERVICE STATION** Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles. A service station is not a sales, or major repair agency for autos, trucks or trailers.

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

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

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

**BUILDING FRONT LINE** Line parallel to the front lot 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.

**BUILDING HEIGHT** Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

**CAMP, SHORELAND** A building or structure, located or to be located within the shoreland district and designed for temporary, seasonal use, which does not or will not have indoor plumbing and/or a bathroom.

**CAMP, WOODLAND** A building or structure, located or to be located in any district other than the shoreland district and designed for temporary, seasonal use, which does not or will not have indoor plumbing and/or a bathroom

**CAMPGROUND, COMMERCIAL** A facility which charges a fee that allows the temporary use and/or storage of tents, camper homes, motorhomes, camper trailers or the like.

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

**CLUB, PRIVATE** Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

**COMMERCIAL** Any area of land, including structures thereon, that are used or designed to be used for the sale or storage of goods and merchandise, the transaction of business, or the provision of services or entertainment. These include lodging house, theater, eating and drinking establishment and similar uses.

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

**CONDITIONAL USE** A use that may occur within a district but that shall be

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reviewed by the zoning board of adjustment under the criteria set forth in Article 6.

**CONTRACTOR'S YARD** A facility or area for temporary storage of commercial or industrial materials such as pipes, lumber, stone and alike. This does not mean a junkyard, see below.

**DAM AND WATER IMPOUNDMENT** A pond or water resevoir created as a result of a manmade impoundment of ground or soil.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND** Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

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

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

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

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

**EARTH RESOURCE REMOVAL** The removal of sand, gravel, stone, ore, or other natural resource from the ground, by digging or drilling, for use on other parcels of land. This is different than a quarry where the rock is removed in large blocks.

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

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

**FORESTRY** Growing, cultivating and harvesting of wood fiber and/or trees. The operation and location of portable sawmills are considered forestry.

**FUNERAL HOME** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

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

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

**HOSPITAL** Includes sanitarium, clinic, and other places for the diagnosis and treatment of human ailments.

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

**INDOOR RECREATION FACILITY** A building designed for or used for indoor recreational activities such as tennis, baseball, swimming pool and so on.

**INDUSTRIAL** Any area of land, including structures thereon that is used or

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designed to be used for the manufacturing, fabrication, or assembly of goods or merchandise.

**JUNK YARD** Land or building used for the collecting, storage or sale of waste, paper, rags, scrap metal or discarded material, or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition.

**KENNEL** An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold.

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

**LEGISLATIVE BODY** Board of Selectmen.

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

**LOADING SPACE** Off-street space used for the temporary location of one licensed motor vehicle, which is at least twelve feet wide and forty feet long and fourteen feet high, not including access driveway, and have direct access to a street or alley.

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

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

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

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

**FRONTAGE** Width of the lot measured along the highway right-of-way.

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

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

**LOT OF RECORD** A lot which 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.

**MAJOR SUBDIVISION** The division of parcel of land with or without streets into three (3) or more lots, plots, or other legal division of land for transfer of ownership, lease, or sale.

**MEAN WATER LEVEL** The level of water that is halfway between the annual high

**\*\*\* Ryegate Zoning By-law Adopted 03/05/96 \*\*\***

and low water levels, as determined the Water Resources Board.

**MEMBERSHIP CLUBHOUSE** A building or land used exclusively by members of a club or organization.

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

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

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

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

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

**NON-CONFORMING USE** Use of land or structure which does not comply with the zoning regulations for the district in which it is located, where such use conformed to all applicable laws, by-laws and regulations prior to the enactment of this by-law.

**NON-COMPLYING STRUCTURE** Structure or part thereof not complying with the zoning by-laws covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements for the district in which it is located, where such structure complied with all applicable laws, by-laws and regulations prior to enactment of this by-law.

**NON-RESIDENTIAL USE** All uses of buildings, structures or land except single-family dwellings, two-family dwellings.

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

**OFF-LOT WATER AND SEWER** The providing of water from a source and the disposal of the sewage using a system 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 six or more independent users.

**ON-LOT WATER AND SEWER** The providing of water from a source such as a drilled well and the disposal of the sewage by such means as a septic system and drainage field, located on the same lot as the building for which these utilities are located.

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

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

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

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**PLANNED RESIDENTIAL DEVELOPMENT** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one or more districts created in this zoning by-law. (See Sec 610)

**PUBLIC FACILITY** A non-commercial (not for profit) building or use designed for and used by the general public but not necessarily owned by the municipality.

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

**PRINCIPAL STRUCTURE** Same as principal building.

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

**QUARRYING** Mining or extracting blocks of stone or granite.

**RECREATION, PUBLIC AND PRIVATE** Any area of land, including structures thereon, that are used or designed to be used for recreational activities such as a golf course, tennis courts, and so on.

**RELIGIOUS FACILITY** Church, synagog, temple or other facility used primarily for religious gatherings.

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

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

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

**SCHOOL, PUBLIC** Any building used for primary, secondary or higher education and which secures the major part of its funding from any governmental agency.

**SEWAGE** the total of organic waste and waste water generated by residential, commercial and industrial establishments.

**SEWAGE DISPOSAL INSTALLATION** Man-made devices for the collection, treatment and disposal of sewage.

**SHORELAND** The land within 100 feet from the mean water level along lakes and ponds and streams.

**SIGN** Sign means any structure, display, device or representation which is designed or used to advertise or call attention or directs a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached. In computing the area of a sign not including the supporting structure, the area shall be the area of the smallest rectangle with a level base line which can contain a sign including panel and frame, if any.

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

**STREAM** Year-round (perennial) rivers, creeks, and streams and ponds as

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defined on current United States Geological Survey (USGS) 1:2500 scale topographic maps, Provisional Edition 1983.

**STREET** Public way for vehicle traffic which afford the principal means of access to abutting properties.

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

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

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

**SUMMER CAMP AND RETREAT** Any area of land, including structures thereon, that are used or designed to be used for seasonal educational activities. The uses may be residential (overnight) or day use only facilities.

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

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

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

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

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

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

**YARD, FRONT** The required yard between the front of a proposed or existing structure and the centerline of the public road or private right of way.

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

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